

**BOST, INC.**  
**AGENCY POLICIES**  
**Last date of Board approval – September 20, 2021**

Table of Contents

Section I	Organizational Structure and Expectations	
	Employment at Will	5
	Equal Opportunity Employment	5
	Nepotism	5
	Agency Policies Acceptance	6
	Intent of Policies	6
	Policy Changes	6
	Information Management	6
	Bulletin Board	7
	Volunteers	7
	Maintenance of Job Descriptions	8
	Document Retention and Destruction	8
	Confidentiality	8
	Conflict of Interest and External Relationships	9
	Legal and Other External Requests	10
	Civic and Community Affairs	10
	Gifts and Gratuities	10
	Donations	11
	Receipt of Funds	11
	Solicitations	11
	Procurement	11
	Personal Beliefs	12
	Relationship-s with Individuals Served	12
	Original Signature of Persons Served	13
	Incident Reporting	13
	Incident Reporting – Sexual Incidents	15
	Behavior Management	15
	Corporate Compliance	15
	Code of Ethical Conduct	16
	Possession of Weapons	17
	Drug-Free Workplace	17
	Vaping/Smoking/Tobacco	17
	Emergency Closings	23
	Visitors in the Workplace	24
	Employee Assistance Program	24
	Access to Employee Files	24
	Accessibility	25
	Agency Annual Survey	25
	Emergency Drills	25
	Continuation of Essential Services	25

Page Index Continued...

	Credit Card Usage	25
	Medication Management and Administration	26
	Office Supply Ordering	26
Section II	Non-discrimination	
	Affirmative Action Statement	28
	Life Threatening Illness	28
	Harassment	29
Section III	Employment Conditions and Provisions	
	Employee Qualifications	32
	Employee Classification	32
	Introductory Period	32
	Hiring	33
	Re-hires	34
	Dress Code	34
	Training	34
	Background Checks	35
	MVR Background Checks	35
	Attendance	35
	Overtime	36
	Payroll	36
	Salary Basis	36
	Timekeeping and Compensation for Travel	37
	Travel Expenses and Reimbursements	37
	Pandemic	39
	Infectious Disease	39
Section IV	Benefits Administration	
	Employee Benefits	41
	PPACA Periods Methodology	41
	Paid Time Off (PTO)	41
	Requests for Leave without Pay (LWOP)	42
	Holiday Leave	42
	Family and Medical Leave	43
	Jury Duty	49
Section V	Performance and Discipline	
	Job Performance Evaluation	51
	Progressive Discipline	51
	Warnings	51
	Probation	52
	Suspension	52
	Termination of Employment	53
	Conflict Resolution	54

Page Index Continued...

Internet and E-mail	55
Social Media	56
Mobile Phones and Other Electronic Devices	57
Distracted Driving	58
CDL Information	60
Section VI	Acknowledgments and Notices
Authorization for Traffic Violation Report	70
Confidentiality Agreement	71
Disclosure of Weapons Possession	73
Patient Disclosure for Medical Cannabis	74
Corporate Loss Control Program	75
Safety Notice	76
New Employee Safety and Training	77
Acknowledgment	

## **Section I**

# **Organizational Structure And Expectations**

## **EMPLOYMENT AT WILL**

All employees are hired for an unspecified duration, and employee classification does not guarantee employment for any specific length of time. Employment is at the mutual consent of the employee and Bost, Inc. Bost, Inc. reserves the right to hire, promote, demote, discharge or terminate employment and compensation at any time, with or without cause, and with or without advance notice.

Please note: Bost, Inc. may be hereafter referred to in these Agency Policies as Bost, Bost, Inc., Bost Human Development Services, Inc., BHDS, Agency, or Organization.

The policies, as explained herein, may be changed from time to time as business, employment legislation, and economic conditions dictate. If and when provisions are changed, you will be notified. It is your responsibility to ensure you have the most up-to-date version of the employee policies. You are responsible for reading and understanding the policies of the Agency.

## **EQUAL OPPORTUNITY EMPLOYMENT**

Our Company is an Equal Employment Opportunity (EEO) Company and as such endeavors to recruit and hire persons without discrimination as to race, creed, color, sex, or national origin.

The Human Resources Director has been appointed the Organization's Equal Employment Opportunity officer with the responsibility to implement the program. This official will coordinate the equal employment efforts of superintendents and foremen and advise and assist top management.

The Human Resources Director shall regularly report to the Executive Director concerning the state of progress, and make recommendations where appropriate to correct any deficiencies noted in our Equal Employment Opportunity Program and to revise and update the program at least annually.

The Human Resources Director will be the center point contact within the company for all equal employment opportunity matters. If you have any questions, problems, or complaints regarding our program, the Human Resources Director may be reached during regular business hours at our office at 5812 Remington Circle, Fort Smith, AR 72903.

## **NEPOTISM**

All applicants are considered for employment based on qualifications. The employment of relatives can cause various problems, including charges of favoritism conflicts of interest, family discord and scheduling conflicts that work to the disadvantage of both Bost, Inc., (the Organization) and its employees. This policy applies to all positions, full- and part-time, regular and temporary, in all the Organization's locations and programs; therefore, it is the policy of the Organization not to hire immediate family members if it creates:

- A direct supervisor/subordinate relationship with a family member;
- The potential for creating an adverse impact on work performance; or
- Either an actual conflict of interest or the appearance of a conflict of interest.

Employees who become immediate family members or establish a romantic relationship may continue employment as long as it does not involve any of the above. If one of the conditions should occur, attempts will be made to find a suitable position within the organization to which one of the employees will transfer within sixty days. If a transfer is not feasible, the employees will be permitted to determine which of them will resign. If the employee cannot make a decision, the Organization will decide in its sole discretion who will remain employed.

For purposes of this policy, the term “relatives” includes the following relationships, whether established by blood, marriage, or other legal action; mother, father, husband, wife, son, daughter, sister, brother, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, stepchild, aunt, uncle, nephew, niece or cousin.

This policy does not apply to the “relatives” who already are employed by the Organization as of the effective date of this policy. This waiver, however, may not be used as a basis for further exceptions subsequent to the effective date of this policy.

The Department Director or their designee is ultimately responsible for correcting any situation that is prohibited by this policy.

### **AGENCY POLICIES ACCEPTANCE**

All employees shall be required to sign a statement indicating they have received these policies and agree to work under the conditions stated herein.

### **INTENT OF POLICIES**

The Personnel Committee shall be charged with interpretation of these policies and their intent.

### **POLICY CHANGES**

These policies may be revised, rewritten and/or amended by the Executive team and final approval by the Board of Directors. Copies of all authorized changes in these policies shall be given to all employees. Employees, if desirous of doing so, may have input into this process by filing written suggestions with the chairperson of the Personnel Committee, Executive Director or Director of Human Resources. At the option of the Agency, we may change, delete, suspend or discontinue any part or parts of the policies at any time without prior notice. Any such action shall apply to existing as well as future employees with continued employment being the consideration between the employer and employee.

No statement or promise by a supervisor, manager, or department head may be interpreted as a change in policy nor will it constitute an agreement with an employee.

### **INFORMATION MANAGEMENT**

The Agency will annually evaluate information and technology needs to assist in planning for the following areas:

1. Software

2. Desktop computers
3. Network Systems
4. Protection and Security
5. Backup Policies
6. Assistive Technology
7. Disaster Recovery
8. Virus Protection

The annual technology plan will state the present status of each of the above areas, needs identified and recommendations for funding and development in the next fiscal year.

The primary data servers will be backed up and protected on a daily workday schedule.

### **BULLETIN BOARD**

Bulletins and bulletin boards are to be used primarily to convey information related to Agency policies, changes in procedures and special events. Information of interest related to Agency services and personnel will be posted regularly on the Agency bulletin boards. Only authorized personnel will be permitted to post, remove, or alter any notice on the Agency bulletin boards.

Individual departments may set up “employee boards” for employees to post items for sale and other related personal news. Such employee boards shall be located in areas not visible by the general public, visitors or other non-employees, and postings shall be tasteful and not offensive to any reader. All postings require the approval of the respective department director, or his/her designee.

### **VOLUNTEERS**

Volunteers are welcome to help Bost, Inc. provide strong programs and accomplish its Mission. Volunteers are valued, encouraged and utilized to supplement the services provided by Bost, Inc.

Bost accepts the service of all volunteers, with the understanding that such service is at the sole discretion of Bost and the appropriate program director. Volunteers agree that at any time with good reason Bost may decide to terminate the volunteer’s relationship with Bost.

A volunteer is anyone who, without compensation or expectation of compensation, performs a task at the direction of and on behalf of Bost.

Volunteer individuals shall be designated as event related volunteers, or as service related volunteers. Service related volunteers are all other individuals that offer their time and services to supplement the work and services of the Agency. Service related volunteers may be assigned to assist Bost employees, but will always perform their duties under the direct supervision of the program supervisor or director. A volunteer must be accepted by Bost prior to performance of a task. Unless specifically stated, volunteers shall not be considered as agents of Bost. Bost does not accept the services of employees as volunteers.

Volunteers are viewed as a valuable resource for Bost. Volunteers will be extended the right to be given meaningful assignments, the right to be treated as equal to Bost employees with regard to appropriate supervision and recognition for work done.

In return, volunteers agree to actively perform their duties as defined within the volunteer job descriptions, as outlined by Bost, to the best of their abilities; to ask for help when needed to understand or perform their duties; to maintain confidentiality in accordance with HIPAA standards, and to remain loyal to the mission, policies and procedures of Bost.

Each volunteer is responsible for the accurate completion and timely submission of timesheets. Timesheet information is only used for volunteer recognition.

Volunteers in certain assignments may be asked to submit to a background criminal records check. Volunteers who do not agree to the records check may not be accepted.

### **MAINTENANCE OF JOB DESCRIPTIONS**

Written job descriptions will be developed and maintained for each position in the Agency, which will include duties, responsibilities, and qualifications. All job descriptions will be approved by the Executive Director or designee.

The job descriptions will be written in terms of tasks, responsibilities, and physical requirements. Job descriptions will specify the employee's immediate supervisor and any personnel supervised by the particular position described. All individual job descriptions will be filed in the individual employee's personnel file and will be signed and dated by the employee and the supervisor or Department Director.

Employees may be required to perform related duties not specified in the job description. In the event new major responsibilities or other significant changes occur, the job description may be rewritten to reflect these changes. If the job description is rewritten, it will be placed in the employee's personnel file after the supervisor reviews the job description with the employee. Job descriptions will be available to the public upon request.

### **DOCUMENT RETENTION AND DESTRUCTION**

To identify processes for storage and destruction of paper and/or electronic records it is the responsibility of each Department/Program Director/Manager to ensure compliance with all Federal and State Record Retention and Destruction requirements that apply to their programs and to the Agency. In the event that a legal process is initiated against the Agency, no records will be destroyed pending the outcome of the legal process.

### **CONFIDENTIALITY**

Employees will, to the best of their ability, ensure confidentiality and privacy in regard to history, records and discussions about the individuals we serve or employees of this Agency. Employees shall not disclose any information about a person (including the fact that the person is or is not served by our organization; to anyone outside of this organization) unless authorized by the Executive Director or designee. The principle



of confidentiality must be maintained in all programs, departments, functions, and activities.

Information given by a customer or client may be privileged and confidential information. Such information is to be maintained with strict confidentiality. This is also true for proprietary information within the agency. You are encouraged to be careful in discussing with non-company people any trade secret or proprietary information about the agency; this includes but is not limited to all financial records, Bost, Inc. pricing and cost information and any information on past and present consumers. Also included are all computer memory and any data transferred to disk. This data may not be copied or reproduced. Any employee who has access to sensitive customer or financial records, and discusses any trade secret or proprietary information with another person, except for assigned duty, will be subject to immediate dismissal. Each employee will be required as a condition of employment to sign an agreement to keep this information confidential while an employee and thereafter.

In connection with your employment, you will make use of certain confidential proprietary information or trade secrets of the Organization.

The term "Proprietary Information" means any information that could provide an advantage or benefit to a competitor of the organization or harm to the organization if disclosed to such competitor, including any data or information not reasonably known outside the organization, whether prepared or developed by or for the organization or otherwise developed or received by the organization under such circumstances that warrant classification as proprietary information. Proprietary information specifically includes, but is not limited to, information covered by the Arkansas Trade Secrets laws, A.C.A. § 4-75-601(4), data, figures, sales or customer or potential customer information, lists or files, figures, estimates, financial records, accounting procedures, building plans, promotions, price lists, profit information, cost information, financial information, manner of operations, operation policies and procedures, plans, processes, projections, and any data and information providing the basis therefore, and business method (including manufacturers, production, marketing, distribution and product specifications), internal memoranda, management reports compiled or maintained by the organization in any form. Specifically, client relationships are proprietary information.

Employees may not use proprietary information except in connection with the performance of employment. Moreover, discussions regarding this confidential information/matters with non-agency personnel is prohibited. This obligation of confidentiality is not extinguished by termination of employment.

If records are inspected by an outside agency, the individual(s) who inspect the records must be specifically authorized to do so by the Executive Director or designee. The copying of records or removal of records is specifically prohibited unless authorized by Executive Director or designee.

Employees will not discuss any individual's record with unauthorized individuals, whether on or off duty.

### **CONFLICT OF INTEREST and EXTERNAL RELATIONSHIPS**

In limiting employees' involvement in certain outside activities, Bost, Inc. is not attempting to interfere in an employee's personal life, but rather to protect the best interests of Bost, Inc. and all its personnel. The agency cannot permit employees to pursue activities which create a conflict of interest with Bost, Inc.

Certain activities which obviously are not proper for employees include, but are not limited to, sharing proprietary information while being employed with a competitor, use of Bost, Inc.'s time, facilities or equipment to engage in another business or occupation, and any outside activity which results in the employee's losing time from work, being distracted from work, or otherwise performing unsatisfactorily, or which could result in an appearance of conflict. Employees should consult with an agency officer if they feel there is any type of conflict prior to engaging in the activity.

No employee of Bost shall be employed, or enter into any agreement or ownership, or any other form of relationship with an external business, employer or individual, where such relationships may be in conflict with the business, contracts, or services of Bost, Inc. Such relationships that may be considered a conflict of interest include but are not limited to:

- a. Private care or supervision of individuals served by Bost.
- b. The use of the agency's assets or resources for personal use, business or financial benefit.
- c. Secondary employment that interferes with an employee's ability to perform the duties of his/her job with the agency.

### **LEGAL AND OTHER EXTERNAL REQUESTS**

All legal and regulatory matters related to the Agency, including responses to subpoenas, search warrants, investigations, and public media questions, shall be directed to the office of the Executive Director.

### **CIVIC AND COMMUNITY AFFAIRS**

Bost, Inc recognizes it is our responsibility as a good corporate citizen to help strengthen the communities in which we live and work. We encourage our employees to become involved in their communities, lending their voluntary support to programs that enrich the quality of life and opportunities for all citizens. Volunteer service is intended to be a personal contribution of your time and commitment in a community service capacity. While involvement in these programs and initiatives is not mandatory, Bost, Inc. fully supports our employees' participation.

**Volunteer Activities:** May be sponsored by the employer or can be related to the individual's own commitments related to charitable, social, civic, community and educational activities. Bost's Civic and Community Affairs Policy precludes any political and/or faith-based activities, rallies, or marches.

**Conflict of Interest:** Potential conflict of interest must be disclosed and approved per the Bost Conflict of Interest Policy.

### **GIFTS AND GRATITUITIES**

Employees shall be prohibited from accepting any gifts of money, goods, services or any gratuities whatsoever, which may be considered of any significant material value, from any person who receives benefits or services or who may be doing direct contracting with any of the activities or functions of the agency, or who is otherwise in a position to benefit, directly or indirectly, from any action or decision by an employee, or officer of the agency.

## **DONATIONS**

Bost, Inc.'s policy is for all donations and pledges to be properly received, recorded, and acknowledged.

## **RECEIPT OF FUNDS**

Any and all funds received by any Bost employee will be recorded and transferred in a manner to ensure the safeguard of such funds and tracking for record keeping purposes. Funds include cash, checks or other assets of monetary value. The exchange of any funds within the organization will be recorded in such a manner to provide a receipt to the person transferring the funds, as well as the person receiving the funds.

Departments are encouraged to identify and limit the primary persons to receive and transfer any Agency funds; however, this policy applies to all funds received by any Bost employee. The following list are examples intended to be followed by this policy, but is not all inclusive: fund raising funds, contributions, consumer funds, petty cash, and fees collected.

Additional procedures may be established by a department to address specific control of funds as long as the practices support these policies and procedures. Any employee that receives funds is responsible and liable for the funds until such time as the funds are deposited or transferred to another person, and as such, a record of the deposit or transfer is required to be maintained.

Once a Bost employee receives funds, such funds may not be transferred to a volunteer or other non-employee.

Personal loans or the cashing of personal checks from cash collections or change funds is prohibited.

## **SOLICITATIONS**

All private or individual solicitation including donations and fundraising, both internal and external, must be submitted in writing to the Human Resources Director for approval, prior to any solicitation taking place. Solicitation and promotion of events and organizations which support or are aligned with the Bost, Inc. Mission Statement will generally be allowed, taking into consideration the factors of expense, time, and space. Solicitations and promotions which benefit an individual employee will not be permitted.

This policy does not apply to Bost, Inc. programs and the Bost Foundation activities.

An employee who does not agree with the decision of the Human Resources Director may utilize the Conflict Resolution Policy to settle the dispute.

## **PROCUREMENT**

All procurements made by Bost, Inc. will be made in accordance with the current Agency purchasing guidelines. This policy will ensure that Agency funds are appropriated in a manner beneficial to the Agency and Bost, Inc. stakeholders.

In keeping with good stewardship, decisions will be made to meet the needs of the Agency to include funds availability, timeline, conflicts of interest, and other Agency considerations within the scope of the current Agency purchasing policies.

No Bost, Inc. member, employee, volunteer, or representative will take part or have an interest in the award of any procurement transaction if a conflict of interest, real or apparent, exists. A conflict of interest occurs when the member, employee, volunteer, or representative of Bost, Inc. has a financial or other interest in any of the competing vendors.

All purchases will be reviewed by the Executive director *or designee* and department directors to prevent duplication and to ensure compliance with this policy.

Bids will be used only when deemed necessary by the Executive Director *or designee* for the benefit of the Agency or as designated by regulatory agencies.

### **PERSONAL BELIEFS**

Bost recognizes that its employees may hold a wide range of personal beliefs, values and commitments. These beliefs, values and commitments are a conflict of interest only when they prevent employees from fulfilling their job responsibilities, if employees attempt to use the agency's time and facilities for furthering them, or if employees continue attempting to convince others of their personal beliefs after they have been asked to stop.

### **RELATIONSHIPS WITH INDIVIDUALS SERVED**

All employees shall maintain professional relationships with consumers, families, and the general public consistent with the Bost Code of Ethical Conduct. Relationships, personal or otherwise, between an employee and individuals of non-employee status that may be viewed by others as questionable, may appear to be a conflict interest, may appear inappropriate, or could be construed as violating the needs, rights, and welfare of consumer(s) shall be disclosed and reviewed by the Agency management. The Agency retains the responsibility and authority to decide if a personal relation between an employee and non-employee violates the Agency Code of Ethical Conduct. Violations of the Agency Code of Ethical Conduct may lead to disciplinary action, including termination.

#### **PERSON(S) RESPONSIBLE:**

##### **All Employees**

Shall immediately report, whether directly involved or not, relationships, personal or otherwise, between an employee and individuals of non-employee status that may be viewed by others as questionable, that may to be a conflict interest, that may be inappropriate or possibly violate the needs and welfare of consumer(s) to their Department Directors. Shall review and follow incident reporting procedures if the situation possibly violates a consumer's rights, safety, or welfare.

##### **Department Director**

Shall review reports by employees described above of relations between an employee and non-employee, and decide if further action is warranted. The Department Director may wish to consult with the Director of Human Resources and/or Executive Director before deciding on action to take.

Shall report the original employee report, decision made and action taken, if any, to the Director of Human Resources and Executive Director in writing or email. Shall follow incident reporting procedures as

necessary to report possible violations of a consumer's rights, safety, or welfare.

**Executive Director**

***Shall review reports of possible violation(s) of code of ethical conduct, decisions made and action taken by department director(s). May direct further decision making or action to be taken, including disciplinary action, with respect to deciding if a personal relationship between an employee and non-employee has violated the Agency Code of Ethical Conduct. Such consideration may include consulting the Agency Board of Directors.***

**ORIGINAL SIGNATURE OF PERSON SERVED**

Bost, Inc. will ensure all required documentation includes the original signature of all persons served; to prevent fraud related to documentation of services provided, and to prevent fraudulent billing of funding sources. Signature accommodations must be pre-approved.

**INCIDENT REPORTING**

All Bost, Inc., clients shall have their human and civil rights preserved and will attend programs in a safe and non-abusive environment. Violations of clients' rights and situations threatening to the health or well-being of either staff or clients shall be reported. All reports shall be reviewed for appropriateness of intervention and to identify needs for corrective action, training, supervision, or modification of the environment.

Depending upon the age of the client involved, all allegations of abuse/neglect of individuals served by Bost, Inc., must be reported to either the Division of Children and Family Services or the Division of Aging and Adult Services. Allegations involving and/or alleged to have been committed by anyone employed by, volunteering at or in any way affiliated with Bost, Inc., should also be reported to the appropriate state, federal and regulatory bodies that govern that program.

***PERSON RESPONSIBLE – All Bost, Inc. Staff/Volunteers***

1. All reports of serious incidents report immediately to Department Director. If the Department Director is not available, the Assistant Executive Director must be contacted immediately. Serious incidents include but are not limited to:
  - Death of a consumer (from other than natural causes)
  - Use of restrictive intervention, including seclusion, or physical or chemical restraint on the consumer.
  - Threatened or attempted suicide of consumer.
  - Suspected mal treatment or abuse (including sexual abuse).
  - Criminal activity, whether a felony or misdemeanor, involving consumer(s) and/or property or the arrest of the consumer
  - Any situation in which the whereabouts of the consumer is unknown for more than 2 hours, or where services are interrupted for more than 2 hours.
  - Any situation where a staff member threatens a consumer
  - Any arrest or conviction of a staff member
  - Any use or possession of non-prescribed medication or an illicit substance by a consumer.

- Unexpected occurrences involving risk of death or serious physical or psychological injury to the consumer.
  - Medication errors that have the potential to cause serious injury or illness to the consumer.
  - Any violation of consumer's rights that jeopardizes the health, safety, or quality of life of the consumer.
  - Vehicular or biohazard accidents
  - Natural disaster (i.e., tornado, earthquake, flood)
  - Epidemic or serious communicable diseases
  - Serious accidents or injuries which require emergency medical attention by a paramedic, nurse, or physician, may cause death, may result in substantial permanent impairment or requires hospitalization.
  - Involuntary facility closure
  - Attempted Overdose
2. All serious incidents shall be documented on required program Incident Form and immediately forwarded to Department Director and Corporate Compliance Officer.
  3. All other incidents will be documented on Bost, Inc., Special Incident/Injury Report Form and forwarded to Department Director.

*Department Director*

1. All serious incidents shall be immediately reported to the Assistant Executive Director. If the Assistant Executive Director is not available, Department Director shall take action as required under procedures for the Assistant Executive Director.
2. The following incidents shall be reported to the appropriate state regulatory body within 1 hour of incident using the required program Incident Report Form and by calling the emergency number listed on the required program incident form. The Assist Executive Director must also be called.
  - 1) Suicide
  - 2) Death from abuse or maltreatment
  - 3) Serious injury.
3. All other incidents shall be reported to DDS Quality Assurance Section using the DDS Incident Report form, within 2 days of the incident. However, BOST staff should report the incident to corporate compliance within 24 hours of the incident occurring. Suspected violations of policies prohibiting abuse, mistreatment, or neglect shall be investigated and appropriate action shall be taken.
4. Copies of Incident Report shall be submitted for inclusion in consumer's file.
5. Incident summaries shall be submitted to Corporate Compliance Officer on a monthly basis.
6. All staff shall be trained on incident reporting at time of hire and annually thereafter.

*Assistant Executive Director (Or As Designated by Executive Director)*

1. When reports of a serious incident involving allegations of criminal activity occurs, an immediate report shall be made to the Arkansas State Police and any other appropriate agency with a request for investigation.
2. In allegations of abuse/neglect, the Division of Children and Family Services, in cases concerning consumers under the age of 18, or the Division of Aging and Adult Services, in cases concerning consumers over the age of 18, shall be contacted.

## **INCIDENT REPORTING - SEXUAL INCIDENTS**

Incidents involving inappropriate sexual activity shall be immediately investigated and appropriate action taken to ensure the health and safety of clients. Sexual incidents involving intercourse and/or deviate sexual activity shall be reported to local police consistent with State and local laws.

### **NOTE: 5-14-105. – Carnal abuse in the second degree.**

1. A person commits carnal abuse in the second degree if he engages in sexual intercourse or deviate sexual activity with another person not his spouse who is incapable of consent because he is mentally defective or mentally incapacitated.
2. Carnal abuse in the second degree is a Class D felony.

## **BEHAVIOR MANAGEMENT**

Bost is committed to a system that nurtures personal growth and dignity and supports the use of positive behavior approaches and supports. We are committed to the use positive alternatives to behavior interventions such as redirecting and de-escalation to empower the individual to change their own behavior whenever possible. Positive approaches will always be used prior to the implementation of any restrictions.

If positive approaches are not successful and restrictions are implemented all appropriate program regulations are followed. When a short-term restrictive measure is implemented, we will continue to reinforce positive interventions along with the restrictive measure and remove the restrictive intervention as soon as possible.

Bost does not use seclusion or restraint. The only exception would be a situation where the person is an immediate danger to themselves, or others and positive interventions have not been successful.

## **CORPORATE COMPLIANCE**

Bost, Inc. is dedicated to the delivery of services to individuals with disabilities in an environment characterized by strict conformance with the highest standards of accountability for administration, clinical, business, marketing, and financial management. Bost's governance and management authorities are fully committed to the need to prevent and detect fraud, fiscal mismanagement, and misappropriation of funds and, therefore, to the development of a formal corporate compliance program to ensure ongoing monitoring and conformance with all legal and regulatory requirements. Further, the organization is committed to the establishment, implementation, and maintenance of a corporate compliance program that emphasizes (1) prevention of wrong doing - whether intentional or unintentional, (2) timely reporting and investigation of questionable activities and practices without consequences to the reporting party and (3) timely correction of any situation which puts the organization, its leadership or staff, funding sources, or persons served at risk. By formal resolution and in accordance with this policy, the governance authority has delegated overall responsibility for the Corporate Compliance Program to the Executive Director or his designee.

## CODE OF ETHICAL CONDUCT

All staff, board members, and volunteers of Bost, Inc. shall commit to act with honesty, integrity, and openness in all their dealings as representatives of the Agency. Bost, Inc. promotes a working environment that values respect, fairness, and integrity.

The Agency shall maintain a written code of ethical conduct to be followed by all employees and members of the Bost Board of Directors. All employees and Board members shall receive training and sign statements as evidence of support of the Code of Ethical Conduct.

Bost, Inc. recognizes of the importance of our services to those individuals we serve, and in accepting a personal obligation to our profession, its members and the communities we serve, do hereby commit ourselves to the highest ethical and professional conduct and agree:

1. to accept responsibility in making decisions consistent with the safety, health and welfare of the public and those we serve, and to disclose promptly factors that might endanger the public or the environment or those we serve;
2. to avoid real or perceived conflicts of interest whenever possible, and to disclose them to affected parties when they do exist;
3. to be honest and realistic in documenting and billing services to all payment sources;
4. to reject bribery in all its forms;
5. to maximize the understanding and use of technology, and appreciate potential consequences;
6. to maintain and improve our individual commitment to Bost, Inc., its mission and those we serve;
7. to seek, accept, and offer honest criticism, to acknowledge and correct errors, and to credit properly the contributions of others;
8. to treat fairly all persons regardless of such factors as race, religion, gender, disability, age, national origin, sexual orientation, marital status or political beliefs; and we encourage and promote respect for diversity;
9. to avoid injuring others, their property, reputation, or employment by false or malicious action;
10. to assist colleagues and co-workers in their professional development and to support them in following the code of ethical conduct and all related professional codes;
11. to witness the signing of documents by consumers or employees of Bost, Inc. while striving to avoid any real or perceived conflict of interest;
12. to adhere to all relevant state and federal regulations and to adhere to the professional conduct standards of all relevant professional groups;
13. to perform all Marketing and Public Relations in such a way to ensure the vision and intent of Bost, Inc. is not compromised;
14. to ensure that all fundraising solicitation and communication materials are accurate and correctly reflect the organizations mission and use of the funds to ensure contributions are used in accordance with donor intentions;
15. to respect and safeguard the personal property of persons served, visitors, and personnel and property owned by the organization;
16. to maintain the strictest confidence regarding any issues and information relevant to the persons that Bost, Inc. serves;
17. to promote the individual adherence to the Bost, Inc. Code of Ethical Conduct and report those issues which are contrary to the spirit of this Code of Ethical Conduct without fear of reprisal for any employee in reporting another person's waste, fraud, abuse or other questionable activities and practices.



18. to maintain a professional relationship, at all times, which includes individuals served.
19. to demonstrate corporate citizenship by contributing to Bost' efforts and activities which support the community in which services are delivered.
20. to enter into relationships as needed to meet the needs of the organization and it's consumers. Contracts and agreements, and associated memoranda shall be written, dated, and signed by authorized representatives, and kept at the administration office for review and reference. Contractual relationships shall include a Business Associate Agreement where appropriate.
21. to not accept any gifts of money, goods, services, or gratuities whatsoever, which may be considered of any significant material value, from any person who receives services or benefits or who may be doing direct contracting with any of the activities or functions of the agency, or who is otherwise in a position to benefit, directly or indirectly, from any action or decision on an employee, or officer of the agency.
22. to ensure individual solicitation including donations and fundraising, both internal and external, must be submitted in writing to the Human Resources Director for approval, prior to solicitation taking place. Solicitation and promotion of events and organizations which support or are aligned with Bost, Inc. mission statement will generally be allowed, taking into consideration the factors of expense, time, and space. Solicitations and promotions, which benefit an individual employee, will not be permitted.
23. to empower people with disabilities, and their families, to achieve their dreams by providing lifelong choices, support and learning opportunities.

### **POSSESSION OF WEAPONS**

The possession of weapons inside BOST, Inc. facilities/locations is prohibited. The lawful possession of handguns in BOST, Inc. privately owned parking lots is permitted when all of the following conditions are met:

- a. When the employee has a handgun that is lawfully possessed,
- b. When the employee exits their personal motor vehicle they must keep their vehicle locked at all times,
- c. The handgun must be stored out of sight,
- d. The handgun must be stored inside a locked personal handgun storage container that is designed for the safe storage of a handgun when the employee is exiting their personal motor vehicle.

Handguns will continue to be prohibited on parking lots of facilities/locations that are not privately owned by BOST, Inc. Such facilities will have visible postings.

### **DRUG FREE WORKPLACE**

#### **Introduction:**

Bost is totally committed to attempting to (1) provide its employees with a safe working place, (2) promote high standards of employee health, (3) ensure public safety, and (4) provide its customers with the highest in quality service. Consistent with this commitment, Bost has developed this policy regarding substance

abuse: substance abuse includes, but is not limited to, the use of illegal drugs and the abuse or misuse of legal drugs, medications, or alcohol.

**Objective:**

The objective of this policy is to attempt to achieve and maintain a work place free from substance abuse. Bost does not intend to intrude upon the private lives of its employees. However, Bost demands that its employees report to work, capable of not only performing their duties, but also performing them at the highest level of their capability. The safety of other employees and the public in general depends upon this high level of capability. Bost recognizes that employee on-the-job and off-the-job substance abuse can have a major impact on the employee's capability to perform those duties. Thus, it is essential that all employees be free from the effects of substance abuse. An employee may be tested at the following times, pre-employment, random, probable cause, post-accident & with compliance issues such as Federal Highway Administration DOT or as required to return to work.

**Scope:**

This policy shall apply to all employees, including supervisory personnel. Bost maintains the right to modify or change this Substance Abuse Policy ("Policy") at any time, without notice, as circumstances require.

**Definitions:**

The term "possession" when used in this Policy relating to drugs or alcohol, includes traces of drugs or alcohol found in the body as a result of a "Positive" drug test.

As used in this Policy, the term "legal drug" is defined as including any prescribed drugs and over-the-counter drugs which have been legally obtained and are being used solely for the purpose for which they were prescribed or manufactured.

As used in this Policy, the term "illegal drug" is defined as follows: Drugs, or the synthetic or generic equivalent of drugs which are illegal under federal, state or local laws, including but not limited to, marijuana, heroin, hashish, cocaine, hallucinogens, depressants and stimulants not prescribed for current medical treatment by an accredited physician and any other drug-like substance, the use, possession or sale of which is unlawful. It also includes any legal drug which is being used in a manner or for a purpose other than as prescribed or labeled.

As used in this policy, the phrase "aberrant/reckless behavior" is defined as: Any act(s) performed or the omission of the performance of any acts(s) by an employee which is unusual, reckless or abnormal.

By acting in this fashion, it indicates that the employee is incapable of performing job responsibilities and duties. Circumstances that could be indicators of such include, but are not limited to:

1. Apparent physical state of impairment;
2. Incoherent mental state;
3. Marked changes in personal behavior; or

4. Deteriorating work performance or reckless conduct not readily attributable to other factors.

The term “Bost premises,” when used in this policy, is defined as any Bost property, offices, facilities, land, buildings, structures, fixtures, installations, automobiles, trucks and all other vehicles and equipment, whether owned, leased or used. Bost premises also include all areas of customer properties which are under Bost's control, or where Bost employees are working, and any other work locations or modes of transportation to and from those locations while in the course and scope of Bost employment or on Bost business.

The term “drug paraphernalia” is defined as any unauthorized material or equipment or item used or designed for use in testing, packaging, storing, injecting, ingesting, inhaling, or otherwise introducing an illegal drug into the human body.

The term “on-the-job” accident refers to any act(s) performed or the omission of the performance of any act(s) by an employee which results in significant physical injury to any person, or any damage to any real or personal property. Should such an incident occur, then all employees involved will be tested. A determination as to which employees are “involved” as well as what constitutes a “significant physical injury” will be left to management’s discretion, as such may vary from incident to incident depending upon the facts involved.

The term “Medical Review Officer (MRO), is a term for any qualified doctor, as assigned by or agreed to Bost, Inc., that can conduct an interview for an individual that receives a “positive drug screen”.

The Term “Assessment through an Assessor”, describes the process an employee could be referred for a medical assessment (drug test, evaluation) through an assessor. The assessor might be a nurse, doctor, or another medical trained professional as assigned by or agreed to Bost, Inc.

### **General Proscriptions:**

In order to attain the afore-described objective, the following prohibited activities apply to all employees:

1. The use or possession of illegal drugs at any place or time.
2. The use, consumption or possession of alcohol on Bost premises or during working hours.
3. The sale, distribution, purchase or transfer, or attempt to do the same, of illegal drugs at any time or place.
4. The possession of illegal drug paraphernalia by employees on Bost premises or during Bost work hours.
5. The abuse or misuse of legal drugs or medications. Any employee undergoing medical treatment prescribed by a physician, which includes the use of any drug or medication which is affecting the employee’s ability to perform job-related functions must notify the Executive Director of Bost or his or her designated representative in writing. An employee who exhibits aberrant/reckless behavior while taking this medication, which is determined by Bost to create a substantial risk of significant harm to the employee or others, will be required to remain off work as described below.

Note that any illegal drugs found on Bost premises or in the possession of a Bost employee while on the job may subject the employee to criminal prosecution.

At specified Bost-sponsored events, approved by the Executive Director, the possession or use of alcoholic beverages does not constitute a violation of Bost policy. If alcohol is served at a Bost-sponsored event, employees are expected to conduct themselves in such a manner so that they do not represent a danger to themselves or other employees, to the general public, or to Bost's reputation.

### **Consent To Testing:**

Each employee/applicant will be required to sign a consent form as part of the testing procedure. Any employee who refuses to submit to drug and/or alcohol testing requested under the terms of this policy may be subject to discharge and denial of reemployment opportunities. Any applicant who refuses to submit to a drug test under the terms of this policy will not be considered for employment.

### **Searches and Inspections:**

In order to accomplish the objectives of this Policy, Bost reserves the right at all times, while employees are entering, departing, or are on Bost premises, or when reasonable suspicion exists, to have properly authorized supervisors or search personnel (including drug detection dogs) conduct unannounced searches and inspections of Bost facilities and properties, including but not limited to, lockers, desks, file cabinets, etc., as well as employees' personal effects, including but not limited to, baggage, briefcases, boxes, bags, parcels, lunch boxes, food/beverages containers, tool boxes, outer clothing (coats, et cetera) and vehicles.

Although Bost will attempt to notify employees before conducting a search of an employee's personal effects, searches may be initiated without prior notice and conducted at times and locations as deemed appropriate by Bost. Employees or others will not be touched by management nor will any clothing be removed by management during these searches and inspections, although employees may be asked to empty their pockets.

An employee's refusal to consent to a search when requested by Bost constitutes a violation of this Policy and may subject the employee to discipline up to and including discharge.

### **Substance Abuse Testing:**

Bost may conduct drug testing under the following circumstances:

1. Applicants for employment as part of the selection process,
2. Suspected use, possession or sale of illegal drugs,
3. If an employee exhibits aberrant/reckless behavior,
4. Suspected abuse or misuse of legal drugs or medications,
5. For any employee involved in an on-the-job accident, in the case of post-accident testing related to a worker's compensation injury, there must be some evidence that the worker's compensation accident could have been caused by or contributed to through alcohol or drug use,
6. For any employee upon completion of an approved substance abuse treatment or counseling

- program, or
7. Random test for drugs.

Bost may conduct alcohol testing under the following circumstances:

1. Suspected use of alcohol,
2. If an employee exhibits aberrant/reckless behavior, or
3. For an employee involved in an on-the-job accident.

### **Potential Actions for Violation Of This Policy**

1. *Sale, distribution, purchase or transfer, or attempt to do the same, of illegal drugs:* The individual will be subject to immediate discharge and denial of re-employment opportunities.
2. *Observed use or possession of illegal drugs while on the job or on Bost premises; observed use, consumption or possession of alcohol while on the job or on Bost premises:* This will result in immediate suspension without pay pending the results of further investigation. Upon conclusion of the investigation, if the investigation establishes that the employee violated the provisions of this Policy, the employee may be discharged and denied re-employment opportunities. Testing may occur as part of the investigation. Should the situation so warrant, at management's discretion, the employee will be referred for an Assessment through an Assessor.
3. *Suspected use, consumption or possession of illegal drugs/alcohol; aberrant/reckless behavior; random selection for illegal drugs; or on-the-job accident:* This will result in immediate suspension without pay. The employee may be tested. If so tested and the result is positive, the employee may be discharged and denied re-employment opportunities. If the result is negative, the employee will be reinstated. Should the situation so warrant, at management's discretion, the employee may be referred for an Assessment through an Assessor.
4. *Prescription drugs.* A positive test result is a violation of Bost policy and may result in discharge. A positive test result occurs when the confirmation test indicates the presence of the drug(s) for which the test was conducted. If the employee tests positive for a substance for which the employee could have a valid explanation, i.e., a legal drug, Bost will request the employee to provide an explanation for the positive test result, including, but not limited to, documents or a container demonstrating a current and valid prescription from a physician for the drug or medication which caused the positive test result. After consideration of the employee's explanation, if Bost determines that the employee had a valid explanation for the positive test result, i.e., the employee was taking a prescription medication in the manner prescribed for the employee; Bost will consider the test result as a negative. Bost nevertheless retains the right to ensure that the employee is capable of performing the essential functions of the position (with or without an accommodation) and that the employee's use of the drug or medication does not constitute a direct threat of harm to the employee or others.

### **Referral:**

For the reasons referenced above or if an employee tests positive, or prior to testing, the employee voluntarily comes to management and informs Bost of a drug/alcohol problem, the employee may, at Bost's discretion, be referred for an Assessment by an individual by an Assessor approved by Bost for a recommendation concerning the employee's condition. Failure to agree to such an Assessment and/or to follow that recommendation is a violation of Bost policy and may result in discharge. Should the employee

be recommended for in-patient or out-patient treatment, the employee will be required to complete the program. Failure to complete the program as initially established and within the time frame allotted, may result in discharge. To verify compliance, the employee must execute any and all releases from Bost, the Assessor and the treatment center, thus permitting Bost to access information regarding the employee. Periodic testing may occur during and upon completion of the recommended treatment program.

Any such employee who subsequently violates Bost's Substance Abuse Policy after having gone through this procedure may be discharged.

**Costs:**

All costs, excluding the costs of the initial drug/alcohol testing, will be borne by the employee.

**Employee Discovery Of Drugs/Alcohol Or Observation Of Person Suspected Of Being Unfit For Duty:**

If an employee discovers suspected illegal drugs or alcoholic beverages on Bost premises or on the job, the employee should immediately notify his/her immediate supervisor or the President or his/her designee. The employee should not touch or disturb the suspected item(s).

If an employee observes another employee using, possessing, distributing, transferring or selling illegal drugs on or off Bost premises or on the job, or observes another employee consuming or possessing alcohol on Bost premises or while on the job, or observes another employee exhibiting aberrant/reckless behavior, the employee should immediately notify his/her immediate supervisor or the President or his/her designee.

If it is discovered that an employee has failed to notify Bost of such a violation, the employee will be subject to discipline, up to and including discharge.

**Administration:**

Violations of standard operating procedures necessary for the enforcement of this Policy will be considered violations of this Policy and may result in disciplinary action up to and including discharge.

This Policy shall be amended as necessary to meet the requirements of federal, state, county, or city law. Bost reserves the right to modify or amend this Policy with or without advance notice to employees. This Policy does not constitute a contract or a contract of employment.

**Arrest Or Conviction Under Criminal Drug Statute**

Employees governed under the Drug Free Work Place Act of 1988 ("DFWPA") are required to report any criminal drug arrest or conviction to the Human Resources Officer within five (5) days after such conviction to his or her supervisor or manager as a condition of his or her continued employment. Failure to report any conviction may result in the employee's termination.

## **VAPING/ SMOKING / TOBACCO**

Vaping, smoking and the use of tobacco are prohibited inside all agency facilities, Bost-owned contiguous property and in all vehicles, with the exception of apartment facilities. For apartment facilities, the Executive Director or designee will approve designated vaping, smoking and the use of tobacco areas for clients only.

To promote the health and safety of employees, the agency will offer a one-time reimbursement to individual employees of up to \$100 for the cost of smoking cessation classes or related smoke/tobacco termination medication, devices, etc.

### **All Employees**

1. Will agree to adhere to the Vaping/Smoking/Tobacco policy as a condition of employment and, therefore, will agree not to vape, smoke or use tobacco inside any Agency building, Bost-owned contiguous property, or vehicle.
2. Will verbally communicate the Vaping/Smoking/Tobacco policy to all individuals as the need arises, including to other employees, visitors, customers, and clients.
3. Will adhere to departmental guidelines and supervisor directives with respect to work breaks.
4. May request reimbursement up to \$100 for the cost of smoking cessation classes or related smoke/tobacco cessation products. Such request for reimbursement shall be made in writing to the Director of Human Resources with receipt of incurred expense.

### **Program Directors**

1. Will review and approve payment for reimbursement of smoking classes, tobacco cessation, etc., and ensure payment to the individual employee.
2. Will communicate the Agency Vaping/Smoking/Tobacco policy to all persons through signage, bulletins, newsletters and employee presentations.
3. Will assist employees who wish to stop vaping and/or smoking by making information available regarding smoking cessation classes.
4. Will communicate Agency Vaping/Smoking/Tobacco policy through employee meetings and individual counseling as needed.

### **Executive Director (or assigned designee)**

Will approve areas at apartment facilities for vaping, smoking and/or tobacco use by consumers.

## **EMERGENCY CLOSING**

All emergency closings must be approved by the Executive Director or designee. The agency or particular programs may be closed for emergency purposes such as weather closings (snow, floods, etc.), fires, or other disasters.

Non-exempt (hourly) employees will be paid only for time actually worked during an emergency closing. Exempt employees will be paid their full salary for all emergency closing lasting less than 1 week, but must use PTO for "Full Day" closings".

If a non-exempt (hourly) employee wishes to be paid for a period of time not worked due to an emergency closing, they must submit a PTO request.

Exempt and non-exempt employees on PTO during an emergency closing will still be charged their PTO.

### **VISITORS IN THE WORKPLACE**

The presence of visitors in the workplace with the employee during the employee's workday is inappropriate and will not be tolerated. This policy is established to avoid disruptions in job duties of the employee and co-workers, reduce property liability, and help maintain the agency's professional work environment. Exceptions to this policy are permitted with approval of the respective Department Director.

### **EMPLOYEE ASSISTANCE PROGRAM**

This Agency recognizes that a variety of personal problems or situations may interfere with the ability of the individual employee to perform satisfactorily while on the job. In responding constructively to these problems, the agency does provide an employee assistance program. The employee assistance program is a reference program only. The intent of this program is to provide information to the employee in order that the employee or their family members may seek help for personal problems.

To that end, this Agency supports referral efforts extended to employees affected by personal problems or situations. No employee's job security or promotional opportunity will be put in jeopardy by his or her seeking information through the agency's employee assistance program.

This agency will make available the name, address, and phone number of outside agencies that offer or make referrals for treatment.

When the behavior of an employee undergoing treatment results in poor job performance, it will be handled in the same manner as any other substandard performance.

Employees who suspect they or a family member has a problem are urged to take advantage of the employee assistance program.

Note: Voluntary acceptance of a treatment program will not be a valid reason for continued poor job performance. It will not result in any special regulation, privileges, or exemptions regarding job performance requirements.

### **ACCESS TO EMPLOYEE FILES**

It is the policy of Bost that personnel files are privileged information, to the extent covered by law.

The Executive Director or designee, Director of Human Resources and licensure or certification representatives are the only individuals who have access to these files on a controlled need-to-know basis.

Employees may have access to their files by contacting the Director of Human Resources. Copies of specific documents may be made available to the employee at a cost of one dollar and twenty five cents



per page. The Human Resources Director will oversee the copying of the requested pages and require payment one dollar and twenty-five cents per page at the time copies are available.

Administrative employees are allowed access to files by permission of the Executive Director or designee or Director of Human Resources for filing or clerical purposes only. Any other individual desirous of access to an employee's file may only gain access through written permission of the employee and the Executive Director or designee.

All persons accessing files shall be documented.

### **ACCESSIBILITY**

Bost, Inc. believes that barriers, such as Attitudinal; Architectural; Communication; Community; Employment; Transportation; Environmental; and Financial should not limit access to services, programs, and activities in which people have interests. To that end, Bost, Inc. will identify potential barriers and develop a corrective action plan to remove them.

### **AGENCY ANNUAL SURVEY**

An annual survey shall be completed to determine the needs of and input from persons served and Agency stakeholders.

### **EMERGENCY DRILLS**

To ensure emergency procedures are practiced in order that persons served and personnel are better prepared for actual emergency situations. Each department will implement drills of emergency procedures (i.e., fires, bomb threats, natural disasters, utility failures, medical emergencies and threatening situations) and ensure they are in compliance with the state regulations and accreditation standards for their program. When appropriate, the drills will include actual physical evacuations. There will be documentation of each drill and each drill will be analyzed, by the department, for performance improvement.

### **CONTINUATION OF ESSENTIAL SERVICES**

In the event of evacuation or necessary abandonment of the administrative offices, essential services will be identified and continued.

### **CREDIT CARD USAGE**

Credit Cards shall be issued according to best accounting practices to protect the resources of the organization and allow Agency purchases by designated employees in the most effective and efficient means possible. Credit cards will be issued only to Department Directors, except that other employees may also be issued a credit card, if so requested by their respective Department Director, and that request has been approved by either the Executive Director or Assistant Executive Director. If cards are lost or stolen, the cardholder shall advise Bost, Inc. Director of Finance immediately. Cardholders shall agree to the terms and conditions outlined in the guidelines and procedures of this policy. It is the cardholder's responsibility to ensure that this card's usage and management complies with Bost, Inc. policy. Should an

employee leave their position or role with Bost, he or she shall immediately return the card to the Director of Finance. Cards may be cancelled at any time by Bost if any of the policies, procedures and guidelines are not followed.

The following requirements shall be followed by all employees utilizing Agency issued credit cards:

- Credit cards will be used only for business purposes. Personal purchases of any type are not allowed.
- Credit cards are the property of Bost, Inc. It is the cardholder's responsibility to keep the credit card in their possession and under strict control.
- Cash advances on credit cards are not allowed.
- Cardholders will immediately report any unauthorized use of the card to the Finance Director, and their respective supervisor.
- The following purchases are not allowed unless approved in advance by the Assistant Executive Director or Executive Director:
  - Alcoholic beverages/tobacco products. (Except approved fundraising and marketing event).
  - Controlled substances
  - Capital equipment and upgrades over \$5,000
  - Construction, renovation, or installation
  - Maintenance agreements
  - Personal items or loans

### **MEDICATION MANAGEMENT AND ADMINISTRATION**

Bost, Inc. has a role related to medications used by persons served. This role relates to prescribing, dispensing, and administering medications, in addition to physical control of medications self-administered by persons served. Programs within Bost, Inc. perform this role as directed by the Standard Operating Procedures identified in each individual program.

### **OFFICE SUPPLY ORDERING**

Office supplies shall be ordered according to best accounting practices and most effective manner possible to protect and maximize the resources of the Agency, and to provide office supplies as quickly and efficiently as possible. Department Directors and subordinate designee will be given an online log-in from approved vendor via Agency Administrative Executive Assistant and will order office supplies using this log-in from approved vendor. Office supplies are defined as consumable items typically found in an office and includes such items as paper clips, pens, paper, notebooks, and highlighters. For the purpose of this policy, office supplies are differentiated from program supplies. Program supplies are typically used with the end purpose of program services and/or consumer use. Office supplies are used by staff only. Questions defining the differences between office supplies and program supplies shall be addressed by Assistant Executive Director.

## **Section II**

### **Non-discrimination**

## **AFFIRMATIVE ACTION STATEMENT**

Bost provides equal employment opportunity to all persons without regard to race, color, religion, disability, sex, age, or national origin, and promotes the full realization of this policy through a positive, continuing program of affirmative action. Bost is committed to equal opportunity for all applicants and employees in personnel matters including recruitment and hiring, benefits, training, promotion, compensation, transfer and layoff or termination. We strive for a staff that reflects diversity.

We will attempt to achieve and maintain a diverse work force. These steps may include, but are not limited to, the following:

- Pursuing our affirmative action program along with regular review by the Board of Directors.
- Ensuring that Bost policy regarding equal employment opportunity is communicated to all employees.
- Ensuring that hiring, promotion and salary administration practices are fair and consistent with the policies of Bost.
- Reporting to the Board of Directors on all activities and efforts to implement the Bost policy of equal employment opportunities.
- To the extent that our employees are not diverse, we will make special recruitment efforts as part of this plan.

Each supervisor and member of the management team must provide equal opportunity for all employees with regard to work assignments, training, transfer, advancement, and other conditions and privileges of employment and work to assure a continuation of this policy of equal employment opportunity.

## **LIFE THREATENING ILLNESS**

We recognize those employees with life-threatening illnesses including, but not limited to, cancer, heart disease, and HIV/AIDS (Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome), may desire to continue to engage in as many of their normal pursuits as their condition allows, including work. As long as these employees are able to perform essential job functions and medical evidence indicates that their conditions are not a direct threat to themselves or others, they will be encouraged to continue to work.

Bost does not discriminate against a qualified individual with a disability with regard to job application; hiring; advancement; discharge; compensation; training; or other terms, conditions, or privileges of employment.

Further, Bost recognizes that employees with life-threatening illnesses including, but not limited to, cancer, HIV/AIDS, heart disease, and other disabilities may wish and be physically able to work a regular or modified work schedule. Bost seeks to accommodate these employees by allowing them to work as long as they are able to perform essential job functions, with or without reasonable accommodation, provided medical evidence indicates that their conditions are not a direct threat to themselves or others.

While accommodating employees with life-threatening diseases and other disabilities, Bost also recognizes its obligations to provide a safe work environment for all employees; therefore, directors, coordinators and

supervisors should obtain appropriate medical direction, when necessary, to ensure that an employee's condition does not pose a significant risk of substantial harm to himself/herself or to other employees.

Bost offers the following resources to assist directors, coordinators, supervisors and other employees in dealing with these issues:

- Management and employee education and information on life-threatening illnesses,
- Confidential referral to support services for employees and dependents affected by life-threatening illnesses, and
- Benefits consultation to assist employees in effectively managing health, leave and other benefits.

### **HARASSMENT**

It is the policy of Bost, Inc. to treat all employees equally in their terms and conditions of employment. The harassment of any employee is contrary to this policy, may be considered a violation of federal law and will be considered justification for disciplinary or other appropriate action. This policy applies to all employees, supervisors, agents, and non-employees who have contact with employees during working hours.

Harassment is any annoying, persistent act or actions that single out an employee to that employee's objection or detriment, because of, but not limited to race, sex, age, religion, ancestry, national origin, physical disability, mental condition, or marital status. Harassment may include, but is not limited to, any of the following:

1. Verbal abuse or ridicule. This includes epithets, derogatory comments, slurs or unwanted sexual advances, invitations, or comments.
2. Interference with an employee's work. This includes physical contact such as assault, blocking normal movement, or interference with work directed at an individual because of his/her sex or other protected status.
3. Displaying or distributing sexually offensive or racist materials. This includes derogatory posters, cartoons, drawings or gestures.
4. Discriminating against any employee in work assignments or job-related training.
5. Intimate physical contact.
6. Making sexual or racial innuendos.
7. Demanding favors (sexual or otherwise), explicitly or implicitly, as a condition of employment, promotion, transfer or any other term or condition of employment.
8. Retaliation for having reported harassment.

Sexual harassment, which is a type of harassment, includes, but is not limited to any behavior that:

- Requires or implies that another person's submission to or rejection of sexual advances will affect that person's employment. This can include hiring, job assignment or duties, shifts, compensation, appraisals, promotion or advancement, transfers, training opportunities, disciplinary action, termination or any other conditions of employment or career development.

- Creates a hostile work environment for another that is sexually abusive, demeaning, intimidating, threatening or offensive. Employees will not request sexual favors, engage in visual, verbal or physical conduct of a sexual nature, display sexually suggestive objects or pictures, tell offensive jokes, use sexually suggestive language or send sexually suggestive e-mail.
1. It is every employee's responsibility to ensure that his or her conduct does not include or imply harassment in any form. If, however, harassment or suspected harassment has or is taking place, the following will apply:
  2. Any harassment or suspected harassment should be reported to the supervisor within 48 hours of the alleged harassment event. If any employee is not comfortable with reporting the matter to the supervisor, then the harassment should be reported to the Human Resources Manager or any corporate officer. A written statement by the complainant setting forth all pertinent facts may be requested.
  3. Any employee who receives a report of or has knowledge of harassment shall promptly inform the Human Resources Manager in writing. Either the Executive Director or designee shall be notified to determine if further investigation is warranted.
  4. Each complaint shall be investigated by the Human Resources Manager and/or the supervisor and a determination of the facts will be made on a case-by-case basis. Appropriate action up to and including discharge will then be taken by the appropriate supervisor.
  5. The results of the investigation shall be kept confidential and provided only to those employees of Bost, Inc. on a need-to-know basis.
  6. The investigative files, including the complaint, shall be maintained by the Human Resources Department. Any disciplinary action taken will also be documented in the employee's personnel file.
  7. Bost, Inc. will not tolerate harassment or any form of retaliation against an employee who has either instigated or cooperated in an investigation of alleged harassment. Violation of this provision may result in discharge.

## **Section III**

# **Employment Conditions And Provisions**

## **EMPLOYEE QUALIFICATIONS**

Bost shall require and maintain documentation supporting employee qualifications as required by the job description or licensing standards. All qualifications shall be reviewed annually to ensure that certification and licensing requirements are met for all employees.

## **EMPLOYEE CLASSIFICATION**

All employees are classified in one of the following categories:

1. Regular Full-Time: Employees who regularly work thirty hours or more per week.

A. Exempt Employees – administrative, professional, and related positions designated as exempt from wage and hour regulations for calculating payroll and generally considered as salaried.

B. Non-exempt Employees – non-exempt or hourly full-time positions as classified by wage and hour regulations. An employee must regularly work thirty hours or more on a weekly basis to be classified as full-time, non-exempt regular employee.

2. Regular Part-Time: Employees who work less than thirty hours per week on a regular basis.

3. Temporary: Employees hired for an indefinite period of time to meet the provisional needs of the Agency such as, but not limited to, a substitute program aide, or a temporary accounting clerk. Temporary employees are not eligible for employee benefits, unless require by law.

4. Contracts and Agreements: Bost, Inc. may obtain contracts or agreements with licensed professionals for services to it's clients or services to indirectly affect client services. All contracts and agreements are to be reviewed by the Human Resources Director for accuracy and compliance. After review the Executive Director will sign the contracts/agreements on an annual basis and when changes are necessary. Contract and agreement negotiations will include, but are not limited to, a clear delineation of services rendered, identification of the agency or individual performing the services, and terms of services and all agreed compensation for services rendered.

The authorized Department Director will inform employees of their employee classification at the time of their hiring.

All employees are hired for an unspecified duration, and employee classification does not guarantee employment for any specific length of time. Employment is at the mutual consent of the employee and Bost, Inc. Bost reserves the right to hire, promote, demote, discharge or terminate employment and compensation at any time, with or without cause, and with or without advance notice.

## **INTRODUCTORY PERIOD**

The first three months (90 days) of employment are considered an initial introductory period for all full-time and part-time employees. During the initial 90 days the employee does not qualify to utilize the conflict resolution policy. During these months, work performance will be evaluated to determine the effectiveness



of job performance. Employees who do not achieve the required level of performance during the initial introductory period may be dismissed without prior notice. Generally, introductory employees will be informed in writing and given methods of improving their performance.

The supervisor shall be responsible for the evaluation of all employees completing the introductory period. Bost, Inc. with approval from the Executive Director or designee reserves the right to extend the introductory period.

NOTE: If an employee transfers to a different position, whether in their respective department or to a different department, the employee will be subject to a new introductory period for that position; three months (90 days) for full and part-time employees. This will not affect longevity or benefit accrual.

### **HIRING**

Bost provides equal employment opportunity to all persons without regard to race, color, religion, disability, sex, age, or national origin, and promotes the full realization of this policy through a positive, continuing program of affirmative action.

The Agency shall make known existing vacancies, with the exception of intra-departmental transfers or changes, to all current employees prior to, or simultaneous to, public advertising of all positions. With the approval of the Human Resources Director, intra-departmental transfers/changes do not require posting, but are optional. Examples of optional posting of transfer/changes are: title changes only, addition of duties to an existing position, wage group re-evaluation, a departmental reorganization or where there is an obvious successor.

Position posting notices for all available Agency positions must include the name of the position, the hiring location, closing date for application, general duties, requirements, and work schedule.

Vacant positions may be posted externally at the same time as internal posting, but not earlier. External applications will be accepted at a minimum through the following three business days after the advertisement has run in the newspaper.

Any current employee of the agency who is on any type of probationary period is not allowed to apply for (or move into) any lateral or promotional position while on said probationary period. Exceptions must be approved by the Assistant Executive Director or Executive Director.

Applications must be on an Agency employment form. Acceptable applicants, consistent with required qualifications and experience of the vacant position, may be interviewed.

The agency will also conduct reference checks on all external candidates considered for the position prior to employment. Reference checks may be written or verbal but must be documented in writing.

Hiring for all positions within Bost, Inc. must be approved by the Executive Director or designee before an offer of employment can be made to an applicant. The Agency may notify candidates either in writing, by phone, or in person of the hiring decision. The hiring Department Director will ensure all documentation received during the hiring process is forwarded to the Human Resources department for appropriate record keeping.

The hiring Department Director will ensure that the employee hired to fill the vacant position is provided orientation and training consistent with program licensing requirements.

### **RE-HIRES**

Employees that leave Bost, Inc. may be eligible for rehire under the following conditions:

- Applicant will not be considered as eligible for rehire for a period of six months after leaving Bost, Inc.
- Past performance will be considered when a former employee applies for rehire.
- A rehired employee will be subject to the same eligibility requirements as a new hire.
- A former employee, whose employment was terminated for an involuntary reason will be ineligible for rehire. If the former employee wishes to regain eligibility a formal request must be submitted in writing to the Human Resources Director. The Human Resources Director will forward the request to the Executive Director and/or the Assistant Executive Director and a final decision will be made to overturn or uphold the former employee's ineligible status and the former employee will be notified by letter of the final decision.

### **DRESS CODE**

It is the policy of the Agency that each employee's dress, grooming, and personal hygiene should be appropriate to the work situation.

Department directors are responsible for counseling employees whose appearance is inappropriate, and they also have the right to send employees home to change clothes if their appearance is deemed inappropriate with their assigned duties. Taken into consideration will be such factors as the type of work performed, the department to which assigned, the need for public and/or business community contact, the reasonable sensibilities of co-workers, the physical working environment, and the safety of self and others. Employees who are sent home to change will not be paid for the time off.

Department Directors may elect to establish a departmental dress code reflecting the factors cited above. Departmental dress codes shall be reviewed by the Administrative Team, and final approval granted by the Executive Director or his designee.

Department Directors have the responsibility and authority to enforce the Agency and Departmental, if any, dress code(s). Employees are required to comply at the time of all appropriate dress decisions made by the Department Director. Employees may elect to utilize the conflict resolution policy if they wish to seek further review of a decision made by a Department Director.

### **TRAINING**

Bost is committed to ensuring that all employees, board, and volunteers receive the training required by state and federal licensing entities and accreditation agencies. Training is essential to ensure that quality supports are provided to individuals served.

## **BACKGROUND CHECKS**

This policy ensures background checks are performed on individuals in accordance with all state and federal regulatory requirements for each program.

## **MVR BACKGROUND CHECKS**

### **POLICY**

Bost, Inc. Motor Vehicle Record policy is designed to provide acceptable driving record guidelines for our employees.

### **Driving Record Guidelines**

1. All Bost employees are subject to agency MVR and insurance company policies and guidelines. Bost, Inc. may conduct MVR checks prior to employment, randomly, and upon driver license renewal. In collaboration with the insurance company, the individual served, the guardian and department director, certain exceptions may be made to meet the needs of the business through a request to the Assistant Executive Director and Executive Director.
2. New and current employees must not exceed the following criteria:
  - Maximum of 1 moving violation in the last three years in combination with one at fault accident.
  - Maximum of 2 moving violations in the last 3 years with no at fault accidents.
  - Maximum of 2 at fault accident in the last 3 years with no moving violations.
3. Any driver with any of the following in the last 3 years is unacceptable:
  - Suspension or revocation for other than failure to pay fines.
  - Driving under the influence of alcohol or drugs.
  - Careless Driving.
  - Negligent homicide arising out of the use of a motor vehicle.
  - Operating during a period of revocation or suspension.
  - Using a motor vehicle for the commission of a felony.
  - Aggravated assault with a motor vehicle.
  - Operation of a motor vehicle without owners' authority.
  - Operating a motor vehicle while unlicensed.
  - Speed Contests.
  - Any other criminal use of a motor vehicle
4. No drivers <21 years of age are allowed to drive a Bost, Inc. owned/leased/rented vehicle.

## **ATTENDANCE**

To give the best service to the clients in our care, Bost, Inc. depends on each employee. As soon as an employee knows that he/she cannot report for duty because of illness or other reasons, the employee is required to notify his/her immediate supervisor prior to the start of the workday. Program Directors/designee may grant, with advanced notice, a "Leave without Pay" for Dentist/Doctor, etc. for periods of time not to exceed 4 hours on any given day and not to exceed 3 occurrences per quarter, i.e. Jan-Mar, Apr-Jun, Jul-Sep, and Oct-Dec.

## OVERTIME

Non-exempt (Hourly) Positions-includes non-exempt regular employees. Some positions may require employees to work overtime. This requirement will be made clear at the time of hiring. Hourly employees will be compensated one and one-half times their regular rate of pay for the time worked beyond forty hours in any one-week pay period. All overtime except for emergency situations must be approved by the supervisor prior to the overtime occurring.

Exempt (Salary) Positions-Exempt employees are exempt from Department of Labor, Wage and Hour Overtime regulations and thus are not paid overtime for hours worked over forty.

Exempt employees are required to work according to the schedule given to them by their immediate supervisor or may, with the permission of their supervisor, work flexible hours.

## PAYROLL

**Payday** - Payroll can only be processed upon receipt of an approved electronic time card/casenote. Failure to submit electronic time card/case notes may result in a delay in issuing paychecks until the next pay period. Other arrangements must be approved in writing by the Executive Director or designee. Salary/Pay advances are not made. All property of Bost, Inc. must be returned to Bost, Inc. prior to the issuance of a final paycheck, and all monetary obligations to Bost, Inc. must be settled prior to the issuance of a final paycheck. Paper timecards will be accepted in lieu of electronic timecards only when the employee has attempted to submit timecards electronically but experienced technical difficulties. The employee must provide documentation of communication with their immediate supervisor notifying the supervisor of the issue.

**Paycheck Errors** -Any questions concerning the accuracy of payroll checks should be taken up with the respective Supervisor or Department Director. Nominal errors on payroll checks will be corrected on the next scheduled payday. Payroll corrections must be submitted to the Department Director, or designee, for approval.

**Payroll Deductions** - The deductions from pay, as required by law, are social security, federal income tax, state income tax, and any garnishment against wages according to court instruction. An employee must authorize any deduction not mandated by law or court.

**Pay Week**-Bost, Inc. workweek begins at 12:01 a.m. Saturday and continues through 12:00 midnight Friday for purposes of calculating payroll and overtime.

## SALARY BASIS

The Fair Labor Standards Act (FLSA) is a federal law which requires that most employees in the United States be paid at least the federal minimum wage for all hours worked and overtime pay at time and one-half the regular rate of pay for all hours worked over forty hours in a workweek.

However, Section 13(a)(1) of the FLSA provides an exemption from both minimum wage and overtime pay for employees employed as a bona fide executive, administrative, professional and outside sales employees. Section 13(a) (1) and Section 12(a) (17) also exempt certain computer employees. To qualify

for exemption, employees generally must meet certain tests regarding their job duties. Job titles do not determine exempt status. In order for an exemption to apply, an employee's specific job duties and salary must meet all the requirements of the Department's regulations.

### **Circumstances in which the employer may make deductions from pay**

Deductions from pay are permissible when an exempt employee:

- Is absent from work for one or more full days for personal reasons other than sickness or disability.
- For absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness.
- To offset amounts employees receive as jury or witness fees, or for military pay.
- For unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions.

Also, an employer is not required to pay the full salary in the initial or terminal week of employment; for penalties imposed in good faith for infractions of safety rules of major significance, or for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act. In these circumstances, either partial day or full day deductions may be made.

### **Salary Deductions**

It is our policy to comply with the salary basis requirements of the FLSA regarding to salary deductions.

If you believe that an improper deduction has been made to your salary, you should immediately report this information to your direct supervisor. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.

## **TIMEKEEPING AND COMPENSATION FOR TRAVEL**

Bost, Inc, will ensure accurate timekeeping and compensation for work travel are in accordance with Department of Labor laws and within employees approved schedule.

## **TRAVEL EXPENSES AND REIMBURSEMENTS**

Bost, Inc. recognizes it is our responsibility utilize Agency funds efficiently and ethically. We encourage individuals traveling for the Agency to use discretion, care and direction from their supervisor when choosing flights, lodging, meals, etc. Expenses should be reasonable and limited. Travel must be pre-approved by Executive Director *or designee*. Travel arrangements, including conference registrations, should be made through a department designee.

When traveling for the Agency, reasonable costs incurred during travel will be covered or reimbursed. Documentation of all costs incurred must be provided to the business office. Receipts must be itemized, and include; date, name of establishment, the dollar amount, and tip (if any).

If the individual traveling does not have a Bost issued credit card, a travel allowance can be requested. Travel advances must be accounted for within eight (8) working days of the return to work. Failure to provide proper documentation, or to repay advances in excess of the expense, may result in deduction of the travel advance from wages.

Flight arrangements will be made keeping in mind the needed travel schedule for the traveler. The most economical choice for flights will be made. One baggage fee each way will be covered, however no overweight charges will be paid.

Agency vehicles are available for use but must be reserved 24 hours in advance. Vehicles may be picked up in advance by the close of business on the day before the reservation. The individual must be issued a Fuel Man pin and Fuel man cards must be used to purchase fuel. The satellite offices are responsible for keeping Agency vehicles clean, scheduling oil changes and tire rotations as needed. All Agency policies must be upheld when in Agency vehicles. Agency cars must be used when available rather than renting an outside vehicle or claiming mileage. Rental car requests must be approved prior to travel and the individual must have a credit card in his/her name.

Lodging accommodations will be made at the hotel that is holding the training/conference/event whenever possible. The most economical room will be selected. Lodging can be arranged for one night prior and one night after the event, if necessary. (Expenses that will not be reimbursed include, but are not limited to; any entertainment expenses, in-room movies and beverage/snack bar, etc.)

Meals choices should be economical and the Agency will cover or reimburse three meals daily (not to exceed \$50 daily) including reasonable tips (15-18%). Meals will NOT be reimbursed when the hotel or conference offers a meal free of charge. This does NOT include any alcoholic beverages, snacks, etc. Special Dietary restrictions should be made known prior to event.

If an employee, on overnight travel, is without a cell phone, one call a day to check in with family and calls made for medical emergency are reimbursed.

*NOTE: To ensure reimbursement, attach all original receipts to a supervisor approved expense reimbursement form. Receipts must show itemized charges and original meal receipts must include detailed charges. Return the completed expense reimbursement form to Accounts Payable.*

Reasonable expenses, authorized in advance and incurred in carrying out the job, will be reimbursed. These costs may include transportation, parking fees, telephone costs, and meal costs on business, including reimbursement for lunch on day trips of fifty miles or greater radius.

Reimbursement forms are available from the respective Supervisor or Department Director. Receipts must be provided as requested. Reimbursements will be made as expeditiously as possible.

Employees expected to use their personal cars for Agency business are reimbursed at a rate of forty-two cents per mile. An employee using a personally owned car for official Agency business is responsible for meeting state laws regarding personal liability and property damage insurance coverage. Waiver employees work in the community and are reimbursed according to the consumer plan of care. Training is a job requirement however travel in excess of 30 miles will include mileage reimbursement.

All employees who are required to use their personal vehicle for Agency business must maintain personal auto insurance. Proof of personal auto insurance is required upon hire and annually thereafter.

### **PANDEMIC**

Bost, Inc. shall make every effort to reduce the spread of a pandemic illness and follow CDC guidelines to minimize risk of exposure to our consumers, employees and agency. Compensation for time off work due to pandemic and related infectious disease shall be made consistent with personnel leave policies, including Paid Time Off policies.

According to the CDC, the definition of a pandemic is: *an epidemic of infectious disease that is spreading through human populations across a large region; for instance a continent, or even worldwide.* A widespread endemic disease that is stable in terms of how many people are getting sick from it is not a pandemic. Further, flu pandemics exclude seasonal flu. Throughout history there have been a number of pandemics, such as smallpox, tuberculosis and the SARS-CoV-2 (COVID-19).

### **INFECTIOUS DISEASE**

It is the responsibility of each employee to maintain documentation of a current TB if needed for their position/role in the Agency.

Employees with infectious diseases shall be prohibited from contact with individuals until a physician's release has been provided to the Human Resources Director. Infectious disease is defined as capable of being easily diffused or spread. According to state law, the following communicable/infectious diseases are reportable:

- Gonorrhea
- Mumps
- Hepatitis
- Tuberculosis
- Syphilis
- Salmonella
- Pertussis
- Meningitis
- HIV positive serologic status or AIDS complex
- Rash illness including Rubella and other Measles
- Epidemic outbreaks of chicken pox (more than 5 cases in the same institutional space in a 72 hour Period)

All employee medical and medically related records are to be sent by the employee directly to the Director of Human Resources. All such records are kept highly confidential in separate employee medical records file. Access to an employee medical records file is restricted to the Executive Director or designee, authorized medical employees and licensure or certification representatives.

## **Section IV**

# **Benefits Administration**



## EMPLOYEE BENEFITS

Bost, Inc. provides the following employee benefits:

- A. **WORKER'S COMPENSATION:** As required by law. All employees are covered by workers' compensation insurance, which compensates an employee for lost time, medical expenses, and loss of life or dismemberment from an injury arising out of or in the course of work. Employees must report any accident or injury immediately to his/her supervisor and the Human Resources Department.
- B. **SOCIAL SECURITY:** As required by law. The employee and Bost, Inc. each pay a portion.
- C. **MEDICAL BENEFITS:** Regular, full-time employees are eligible for health insurance the first day of the month following 60 days of employment. Employees wishing to include their families may join the plan at their own expense. Full-time employees may add a spouse or dependent, but if spouse or dependent coverage is not taken at the time of initial enrollment, any additions will be subject to federal law and the Plan Document and will require approval by the insurance carrier.
- D. **UNEMPLOYMENT:** As required by law.
- E. **OTHER:** All other benefits offered to employees are available at the employee's expenses through payroll deductions.

## PPACA PERIODS METHODOLOGY

Bost, Inc. will properly document the methodology (periods) the agency uses to determine part time employee insurance eligibility required under the Patient Protection and Affordable Care Act and the Treasury and IRS release of the "Employer Shared Responsibility for Employers Regarding Health Coverage" final rule published in the Federal Register on Feb 12, 2014.

## PAID TIME OFF (PTO)

Paid Time off (PTO) benefit time is granted to full-time employees and may be used for vacation, personal, funeral and sick leave. Speech, Occupational and Physical therapists receive annual compensation in lieu of PTO. PTO is designed to give employees time needed away from their everyday work schedule. The Agency values its employees and recognizes the need for time off to balance home and work.

Accrual of PTO hours for all employees:

Years of Service	Rate - Per Hour Worked	Maximum Per Pay-Period	Total Maximum Annual Hours	Total Maximum Annual Days
<b>0-3 years</b>	0.046154	<b>3.6923</b>	<b>96</b>	<b>12</b>
<b>4-10 years</b>	0.065385	<b>5.2308</b>	<b>136</b>	<b>17</b>
<b>11-19 years</b>	0.084615	<b>6.7692</b>	<b>176</b>	<b>22</b>
<b>20+ years</b>	0.10384	<b>8.3077</b>	<b>216</b>	<b>27</b>

Eligibility & Utilization - For purposes of this policy, the year is interpreted to start on the employee's date of hire. All full-time employees start earning PTO immediately on the first day of hire according to the above schedule. Utilization will be in hourly increments.

PTO is not earned for time when unpaid leave is taken. Part-time employees, temporary employees, or contract labor do not earn PTO.

Employees changing from full-time to part-time will receive full payout of earned PTO but will not receive time off. Request for PTO payout must be completed and processed with the personnel change form. Completed and approved change forms must be sent to human resources for further processing.

Maximum Carry Over – The maximum PTO time that may be carried over from one fiscal year to the next is 300 hours.

PTO Approval - Paid Time Off must be scheduled in advance and have supervisory approval, except in the case of illness or emergency. Unscheduled PTO will be deducted from the employee's PTO bank in hourly increments with the exception of holidays, jury duty and military duty. Except in the case of illness or emergency the employee may be disciplined for unapproved absence. PTO requested in excess of two weeks must be approved by the Executive Director or designee. PTO will not be approved once notice has been given by the employee.

Payment of Accrued PTO Upon Resignation/Termination – Retiring employees who provide a two-week notice will be paid for all unused, accrued PTO. Social Security Administration guidelines will be used to determine retirement age eligibility. Employees who resign and provide a two-week notice will be paid up to 40 hours of their unused, accrued PTO. Terminated employees will not be entitled to unused, accrued PTO, with the exception of laid-off employees, who will be eligible to receive a payout of up to 40 hours of unused, accrued PTO.

Administration - For Department Directors only, a payout of PTO available hours may be requested on an annual basis in lieu of PTO taken, as long as a minimum of 120 hours are available for other purposes at all times. Annual basis is defined as being the twelve-month period from the Department Director's original date of full-time hire, and each twelve month period following. The Assistant Executive Director or Executive Director reserve the right to approve or deny the request.

### **REQUESTS for LEAVE without Pay**

When an employee requests unprotected unpaid leave, Bost, Inc. will retain the right to approve or decline the request. All requests for Leave without pay must be submitted in writing to the employee's Department Director. The final decision to approve or decline the request will be made by the Assistant Executive Director.

### **HOLIDAY LEAVE**

Full-time employees become eligible for holiday leave upon completion of thirty days of full-time employment status. Ten paid holidays are scheduled annually for regular full-time employees and will be posted by January 1 of each year. Eligible employees will automatically be paid 8 hours for the scheduled

holiday regardless of if they are or are not working on the holiday. Employees on continuous FMLA with a PTO balance of ZERO will not be paid holiday pay. Since Bost, Inc. must care for some individuals on a daily or twenty-four hour per day basis or to meet consumer needs, it is necessary for some employees to work on a designated holiday. The Administration of Bost, Inc. reserves the right to determine which employees will work on a given holiday. Holiday pay will not be approved once notice has been given by the employee.

New Year's Day	Thanksgiving Day & Day after Thanksgiving Day	Memorial Day
Independence Day	4 days during Christmas Holiday	Labor Day

### **FAMILY AND MEDICAL LEAVE**

*In Compliance with All Provisions of the Family and Medical Leave Act (FMLA)*

#### **Types of FMLA Leave**

Bost, Inc. recognizes that situations can occasionally arise that require an employee to be absent for serious illness and other family obligations. A leave of absence under the Family and Medical Leave Act is available to eligible employees who wish or need to take time off from work duties for the following reasons:

#### **Basic Leave**

1. Incapacity due to pregnancy, prenatal medical care or childbirth;
2. To care for the employee's child after birth, or placement for adoption or foster care;
3. To care for the employee's spouse, child (under 18, unless special circumstances exist), or parent with a serious health condition;
4. A serious health condition of the employee that makes the employee unable to perform the functions of his or her job;

#### **Military Family Leave**

1. A covered family member's active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation; and
2. To care for an injured or ill covered service member.
3. This policy provides employees with a general description of their FMLA rights and obligations. Any conflict between this policy and the FMLA is resolved in favor of the FMLA.

#### **Eligibility**

1. To be eligible for an FMLA leave, an employee must have worked for Bost, Inc. or one of its

wholly owned subsidiaries for a total of at least 12 months, have worked at least 1,250 hours in the 12 months preceding the leave, and work at a site with at least 50 employees within 75 miles.

2. If employees are at a location that has fewer than 50 employees in a 75 mile radius, the employees are not eligible for leave under the Family & Medical Leave Act; however, the employees will be eligible for Family & Medical Leave under Bost, Inc.'s policy. This leave under Bost, Inc.'s policy will be administered under the same provisions as employees that are covered under the Family & Medical Leave Act, provided that Bost, Inc. may make exceptions to granting leave based on the operational needs of the specific Bost, Inc. location involved.
3. An eligible employee is entitled to take up to 12 weeks of FMLA leave during a 12-month period for circumstances 1 through 4 listed above and up to 26 weeks of FMLA leave during a 12-month period for circumstances related to Military Family Leave.
4. The 12-month period is defined as a rolling 12-month period measured backward from the date an employee uses any FMLA leave.

### **Applying for Leave**

1. An employee in need of a leave of absence may initially verbally notify his/her supervisor; however, the verbal notification must be followed by a written notice.

### **Calling in sick is not notice that an employee needs to take FMLA leave.**

1. Generally, employees must provide at least 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When the need for leave is not foreseen and 30 day notice is not possible, except in unusual circumstances, notice must be given within two working days of learning of the need for leave.
2. Form FMLA-E is available on the Intranet and must be used to submit a written request for an FMLA leave. The completed form must be submitted to the Human Resources Officer for the employee's area. If an employee is physically unable to complete Form FMLA-E, a responsible family member or Bost, Inc. officer may complete and submit the form on behalf of the employee.
3. Employees must provide sufficient information for Bost, Inc. 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 the essential 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.
4. Employees must also inform Bost, Inc. if the requested leave is for a reason for which FMLA leave was previously taken or certified.
5. Bost, Inc. will inform employees requesting leave whether they are eligible for leave under the FMLA. Bost, Inc. will normally notify employees of their eligibility and their rights and responsibilities using Form WH-381. If an employee is eligible, Bost, Inc. will specify any additional information required and inform the employee of the employee's rights and responsibilities. If they are not eligible or the reason for the leave is not FMLA protected, the employee will be notified and given a reason.

### **Certifications &Recertification's**

1. Even though an employee may meet eligibility requirements for taking FMLA leave and have

FMLA leave available in the applicable 12-month period, it still must be determined if the planned absence qualifies as FMLA leave. The required certification to make this determination should be covered in one of the following circumstances:

2. An employee seeking FMLA leave due to the employee's serious health condition must submit a medical certification issued by the employee's health care provider (Form WH-380-E).
3. An employee seeking FMLA leave to care for a covered family member with a serious health condition must submit a medical certification issued by the health care provider of the covered family member (Form WH-380-F).
4. An employee seeking FMLA leave due to a qualifying exigency must submit a certification of the qualifying exigency for military family leave (Form WH-384).
5. An employee seeking FMLA leave due to a serious injury or illness of a covered service member must submit a certification providing sufficient facts to support the request for leave (Form WH-385).
6. Failure to provide complete, timely and sufficient medical certification for the employee's own serious health condition, to support a request for an FMLA leave to care for a covered family member with a serious health condition, and/or to support a request for an FMLA leave to care for a covered service member may result in denial of the leave or the leave not being designated as FMLA leave. If the leave is not designated as FMLA, an employee is not entitled to FMLA benefits, including continuation of health care benefits. Employees have 15 calendar days following receipt of the Notice of Eligibility (Form WH-381) to return the form to the Human Resources Officer. If additional time is needed, it should be requested through the Human Resources Officer.
7. Failure to provide all requested information to support a request for FMLA leave due to a qualifying exigency may result in denial of the request for FMLA leave. Additional information about this type of leave is provided on Form WH-385.
8. If any certification is incomplete or insufficient, Bost, Inc. will normally use the Form WH-382 to notify the employee what additional information, if any, is necessary to make the certification complete and sufficient.
9. Periodic reports and recertification's are required regarding the condition that prompted the leave to be taken, the employee's status, and the employee's intention to return to work. The appropriate frequency of these required reports and recertifications will be determined for the particular leave situation. Failure to provide these periodic reports and recertifications may result in suspension of the approved leave or disciplinary action up to and including discharge.

## **Use of Leave**

1. Employees are not required to use an FMLA leave entitlement in one block. Leave can be taken intermittently or on a reduced schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt Bost, Inc.'s operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.
2. Employees are required to use all paid time off available to them during any leave under this policy.
3. If a company observed holiday falls in a week in which an employee is on an FMLA leave for the full week, the holiday will count as a day of FMLA leave. If the employee works part of the week in which a holiday falls, the day will not count as a day of FMLA leave.

4. If a company observed holiday occurs during the paid portion of an employee's leave, an eligible employee will be paid for the holiday. If a company observed holiday falls during the unpaid portion of a leave, the employee will not be paid for the holiday.
5. Ordinarily, no combination of family leave and medical leave can exceed the 12-week maximum limit. Bost, Inc. may consider an extension; however, an extension beyond the initial 12 weeks during a 12-month period will not guarantee a return to the same or an equivalent position in which previously employed.

### **Designation of Leave**

1. Any leave covered under the FMLA will be designated as FMLA leave. Bost, Inc. will normally use Form WH-382 to notify the employee whether the leave is designated as FMLA leave or not, and of the amount of leave that will be counted against the employee's FMLA leave entitlement.
2. In order to properly designate leave time, Bost, Inc. may exercise its right to authenticate that a certification document came from the health care provider indicated. Also, with the employee's permission Bost, Inc. may contact the health care provider for clarification of information on the form (e.g., can't read doctor's handwriting and need to know what the form states). Bost, Inc. may also have the employee obtain a second and third opinion medical certification at Bost, Inc.'s expense.
3. If the employee is considered a "key employee" as defined in the FMLA, restoration to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to Bost, Inc.

### **Activities While on FMLA Leave**

While on FMLA leave, no employee may engage in any activity, including other employment or work, which violates the employee's medical restrictions. If, while on FMLA leave, an employee chooses to work for someone else in a capacity that does not violate his/her medical restrictions, Bost, Inc. will not pay the employee PTO.

### **Definitions**

1. 12-Month Period - A "rolling" 12 month period measured backward from the date an employee uses any FMLA leave. For the use of the 26 weeks of FMLA leave to care for an injured or ill covered service member, the 12-month period begins on the first day the employee takes FMLA leave to care for a covered service member and ends 12 months after that date.
2. Serious Health Condition - 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.

A serious health condition includes treatment by a health care provider and:

- a. A period of incapacity due to pregnancy, or prenatal care;
- b. A period of incapacity due to a chronic condition which:

- i. Requires periodic visits for treatment by a health care provider;
- ii. Continues over an extended period of time; and
- iii. May cause episodic rather than a continuing period of incapacity;
- c. A period of incapacity due to a permanent or long-term condition; or
- d. Conditions requiring multiple treatments by a health care provider (for any period of absence).

Absences for pregnancy and chronic serious health conditions qualify even though an employee does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive, full calendar days.

3. Continuing Treatment - A serious health condition involving continuing treatment by a health care provider means a period of incapacity of more than three (3) full consecutive calendar days combined with:

- At least two treatments (in-person) by a health care provider within 30 days of the first day of incapacity; or
- Treatment (in-person) by a health care provider at least once, which results in a regimen of continuing treatment under the supervision of the health care provider.
- The first (or only) in-person treatment visit must take place within seven (7) days of the first day of incapacity. "Incapacity" means inability to work, attend school or perform other regular daily activities due to the serious health condition, or treatment or recovery from the serious health condition.

4. Military Family Leave - Eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies.

5. Qualifying Exigencies - May include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, attending post-deployment reintegration briefings, and special circumstances (if both Bost, Inc. and the employee agree to the leave).

6. Covered Service Member – The FMLA permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty while on active duty that may render the service member medically unfit to perform his or her duties.. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12-month period.

### **Benefits Continuation and Other Protection**

1. If the employee's leave qualifies as FMLA leave and the employee is covered by Bost, Inc.'s health benefit plans, including the medical insurance plan, Bost, Inc. will maintain the employee's coverage as if the employee had continued to work, provided the employee makes appropriate

premium payments. The employee will be responsible for making arrangements to continue to pay his/her share of the premium payments on all benefits that are continued during the leave.

2. The Director of Human Resources can offer the employee several payment options and can assist in calculating the amount the employee will owe while on leave. Payment may be made by personal check or by other alternative methods the Director of Human Resources can establish for the employee. If payment is more than 30 days late, coverage may be dropped. Any past due payments will be collected from the employee.
3. Medical premiums paid for an employee by Bost, Inc. during a leave must be repaid by the employee if the employee fails to return from leave, except if the reason is the continuation, recurrence, or onset of a serious health condition, or because of circumstances beyond the employee's control. Failure to return for other than these conditions is considered a qualifying event under COBRA, i.e. continuation of specified health related benefits.

### **Return To Work**

1. Most employees returning from an FMLA leave will be restored to their original or equivalent position with equivalent pay, benefits, and other employment terms.
2. If the circumstances of an employee's leave change and he/she is able to return to work earlier than the date originally indicated, the employee is required to notify his/her supervisor at least two (2) workdays prior to the date he/she intends to report for work. If the employee's supervisor is unavailable, notification should be made to the next level of supervision or another designated officer of Bost, Inc.
3. When an employee takes leave because of his/her own health condition, he/she is required to provide a fitness and ability to return to work statement from a licensed health care provider before he/she resumes his/her job duties. If such certification is not timely, the employee's return to work may be delayed until certification is provided. A list of the essential functions of the employee's position should be attached to the Designation Notice (Form WH-382) provided to the employee. If it is not, the employee should request a copy from his/her supervisor or Director of Human Resources to provide to the health care provider when requesting the fitness-for-duty certification. The fitness-for-duty certification must address the employee's ability to perform the essential functions listed. Bost, Inc. reserves the right to determine which licensed health care provider is appropriate given the circumstances. If an employee fails to or cannot provide a fitness for duty certification, employment may be terminated.
4. For employees medically certified with a permanent or indefinite serious health condition, the employee may be required to present a fitness-for-duty certification in conjunction with an FMLA absence which occurs more than six months after the previous medical certification.
5. If an employee fails to report to work promptly at the end of the approved leave period, Bost, Inc. will assume that the employee has resigned.

### **Other Rights and Obligations**

The FMLA makes it unlawful and Bost, Inc. will not:

1. Interfere with, restrain, or deny the exercise of any right provided under the FMLA; or
2. Retaliate, discharge, or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to the FMLA.



Bost, Inc. has posted and will continue to display the poster entitled "Your Rights Under the Family and Medical Leave Act of 1993."

Additional Information

Questions concerning this policy should be directed to the Director of Human Resources

### **JURY DUTY**

All employees called to serve, as juror will be paid at their regular pay rate.

The employee is required to furnish a copy of the summons to serve as a juror to the respective Supervisor or Department Director prior to service. Upon returning to work, the employee is required to provide proof of time served and the pay received. Any employee called to jury duty who does not actually serve shall return immediately to work.

## **Section V**

# **Performance and Discipline**

## **JOB PERFORMANCE EVALUATION**

All employees will have a ninety day introductory period and an annual job performance evaluation written by their immediate supervisors as defined by the Table of Organization.

At the end of the employee's initial introductory period, the supervisor will complete the job performance evaluation and review it with the employee. Based on the results, the supervisor will make appropriate recommendations for completion or extension of the introductory period. If the introductory period is extended, a specific time period and criteria for successful completion will be stated.

The supervisor will complete the employee evaluation annually thereafter based on the employees hire date. Completed evaluations will be forwarded on a quarterly basis to Human Resources by the designated due date for each quarter. Each evaluation session with the employee will include a review of the performance evaluation. At this time the supervisor will also ensure credentials (if required) are current and that the job description is still accurate.

All persons working for Bost as contract personnel must also participate in an annual evaluation with the immediate supervisor or Director of the Program they are assigned to.

The Department Director will review and sign all completed department performance evaluations and ensure departmental evaluations are consistent and timely.

## **PROGRESSIVE DISCIPLINE**

This Agency uses progressive discipline to ensure employee compliance with performance standards, ethics and conduct. If a supervisor finds it necessary to use formal disciplinary measures, it is intended that the discipline be administered fairly, without prejudice and only for cause.

Disciplinary actions are of several levels, including oral and written warnings, disciplinary probation, and termination. The frequency and/or severity of misconduct determine which level of disciplinary action is required.

Progressive discipline is not required for all offenses. This Agency reserves the right to terminate employees for commission of serious infractions, regardless of progressive discipline.

All employees are hired for an unspecified duration, and employee classification does not guarantee employment for any specific length of time. Employment is at the mutual consent of the employee and Bost, Inc. Bost, reserves the right to hire, promote, demote, discharge or terminate employment and compensation at any time, with or without cause, and with or without advance notice.

## **WARNINGS**

A supervisor may address disciplinary issues with either verbal or written warnings prior to taking further disciplinary action.

Documentation of written warnings will be signed by the supervisor and the employee and kept in the

employee's personnel file. The employee's signature indicates receipt of the document, but not necessarily his or her agreement with it. This document will include indication of the date, violation, indication of necessary improvement, and information concerning further disciplinary actions that could result from failure to show improvement.

Note: Warned employees who feel that they have been treated unfairly may utilize the Conflict Resolution Procedure.

### **PROBATION**

An employee may be placed on probation as a disciplinary or work performance measure with the approval of the Executive Director or his designee. If both the Executive Director and his designee are unavailable, then the respective Department Director may place the employee on probation. The supervisor, along with the respective Department Director, shall be responsible for outlining the conditions of the probation, monitoring and evaluating the work performance of the employee on probation. An employee may be terminated at any time during the probation if the employee violates the terms of the probation.

The Department Director, with approval from the Executive Director, or his designee, reserves the right to extend the probationary period.

Note: Employees who feel they have been treated unfairly may utilize the Conflict Resolution Procedure. The employee, after being placed on probation, may utilize the Conflict Resolution Procedure starting at STEP 2 of the Conflict Resolution Procedures. (See Conflict Resolution Procedures)

### **SUSPENSION**

Employees may be suspended for action deemed detrimental to the needs and rights of the Agency and clients. The purpose of suspension is to relieve the individual employee from the duties, responsibilities, and the environment of the Agency for the purpose of assessing an employee's performance or action, and/or to conduct an investigation.

When an individual employee's work performance or a specific action/incident is deemed serious to the extent requiring disciplinary action, suspension may be considered by the employee's supervisor. If suspension is believed to be warranted by a supervisor, the respective Department Director shall be consulted.

The suspension may be made verbally to employee; however, all action taken by the Supervisor related to suspension shall be recorded in writing by the Supervisor and made a part of the individual's personnel file.

Note: Employees who feel that they have been treated unfairly may utilize the Conflict Resolution Procedure. The employee, after being placed on suspension, may utilize the Conflict Resolution Procedure starting at STEP 2 of the Conflict Resolution Procedures. (See Conflict Resolution Procedures)

## TERMINATION OF EMPLOYMENT

Employees may be dismissed for sufficient cause including but not limited to:

- lack of work
- completion of work requirements
- completion of a particular contract
- reduction of work force

Or disciplinary reasons including, but not limited to:

- incompetence
- misconduct
- neglect or abuse of individuals served by Bost, Inc.
- dishonesty in any matter or theft – including, but not limited to, the removal of company property or the property of another employee, of any value, from company premises without prior authorization
- obtaining or conveying, without prior management approval, confidential financial or proprietary business information concerning Bost or its trade secrets or customer base
- drugs/alcohol – possession, use, sale, purchase or distribution on Bost, Inc. property or while providing care for Bost consumers, of alcohol or any illegal drugs or illegally possessed drugs. Also: reporting to work after having ingested alcohol or illegal drugs or illegally possessed drugs, in a condition that adversely affects the employee's ability to safely and effectively perform his/her job functions, or which would imperil the safety of individuals served by Bost, Inc. and other employees. Employees with safety sensitive jobs will not be protected from possible employment termination when under the influence of drugs or alcohol immediately before, during or after their shift, regardless of legal use or legal possession
- coming to work and/or operating a company vehicle, at any time, while under the influence of drugs or alcohol
- safety violations, disregard of Agency safety policy or any serious accident that is chargeable to or preventable by the employee
- knowingly accessing and/or altering the electronic time clock or case notes of another employee or soliciting such conduct from another employee
- falsifying or altering company records
- sabotaging or willfully damaging Bost, Inc. equipment or the property of other employees
- exhibiting indecent or immoral conduct or language
- conviction or a criminal or traffic offense that would prevent an employee from completing his/her job duties
- walking off the job without supervisory permission
- insubordination involving, but not limited to, assaulting or threatening to assault a supervisor, and refusing to carry out the order of a supervisor where personal safety is not a problem
- threats of violence
- physical violence, fighting or provoking a fight on Agency premises
- frequent tardiness
- unexcused, frequent or prolonged absences
- absence for more than one working day without notice to the supervisor, in which event the offending employee may be deemed to have quit voluntarily
- sleeping on the job

- working for another employer while on leave of absence without written consent of Bost
- carrying a concealed weapon onto a BOST, Inc. facility/location parking lot that is not privately owned or unlawfully carrying a weapon onto a BOST, Inc. facility/location that is privately owned
- failing to disclose possession of a weapon onto a privately owned BOST, Inc. parking lot when all requirements are met
- other behavior contrary to the mission of the Agency, these Personnel Policies, or the duties of the individual job descriptions

A severance may be given to an employee upon termination or discharge based on the individual circumstance of the termination.

The Department Director shall terminate employees only with the approval of the Executive Director or designee. All action taken by the Department Director relating to termination shall be documented by the Department Director and made a part of the individual's personnel file.

All employees are hired for an unspecified duration, and employee classification does not guarantee employment for any specific length of time. Employment is at the mutual consent of the employee and Bost, Inc. Bost reserves the right to hire, promote, demote, discharge, or terminate employment and compensation at any time, with or without cause, and with or without advance notice.

Note: The employee, after being terminated, may utilize the Conflict Resolution Procedure starting at STEP 2 of the Conflict Resolution Procedures.

### **CONFLICT RESOLUTION**

The following has been established to provide employees with an appeal against decisions that they believe are unjust. Every effort should be made to solve a conflict at the earliest possible time and at the lowest possible step in the conflict resolution procedure. During the initial 90 days the employee does not qualify to utilize the conflict resolution policy.

If a disagreement cannot be solved with the employee's immediate supervisor, the following steps may be taken:

STEP 1. If the problem has not been resolved satisfactorily within seven calendar days, the employee should contact the authorized Department Director (or Manager) in writing, clearly stating that the employee has a conflict needing to be resolved. The Department Director shall have seven calendar days to issue an acknowledgment to the employee after receiving notice from the employee of the conflict. The Department Director shall schedule a meeting with all interested parties. The results of the meeting and the decision of the Department Director will be documented with a copy sent to the Director of Human Resources, the employee, the supervisor, and any other party involved in the conflict.

STEP 2. If the problem still has not been resolved, an employee seeking further resolution should contact the Executive Director or designee in writing within seven calendar days after the receipt of the Department Director's decision. The Executive Director or designee shall have seven calendar days to issue an acknowledgment to the employee after receiving notice of the conflict from the employee. The associate

Executive Director or designee shall schedule a meeting with all interested parties, which will include the employee, their immediate supervisor and may include the Department Director. The results and decision of the Executive Director or designee will be documented with a copy sent to the employee, the supervisor and the Department Director.

STEP 3: If the employee seeks further resolution made by the Executive Director or designee, the employee may request a meeting with the Personnel Committee of the Board of Directors. The employee should contact the Executive Director or designee within seven calendar days after receiving the decision in Step 2. Within 7 days upon receiving request from employee, the Executive Director or designee will arrange for a meeting of the Personnel Committee through the direction of the Committee Chairperson within seven days of receiving the request from the employee and shall notify the employee of the date, time and location of the meeting with the Personnel Committee. The decision of the Personnel Committee is final and shall be communicated in writing by the Committee Chairperson to all parties involved within seven days of the hearing with the employee.

### **INTERNET AND E-MAIL**

Because of the unique nature of E-mail/Internet and because of Bost's desire to protect its interest with regard to its electronic records, the following guidelines have been established to address E-mail/Internet usage.

Bost's E-mail and Internet systems are to be used for business purposes only. You may not use them for personal purposes during working time. All E-mail and Internet records are considered records of Bost and are subject to inspection and disclosure to law enforcement or government officials or to other third parties through subpoena or other process.

You should not have an expectation of privacy in E-mails or Internet usage and should not consider these records as private or confidential. Even when a record is erased, it is still possible to retrieve the record. Bost has the right and ability to track, review, audit, or disclose any records originating and/or accessed by you.

Bost's E-mail and Internet systems should not be used to create or disseminate any discriminatory, defamatory or threatening communications. Among those considered discriminatory, defamatory or threatening are any communications which contain sexual implications, racial slurs, gender-specific comments, or any other comment that inappropriately or unprofessionally addresses someone's age, sexual orientation, religious or political beliefs, national origin or disability.

Bost's E-mail and Internet systems should not be used to access any discriminatory, defamatory or threatening web sites (e.g. pornographic sites, hate speech, criminal skills, illegal drugs, etc.). You are prohibited from using Bost's e-mail or internet systems to perform any act which is illegal or otherwise in violation of any applicable federal, state, or local laws.

Failure to comply with this policy will result in appropriate disciplinary action, which may include termination of employment. Any non-compliance that is in violation of state or federal legislation may also result in penalties specified by the law.

## **SOCIAL MEDIA**

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

### **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 Bost, Inc. as well as any other form of electronic communication.

The same principles and guidelines found in Bost inc. policies and three basic beliefs apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees or otherwise adversely affects anyone receiving services or working on behalf of Bost or Bost's legitimate business interests may result in disciplinary action up to and including termination.

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

Carefully read these guidelines, the Bost Code of Ethical Conduct and any other applicable agency policies related to communications via social media and ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

### **Be respectful**

Always be fair and courteous to consumers, fellow employees and anyone working on behalf of Bost. Also, keep in mind that you are more likely to resolved work-related complaints by speaking directly with your co-workers or by contacting your immediate supervisor 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 consumers, fellow employees or anyone working on behalf of Bost 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 Bost Inc., fellow employees, consumers, vendors, people working on behalf of Bost or competitors.



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

- Maintain the confidentiality of Bost, Inc. proprietary or confidential information. Proprietary information may include information regarding the development of systems, processes, products, know-how and technology. Do not post internal reports, policies, procedures, or other internal business-related confidential communications.
- Respect financial disclosure laws. It is illegal to communicate or give a "tip" on inside information to others so that they may buy or sell stocks or securities. Such online conduct may also violate the Insider Trading Policy.
- Do not create a link from your blog, website or other social networking site to a Bost website without identifying yourself as a Bost employee.
- Express only your personal opinions. Never represent yourself as a spokesperson for Bost. If Bost 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 Bost, fellow employees, consumers, vendors or people working on behalf of Bost. If you do publish a blog or post online related to the work you do or subjects associated with Bost, make it clear that you are not speaking on behalf of Bost. 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 Bost, Inc."

### **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 agency policies. Do not use Bost, Inc. email addresses to register on social networks, blogs or other online tools utilized for personal use.

### **Retaliation is prohibited**

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

### **Media contacts**

Employees should not speak to the media on Bost's behalf. All media inquiries should be directed the Executive Director.

### **For more information**

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

## **MOBILE PHONES & OTHER ELECTRONIC DEVICES**

While at work, employees are expected to exercise discretion in using mobile phones and other electronic devices for personal use. Mobile phones should be turned off or set to silent or vibrate mode during meetings, conferences and in any circumstance where incoming calls may be disruptive.

Bost will not be liable for the loss or damage of personal mobile phones or other electronic devices brought into the workplace.

When job duties or business needs demand, the agency may issue a mobile phone and/or other electronic devices to an employee. Personal use of agency-issued mobile phones and/or other electronic devices should be exclusively used to meet the needs of the business. Employees in possession of agency-owned mobile phones and/or other electronic devices are expected to protect the equipment from loss, damage, or theft. Upon resignation or termination of employment, or at any time on request, the employee may be asked to produce the phone for return or inspection.

All employees are expected to follow applicable local, state, and federal laws and regulations regarding the use of mobile phones and electronic devices always.

Employees are required to use hands-free devices at all times or pull off to the side of the road and safely stop the vehicle before placing or accepting a call.

Employees whose job responsibilities include transporting consumers are required to refrain from using mobile phones or electronic devices while driving. In case of an emergency employees should pull over to make calls.

Employees violating this policy will be subject to discipline, up to and including termination of employment.

### **DISTRACTED DRIVING**

The dangers of distracted driving are a serious concern to Bost, Inc. Recent news reports of deadly crashes involving distracted drivers highlight a growing danger on our roads. Due to this concern, Bost, Inc. has established this policy to protect the safety of our employees, the safety of the general public and the company's assets and reputation.

Based upon this concern, Bost, Inc. has made an effort to fairly and economically institute a Distracted Driving Policy but still operate its business in a safe and practical manner. Employees should comply with all federal, state, and local laws and regulations regarding the use of mobile technology devices including cellular phones. [The Governors Highway Safety Association maintains a list of state and local restrictions on cellular phone use ([www.ghsa.org](http://www.ghsa.org)).]

The following activities, while driving or operating a motorized vehicle on company business, are prohibited:

1. Use of hand held cellular phones while driving. Unless specifically equipped with (Hands-Free Device), HFD, cell phones and/or smart phones must be turned off or put in the silent or vibrate mode before starting the vehicle. Cellular phone calls using hands-free technology while driving are discouraged. To minimize the impact of distraction, calls, if any, should be brief. Extended conversations should be made while not driving.
2. Answering or making phone calls, unless by the HFD;
3. Creating, reading or responding to text messages or e-mails, dialing cellular phones, viewing television, videos or DVDs and inputting data into laptop computers, personal digital assistants or navigation systems;

4. Engaging in conversations using phones, two-way radios or other communication devices, unless by the HFD;
5. Entering information into an electronic navigation system ("GPS"), computer, dispatch device or other electronic device which requires the user to manually enter information; and
6. Use of headphones, earphones, or similar equipment to listen to the radio, MP3 players, CD players or other entertainment devices.

To implement the Distracted Driving Policy, the following activities, other than use of the HFD for business purposes by the employee, will be prohibited:

1. Unless the employee is using the HFD, a vehicle being driven on company business must be parked in a legal and safe location before placing or answering a phone call, reading or responding to e-mails/text messages or similar;
2. Unless the employee is able to use the HFD, employees receiving calls from other employees who are, or are likely to be, driving are to ask if they are driving and, if so, ask them to call back when they are safely parked;
3. Addresses or other information must be manually entered into a GPS or other dispatch device prior to putting the vehicle into motion;
4. Before starting the vehicle, all objects in the vehicle are to be secured, placed on the floor or other location where each will not fall or otherwise distract the driver;
5. Drivers are to avoid reaching for objects, papers, maps, etc. while the vehicle is in motion; and
6. Drivers are to avoid any activity that diverts attention from the driving task, such as reading, writing, adjusting controls, etc. unless the vehicle is stopped, parked off the road with emergency flashers on, and in a safe location.

The prohibited activities and required practices listed above apply to:

1. The operation of any vehicle on company business regardless of whether the vehicle is owned by the company or the employee;
2. All communication devices other than the HFD;
3. All devices, other than the HFD, whether owned by the company or by the employee; and
4. All conversations, whether personal or business in nature.

**NOTE: Bost, Inc. fully expects the employee to operate the HFD in a safe and practical manner while ensuring the safe and practical operation of the Organization vehicle. Should the employee be concerned the use of the HFD results in the operation of the Organization vehicle in an unsafe manner, the employee shall always err on the side of caution and shall restrict the use of the HFD in**

the Organization-owned vehicle until the employee is able to safely pull the Organization-owned vehicle to the side of the road, slow to a stop and place the Organization-owned vehicle in park with its emergency flashers in operation before operation of the HFD.

Bost, Inc. is concerned about the safety and wellbeing of its employees. This is so important that violations of this policy will be considered serious by the company and may result in the imposition of discipline up to and including immediate termination.



## **CDL Substance Abuse Policy**

**In Accordance with US Department of Transportation and Federal Motor Carrier Safety Administration Regulations**

**Arkansas Transit Association  
FMCSA Drug & Alcohol Testing Consortium**

**Bost, Inc.  
Substance Abuse Policy  
In Accordance with USDOT and FMCSA Regulations**

Bost, Inc. is dedicated to providing safe and dependable transportation services. Bost's employees are a valuable resource, and it is our goal to provide a safe, healthy, and satisfying working environment, free of the potential dangers posed by the use of prohibited drugs and misuse of alcohol.

This policy is established to comply with the Federal Motor Carrier Safety Administration (FMCSA) rules codified as 49 CFR Part 382, as amended, and the USDOT regulations codified as 49 CFR Part 40, as amended, and is only applicable to employees covered by these regulations.

***Policy provisions authorized by Bost, Inc. are italicized and bolded throughout this policy.*** All other policy provisions are implemented under the authority of the United States Department of Transportation (USDOT) and the Federal Motor Carrier Safety Administration (FMCSA).

## 1. Testing Program Background

The Omnibus Transportation Employee Testing Act of 1991 (OTETA) directed the United States Department of Transportation (USDOT) to promulgate regulations outlining the procedures for transportation workplace drug and alcohol testing. The USDOT regulations titled “Procedures for Transportation Workplace Drug and Alcohol Testing” are codified as 49 CFR Part 40. The regulations ensure uniform practices for specimen collections, laboratory analysis, medical review, result reporting, and the return-to-duty process for violating employees. The regulations are applicable to safety-sensitive employees in transportation workplaces throughout the nation (transit, railroad, aviation, commercial drivers, etc.).

The OTETA also directed each transportation administration to craft industry-specific regulations that define which employees are subject to testing, the testing circumstances, policy statement requirements, and training requirements, relevant to that industry. Bost, Inc. is required to comply with both the USDOT regulations described above and the Federal Motor Carrier Safety Administration (FMCSA) regulations “Controlled Substance and Alcohol Use and Testing”, which are codified as 49 CFR Part 382.

## 2. Employee Applicability

This policy and the USDOT/FMCSA testing program applies to any Bost employee who drives a vehicle which requires the individual to hold a Commercial Drivers License (CDL) to operate the vehicle. A commercial motor vehicle is defined as:

- A vehicle with a passenger capacity of 16 or greater, including the driver\*
- A vehicle or combination of vehicles with the GVW of 26,001 lbs. or greater
- A vehicle that is placarded for hazardous materials transport

\*Applicable vehicle to Bost

## 3. USDOT/FMCSA Prohibited Drugs

Consumption of the following drugs is prohibited at all times:

- Amphetamines
- Cocaine
- Marijuana
- Opioids
- Phencyclidine (PCP)

## 4. Pre-employment Drug and Alcohol Background Checks

In accordance with 49 CFR Part 40.25, Bost must make and document good-faith efforts to perform drug and alcohol background checks on all applicants applying for a position which will require the employee to operate a commercial motor vehicle as defined above. Testing information will be requested from each of the applicant’s previous DOT-covered employers during the three years prior to the date of application. Bost must obtain written consent for the release of their drug and alcohol testing information from their previous DOT-covered employers to Bost. Applicants refusing to provide written consent are prohibited from operating a commercial motor vehicle for Bost.

Bost must also ask all applicants whether they have tested positive or refused to test on any pre-employment drug or alcohol test for an employer to which the employee applied for, but did not obtain, DOT safety-sensitive work during the previous two years.

Applicants who have previously violated the USDOT testing program must provide documentation that they have successfully completed the USDOT's return-to-duty process with a DOT-qualified Substance Abuse Professional (SAP). Failure to provide satisfactory documentation will exclude the applicant from being hired as an operator of commercial motor vehicles for Bost.

#### 5. Pre-Employment Testing

All applicants for CDL-required positions shall undergo a pre-employment urine drug test. Bost must receive a verified negative drug test result prior to the applicant's first driving duty in a CDL-required vehicle, including behind-the-wheel training.

***Per Bost authority, if an applicant's pre-employment urine drug test result is verified as positive, the applicant will be excluded from consideration for employment with Bost.*** Applicant will be provided a list of USDOT-qualified Substance Abuse Professionals or contact information for a Substance Abuse Professional referral service, as required.

An employee returning from an extended leave period of 30 consecutive days or more, and whose name was also removed from the random testing pool for 30 days or more, must submit to a pre-employment urine drug test. Bost must be in receipt of a negative drug test result prior to the employee resuming their driving duties in a CDL-required vehicle.

#### 6. Random Testing

Employees will be subject to random, unannounced testing. Bost will perform random testing in a manner that meets or exceeds the FMCSA minimum annual testing requirements, as amended. The selection of employees for random testing will be made using a scientifically valid method. All employees in the testing pool will have an equal chance of being selected each time random selection is performed. Random alcohol tests will be conducted just before, during, or just after the employee has performed driving duties in a CDL-required vehicle. Random drug tests may be conducted anytime an employee is on duty, on call for duty, or on standby for duty.

Once an employee is notified that they have been selected for a random test, they must proceed immediately to the testing location. Failure to proceed immediately may be deemed a refusal to test.

#### 7. Reasonable Suspicion Testing

An employee must submit to reasonable suspicion drug and/or alcohol testing when a supervisor or company official trained in detecting signs and symptoms of drug use and alcohol misuse has made specific, contemporaneous, articulable observations concerning an employee's appearance, speech, behavior, and/or body odor. Reasonable suspicion testing for alcohol misuse will occur when observations are made just before, during, or just after the employee has performed driving duties in a CDL-required vehicle. Reasonable suspicion testing for prohibited drug use may be conducted when observations are made any time an employee is on duty or on standby for duty. **Per Bost authority, an employee who undergoes a reasonable suspicion drug test will not be permitted to perform safety sensitive duties until a negative test result is received.**

#### 8. Post-Accident Testing

Fatal Accidents: Drivers must submit to post-accident drug and alcohol testing following an accident involving a CDL-required vehicle that results in the loss of human life.

Non-Fatal Accidents: Drivers of a CDL-required vehicle who have been involved in a non-fatal accident in which an individual suffered bodily injury and immediately received medical treatment away from the scene, OR one or more vehicles incurred disabling damage that required the vehicle(s) to be towed away from the scene, must submit to post-accident drug and alcohol testing if the driver was issued a citation (citation must be issued within 8 hours of the accident for alcohol and within 32 hours of the accident for drugs) from a state or local law enforcement agency.

Post-accident drug and alcohol tests will be conducted as soon as practicable following the accident. An employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until the employee undergoes a post-accident alcohol test, whichever occurs first. An employee who leaves the scene of the accident without a justifiable reason or explanation prior to submitting to drug and alcohol testing will be deemed to have refused the test. However, employees are not prohibited from leaving the scene of an accident to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

#### 9. Urine Specimen Collections

Urine specimen collections will be conducted in accordance with USDOT rule 49 CFR Part 40, as amended. Collectors will be appropriately trained and qualified to perform urine specimen collections for USDOT-covered employers. Urine specimen collectors will use the split specimen collection method and will afford the donor (employee) the greatest degree of privacy permitted per 49 CFR Part 40, as amended. When an observed collection is required, the observer will be of the same gender as the donor (employee).

#### 10. **Refusal to Submit to USDOT/FMCSA-Required Drug Testing**

The following actions constitute a "refusal to test" in accordance with 49 CFR Part 40, as amended:

- a. Failure to appear for any test within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer (excluding pre-employment testing)
- b. Failure to remain at the testing site until the testing process is complete, provided that an individual who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test
- c. Failure to provide a urine specimen for any drug test required by this part or DOT agency regulations
- d. In the case of a directly observed or monitored collection in a drug test, failure to permit the observation or monitoring of your specimen production
- e. Failure to provide a sufficient amount of urine when directed, when it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure
- f. Failure or declining to take an additional drug test the employer or collector has directed you to take
- g. Failure to undergo a medical examination or evaluation as directed by the MRO, as part of the verification process, or as directed by Bost.
- h. Failure to cooperate with any part of the testing process (e.g., refusal to empty pockets when directed by the collector, behaving in a confrontational way that disrupts the collection process, or failure to wash hands after being directed to do so by the collector)
- i. For an observed collection, failure to follow the observer's instructions to raise your clothing above the waist, lower clothing and underpants, and turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process

- j. Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process
- k. Admitting to the collector or MRO that you adulterated or substituted the specimen
- l. When the MRO verifies your drug test result as adulterated or substituted

Refusing to submit to a USDOT/FMCSA-required test is a violation of the USDOT/FMCSA testing program. Employees are required to be immediately removed from driving duty and provided a list of USDOT-qualified Substance Abuse Professionals or contact information for a Substance Abuse Professional referral service. **Per Bost authority, violation of the USDOT/FMCSA testing program will result in termination of employment.**

#### 11. Urine Specimen Analysis

All specimens will be transported or shipped to a laboratory certified by the Department of Health and Human Services (DHHS). All specimens will be analyzed at the laboratory in accordance with 49 CFR Part 40, as amended. The procedures that will be used to test for the presence of prohibited drugs will protect the employee, protect the integrity of the drug testing process, safeguard the validity of the test results, and ensure that the test results are attributed to the correct employee. Laboratory-confirmed drug test results will be released only to a certified Medical Review Officer (MRO) for review and verification.

#### Negative-Dilute Specimens

Upon receipt of an MRO-verified negative-dilute drug test result with creatinine levels greater than 5 mg/dl, but less than 20 mg/dl, Bost will require applicants and employees to submit to a second urine collection, per 49 CFR Part 40.197. The collection of the second specimen will not be conducted using direct observation procedures. The MRO-verified result of the second urine drug test will be accepted by Bost as the final result and the test of record. **Bost will apply this policy provision uniformly for all pre-employment and random urine drug tests reported by the Medical Review Officer as having creatinine levels greater than 5mg/dl, but less than 20mg/dl (negative-dilute results).** Once notified that a second collection is required, employees must proceed immediately for testing. An employee's failure to report immediately may be deemed as a refusal to submit to testing, which is a violation of the USDOT/FMCSA testing program. **Per Bost authority, violation of the USDOT/FMCSA testing program will result in termination of employment.**

#### 12. Role of the Medical Review Officer (MRO)

The role of the Medical Review Officer (MRO) is to review and verify laboratory-confirmed test results obtained through a DOT-covered employer's testing program. When a non-negative drug test result is received, the MRO will communicate with the donor (employee) to determine if a legitimate medical explanation exists. When a medication legally prescribed to the donor has produced a non-negative result, the MRO will verify the prescription and report the result as "negative" to Bost. Medical conditions and other information obtained by the MRO during the interview with the donor will be maintained in a confidential manner. However, if the MRO believes that a medication prescribed to the donor may pose a significant safety risk, the MRO will require the donor to contact his/her prescribing physician and request that the physician contact the MRO within 5 business days. The MRO and prescribing physician will consult to determine if the employee's medication use or medical condition presents a significant safety risk. If the employee's prescribing physician fails to respond, the safety concern will be reported to Bost without consultation. Based on the MRO recommendation, Bost may deem the employee medically disqualified from performing driving duties in a CDL-required vehicle.



### 13. Consequence for MRO-Verified Positive Drug Test

When Bost is notified of an MRO-verified positive drug test or a test refusal due to adulteration or substitution, the violating employee will be immediately removed from driving duties and provided a list of DOT-qualified Substance Abuse Professionals or contact information for a Substance Abuse Professional referral service. Applicants will be excluded from hire and provided a list of DOT-qualified Substance Abuse Professionals or contact information for a Substance Abuse Professional referral service. **Per Bost authority, violation of the USDOT/FMCSA testing program will result in termination of employment.**

### 14. Split Specimen Testing

As an important employee protection, split specimen collection procedures will be used for all USDOT/FMCSA urine collections. When an employee challenges an MRO-verified result, he/she may request that the split specimen (bottle B) be tested at a different DHHS-certified laboratory than conducted the test of the primary specimen (bottle A). Instructions for requesting the split specimen test will be provided by the Medical Review Officer during his/her interview with the donor (employee). In accordance with USDOT rule, Bost will ensure that the fee to process the split specimen test is covered, in order for a timely analysis of the split specimen. **Bost may seek reimbursement for the cost of the split specimen test from the employee.**

### 15. Use of Prescription and Over-the-Counter Drugs

Safety-sensitive employees are permitted to use prescription and over-the-counter (OTC) drugs if all of the following conditions are met:

- a. The prescription drug was prescribed for the employee, not another individual.
- b. The prescription drug is used as prescribed.
- c. The prescription or OTC drug does not prevent the employee from performing their job safely.
- d. The employee's physician is aware of the employee's job duties and still advises use of the prescription or OTC drug.
- e. The employee is not prohibited from using the prescription or OTC drug by their employer.

### 16. Use of "Medical Marijuana" and CBD

Though medicinal use of marijuana is legal under Arkansas law, its use is prohibited by both federal law and USDOT regulations. This includes other substances, such as CBD products, that contain delta-9 Tetrahydrocannabinol (THC). A drug test result that is positive for the presence of marijuana will not be reversed (changed to negative) based on the fact that the employee holds a medical marijuana registry ID card. **The consequences of a positive drug test due to use of "medical marijuana" or other THC-containing substances are the same as any other verified positive drug test result, including termination of employment under Bost authority.**

### 17. Alcohol Prohibition

Employees are prohibited from consuming alcohol while driving a CDL-required vehicle, within (4) four hours prior to performing driving duties in a CDL-required vehicle, or during the hours that they are on call or standby for duty. No employee shall report for duty or remain on duty while having an alcohol concentration of 0.04 or greater.

Employees must not consume alcohol within eight (8) hours following an accident that requires post-accident drug and alcohol testing, or until the employee submits to post-accident testing, whichever occurs first.

## 18. Alcohol Testing

All alcohol screening and confirmation tests will be performed in accordance with USDOT rule 49 CFR Part 40. The procedures that will be used to test for alcohol misuse will protect the employee and the integrity of the testing process, safeguard the validity of the test results, and ensure that the test results are attributed to the correct employee.

When an alcohol screening test indicates a blood alcohol concentration (BAC) of 0.02 or greater, a confirmation test will be performed using an evidential breath-testing device listed on the USDOT/ODAPC webpage as an "Approved Evidential Breath Measurement Device". The confirmed blood alcohol concentration (BAC) result will be transmitted by the technician to Bost in a confidential manner. An employee who has a confirmed blood alcohol concentration (BAC) of 0.02 or greater, but less than 0.04, will be removed from driving duties for a period of at least twenty-four (24) hours, per 49 CFR Part 382.505.

## 19. **Consequence for a USDOT/FMCSA-Confirmed Alcohol Violation**

An employee with a confirmed blood alcohol concentration (BAC) of 0.04 or greater has violated the USDOT/FMCSA testing program and will be immediately removed from driving duty and provided a list of DOT-qualified Substance Abuse Professionals or contact information for a Substance Abuse Professional referral service. ***Per Bost authority, violation of the USDOT/FMCSA testing program will result in termination of employment.***

## 20. Refusal to Submit to USDOT/FMCSA-Required Alcohol Testing

The following actions constitute a refusal to submit to an alcohol test:

- a. Failure to appear for any test within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer
- b. Failure to remain at the testing site until the testing process is complete, provided that an individual who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test
- c. Failure to provide an adequate amount of saliva or breath for any USDOT-required alcohol test
- d. Failure to provide a sufficient breath specimen unless a required medical evaluation provides an adequate medical explanation for the failure
- e. Failure to undergo a medical examination or evaluation, as directed by the employer
- f. Failure to sign the certification at Step 2 of the ATF
- g. Failure to cooperate with any part of the testing process

Refusing to submit to a USDOT/FMCSA-required test is a violation of the USDOT/FMCSA testing program. Employees must be immediately removed from driving duty and provided a list of USDOT-qualified Substance Abuse Professionals or contact information for a Substance Abuse Professional referral service. ***Per Bost authority, violation of the USDOT/FMCSA testing program will result in termination of employment.***

## 21. **FMCSA Drug and Alcohol Clearinghouse Reporting Requirement**

In an effort to ensure that violating employees are not able to resume safety-sensitive duties (driving a commercial motor vehicle) until they have successfully completed the USDOT's return-to-duty process, the FMCSA has implemented a Drug and Alcohol Clearinghouse in accordance with 49 CFR Part 382, Subpart G. The following information must be reported to the FMCSA Drug and Alcohol Clearinghouse by the appropriate party:

- a. A verified positive, adulterated, or substituted drug test result

- b. An alcohol confirmation test with a concentration of 0.04 or higher
- c. A refusal to submit to any test required by subpart C of this part
- d. An employer's report of actual knowledge, as defined at §382.107:
  - i. On-duty alcohol use, pursuant to §382.205
  - ii. Pre-duty alcohol use, pursuant to §382.207
  - iii. Alcohol use following an accident, pursuant to §382.209
  - iv. Controlled substance use, pursuant to §382.213
- e. A Substance Abuse Professional report of the successful completion of the return-to-duty process
- f. A negative return-to-duty test
- g. An employer's report of completion of follow-up testing

## 22. Querying the Clearinghouse

Before hiring or transferring an employee into a safety-sensitive position, Bost is required to run a full query of the employee's drug and alcohol violation history in the FMCSA Drug and Alcohol Clearinghouse, per 49 CFR 382.701(a). This full query requires the employee's electronic consent through the Clearinghouse.

Bost must conduct a limited or full query of the employee's drug and alcohol violation history in the Clearinghouse at least once per year, per 49 CFR 382.701(b). Conducting a limited query requires the employee's written consent, though that consent may be valid for more than one year. If the limited query indicates that records exist for the driver in the Clearinghouse, Bost must then conduct a full query. Conducting a full query requires the employee's electronic consent through the Clearinghouse.

Refusal to provide the required consent for a limited or full query of the Clearinghouse will result in removal of the employee from safety-sensitive functions, in accordance with 49 CFR 382.703(c). ***Per Bost authority, refusal to provide the required consent for a limited or full query of the Clearinghouse will result in termination of employment.***

## 23. Bost Testing Program Contact

For information regarding this policy and the required testing program, please contact the Human Resources Director.

The regulations referenced throughout this policy may be obtained from the USDOT's Office of Drug and Alcohol Policy and Compliance website: <https://www.transportation.gov/odapc> and the Federal Motor Carrier Safety Administration's website: <https://www.fmcsa.dot.gov/regulations>.

**APPENDIX C**

**Arkansas Department of Transportation**  
**and**  
**Arkansas Transit Association**  
**FMCSA Substance Abuse Program**

---

---

***Acknowledgment of Receipt  
Employer's Substance Abuse Policy***

I, \_\_\_\_\_, the undersigned, hereby acknowledge that I have received a copy of the drug abuse and alcohol misuse program policy mandated by the U. S. Department of Transportation, Federal Motor Carrier Safety Administration for all covered employees who perform a safety-sensitive function. I understand this policy is required by 49 CFR Part 382 and has been duly adopted by \_\_\_\_\_. Any provisions contained herein which are not required by 49 CFR Part 382, as amended, that have been imposed solely on the authority of the entity stated above, have been so noted.

I further understand that receipt of this policy constitutes a legal notification of the contents, and that it is my responsibility to become familiar with and adhere to all provisions contained therein. I will seek and get clarification for any questions from the Drug and Alcohol Program Manager listed in the policy. I also understand that compliance with all provisions contained in the policy is a condition of my employment.

I further understand that the information contained in the approved policy dated \_\_\_\_\_ is subject to change, and that any such changes or addenda shall be disseminated to me in a manner consistent with 49 CFR Part 382, as amended.

Acknowledged this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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

\_\_\_\_\_  
Witness

## **Section VI**

# **Acknowledgments and Notices**

MEMO

TO: All Employees

Authorization for traffic violation reports:

I understand that a traffic violation report may be obtained on me and all other drivers listed on my policy record or application. I hereby authorize Bost, Inc. ("Bost, Inc.") to obtain such report randomly for its internal use. I understand that this information may be released to Bost, Inc. insurance carrier for its records, and I further understand that in obtaining a traffic violation report, a consumer reporting agency may be used by the insurer and do hereby authorize such use. **The Company has given me consent forms pursuant to the Fair Credit Reporting Act.**

\_\_\_\_\_  
Employee's Full Name

\_\_\_\_\_  
Driver's License Number

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date of Birth

\_\_\_\_\_  
State of Issue

\_\_\_\_\_  
SSN

\_\_\_\_\_  
Signature

## CONFIDENTIALITY AGREEMENT

This Agreement ("Agreement") is entered into this day of \_\_\_\_\_, 201\_\_\_\_, by and between Bost, Inc. ("Employer"), its successors, assigns, affiliates, and \_\_\_\_\_, ("Employee").

In my employment with Employer, I may be given access to confidential, trade secret, and proprietary information about its business, including access to customers, potential customers, industry information, and training that will enable me to function successfully at Employer and will assist me in promoting Employer's reputation and client base.

Because of this, I agree as follows:

Proprietary Information is Confidential. I agree that, during the term of my employment and forever thereafter, except as specifically required in my duties to Employer, I will hold in a fiduciary capacity for the benefit of Employer, and will not, at any time or in any manner, either directly or indirectly, disclose to any individual or entity outside Employer, or in any other manner distribute any business, proprietary, trade secret, or confidential information of Employer (collectively "Proprietary Information") to any individual or entity outside Employer. I will consider and keep Proprietary Information private and as the privileged information of Employer.

Proprietary Information. The term "Proprietary Information" means any information that could provide an advantage or benefit to a competitor of Employer or harm to Employer if disclosed to such competitor, including any data or information not reasonably known outside Employer, whether prepared or developed by or for Employer or otherwise developed or received by Employer under such circumstances that warrant classification as Proprietary Information. Proprietary Information specifically includes, but is not limited to, information covered by the Arkansas Trade Secrets laws, A.C.A. §4-75-601(4), data, figures, sales or customer or potential customer information, lists or files, figures, estimates, accounting procedures, promotions, price lists, profit information, cost information, accounting information, manner of operations, plans, processes, projections, and any data and information providing the basis therefore, and any business method (including manufacturers, production, marketing, distribution and product specifications), compiled or maintained by Employer in any form. Specifically, client relationships are Proprietary Information.

Return of Documents or Materials upon Termination. I will immediately return any property or information provided by Employer or relating to Employer that is in my possession or under my control at the termination of my employment. I will not retain any such property or information (specifically including Proprietary Information) either in its original form or any duplicate, by copying, summarizing, or any other process.

Reasonable and Necessary Restrictions. I acknowledge that the restrictions, prohibitions, and other provisions of this Agreement are reasonable, fair and equitable, that they are necessary to protect the legitimate business interests of Employer and that they are a material reason for Employer to hire me. I promise not to challenge the enforceability of this Agreement and not to raise any equitable defense to its enforcement. All Proprietary Information is important, integral, and material to the effective and successful conduct of Employer's business and good will and that disclosure will adversely affect Employer's business and good will.

Specific Performance and Damages. I acknowledge that these obligations are unique and that monetary damages may not suffice to remedy a breach. Therefore, I confirm that Employer's right to specific

performance of this Agreement is essential to protect its rights and interests. Accordingly, in addition to any other remedies that Employer may have at law or in equity, Employer will have the right to have all obligations, covenants, agreements, and other provisions of this Agreement specifically performed by me. Further, Employer will have the right to obtain a preliminary and/or permanent injunction to ensure specific performance and to prevent an inevitable disclosure or other breach of this Agreement. Employer may also be entitled to monetary damages in addition to, or as an alternative to, specific performance or equitable relief. Employer will specifically be entitled to reasonable attorneys' fees and costs for enforcing this Agreement.

At-Will Relationship. I understand and acknowledge that my relationship with Employer is and shall continue to be at-will, as defined under applicable law, meaning that either I or Employer may terminate the relationship at any time for any reason or no reason, without further obligation or liability.

Governing Law. The laws of the State of Arkansas will govern this Agreement, regardless of where the Agreement is executed or performed.

Amendments or Waivers. The waiver of any breach or default of any condition or provision of this Agreement by Employer will not be deemed a waiver of any subsequent breach or default of this Agreement by Employer. If any provision of this Agreement is found invalid, the court can strike or reform it and the remainder of the Agreement will remain enforceable.

Entire Agreement. This Agreement contains the entire agreement and supersedes any prior or contemporaneous agreements, understandings or representations, whether written or oral. This Agreement may not be amended except in writing executed by both parties.

Survive Termination. I agree that the promises in this Agreement will survive termination of my employment, regardless of the reason. The parties expressly intend to protect Employer's legitimate interests and market advantages from unfair actions or competition by the Employee, and not interfere with ordinary competition or deprive Employee of a livelihood.

All notices, requests, demands, and other communications described or required under this Agreement shall be in writing and shall be delivered by hand, mailed by registered or certified mail, return receipt requested, or sent by Federal Express or other nationally recognized overnight delivery service to the addresses set forth below:

IN WITNESS WHEREOF, Employer and the Employee have executed this Agreement as of the date written above.

**BOST, INC.**  
By: \_\_\_\_\_

**EMPLOYEE**  
By: \_\_\_\_\_

Title: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_



**Disclosure of Weapons Possession**

*Please initial next to each applicable statement then sign and date at the bottom of the form.*

\_\_\_\_ I have been advised of my right to legally possess a handgun in my personal vehicle while in a Bost, Inc. privately owned parking lot and all of the following conditions are met:

- a. I must be able to prove I have a handgun that is lawfully possessed and may be asked at any time to produce documentation of my State of Arkansas concealed carry license and any record of the handguns registration,
- b. I must lock my vehicle upon exiting,
- c. I must ensure my handgun is stored out of sight,
- d. I must store my handgun inside a locked personal handgun storage container that is designed for the safe storage of handgun when I am exiting my personal motor vehicle.

\_\_\_\_ I understand it is my responsibility to ensure I meet all the above stated conditions prior to bringing a handgun onto Bost, Inc. privately owned property and failure to do so will constitute refusal and my employment may be terminated immediately.

\_\_\_\_ I understand I do not have the right to possess a handgun in a Bost, Inc. vehicle under any circumstances and if I do my employment may be terminated immediately.

\_\_\_\_ I have been advised and agree to a search of my personal vehicle at any time when the vehicle is being used to carry out Bost, Inc. business and understand that if I refuse to allow a search of my personal vehicle Bost, Inc. reserves the right to terminate my employment immediately.

\_\_\_\_ I understand I have no legal right to carry a handgun onto a facility/location parking lot in which Bost, Inc. operates business but does not have private ownership and that if I carry a handgun onto such parking lots my employment may be terminated immediately.

\_\_\_\_ I understand it is my responsibility to follow postings at all facility/location parking lots that state a property is not privately owned.

\_\_\_\_ I understand it is the responsibility of Bost, Inc. to ensure the safety of its employees, consumers, and families and my compliance to this disclosure will be in cooperation of Bost, Inc. security efforts.

\_\_\_\_ I understand the signed, original copy of this document will become part of my permanent personnel record and I may request a photo copy upon completion.

\_\_\_\_\_  
Employee Printed Name

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

\_\_\_\_\_  
Date

**Patient Disclosure for Medical Cannabis**

*Please initial next to each applicable statement then sign and date at the bottom of the form.*

\_\_\_\_ I have specifically expressed interest in medical cannabis as a treatment option and have requested information regarding its use for my medical condition and as a result I have taken necessary steps to obtain a medical use card and provide a copy to my employer for my medical file.

\_\_\_\_ I understand there are laws regarding the possession of medical cannabis in the state of Arkansas and have been given information of my rights regarding this by my personal physician.

\_\_\_\_ I understand that medical cannabis authorizations are not prescriptions and I am under no obligation to utilize this medicine.

\_\_\_\_ I understand there are certain positions that my employer identifies as safety sensitive and when on the job it is my responsibility to ensure I am not impaired by any prescription drugs or medical cannabis by which I have received certification.

\_\_\_\_\_  
Employee Printed Name

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

\_\_\_\_\_  
Date

## **CORPORATE LOSS CONTROL PROGRAM**

The goal of our company is to be the best contractor possible, performing work in a manner that is safe and consistent with good construction practices and that adheres to Federal and State laws and regulations.

A sound safety program can prevent almost all accidents that occur on our jobs. For such a program to be successful will require the full participation of each of you. In turn, each employee will benefit by lessening the possibility that you may experience the loss of income and suffering which results from an accident at work.

We come under OSHA rules and regulations and have adopted the current standards, "*Safety and Health Regulations for Construction*", as our governing rules and regulations for safety at the work site.

The activities and procedures outlined in the Bost Safety Program will provide minimum guidelines for the protection of our employees and the general public. This plan requires that all of our employees cooperate to make it effective. Since this is our own program, it depends upon each of us to make it successful.

The Property Management Directory is the Loss Control (Safety) Officer, however, responsibility for the program will be delegated to supervisors in accordance with our company structure. The results of our safety effort will be an important measure of our overall effectiveness as a corporation.

I will follow closely the operation of our Loss Control Program and your individual participation in it.

## **SAFETY NOTICE**

The Occupational Safety and Health Act (OSHA) of 1970 provides job safety and health protection for workers through the promotion of safe and healthful working conditions throughout the nation. (OSHA) requires that we shall furnish to each of our employees a place of employment which is free from recognized hazards so that our employees may work in surroundings and under working conditions which are not unsanitary, hazardous, or dangerous to his/her health and safety. Bost, Inc. shall comply with occupational safety and health standards issued by the Act.

This same law also states that each employee shall comply with OSHA Standards and rules, regulations and orders issued pursuant to this law which are applicable to his own actions and conduct. This law requires that an employer reprimand, or even discharge, employees who violate the Organization's Safety Rules.

The United States Department of Labor encourages employers and employees to reduce workplace hazards voluntarily, and to develop and improve safety and health programs in all workplaces and industries. The methods used to advise employees include, but are not limited to, regularly scheduled safety meetings, jobsite safety meetings, and employee training seminars.

Each employee shall comply with occupational safety and health standards, rules, regulations and orders issued under the Act that apply to his own actions and conduct on the job.

Safety awareness training will be a vital part of your employment at Bost, Inc. Employees will be trained according to their job classifications. We can set the guidelines and general rules for safety, but to have an effective program for your protection, we need your cooperation.

The Property Management Director also has a "Hazardous Communications Program" book with material safety data sheets on all hazardous materials that you will encounter at work. Training in this area will be conducted before beginning work with Bost, Inc.

Safety is little more than good work practices and common sense. Before undertaking any job.....THINK.....about safety and the elimination of hazards. If you are not sure it is safe, ask your supervisor.

We welcome your suggestions and ideas. Speak up at the Loss Control (Safety) meetings. You see and know more about what should be done than anyone else. Don't keep these ideas to yourself, tell us.

**BOST, INC.**  
**EMPLOYEE ACKNOWLEDGEMENTS**

Date: \_\_\_\_\_

I, \_\_\_\_\_, have received the following:  
(Employee's name)

\_\_\_\_\_ Access to Bost, Inc, Agency Policies (including acknowledgements of the Distracted Driving, Cell Phone/Electronic Device Use, Drug-Free Workplace, Internet and E-mail/Social Media, and Security policies)

\_\_\_\_\_ Initial Safety Instruction (MEDCOR forms)

\_\_\_\_\_ Issued Equipment

I have received access to the Agency Policies of Bost, Inc. and will follow all rules and regulations while an employee of Bost, Inc. I understand that it is my responsibility to work in a safe manner at all times so as not to endanger others or myself.

I understand that regular, full-time employees are eligible for health insurance the first day of the month following 60 days of employment. Upon eligibility I will receive an email from the insurance provider informing me of election options. If I do not or have not received an email within 30 days I will contact the Employee Benefits Assistant to receive further instructions.

I also understand that if I am injured while beginning, during or in the process of ending my shift, regardless of severity, I must immediately report the injury to my supervisor, who will notify the human resources director and receive further instructions.

Specific training provided.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Personal Protective Equipment Issued.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

P.P.E. required to be provided by employee.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BOST, INC.

\_\_\_\_\_  
(new employee's signature)

By: \_\_\_\_\_  
(title)