

**BOST, INC.**  
**PERSONNEL POLICIES**  
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# **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 Personnel 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.

## **PERSONNEL 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.

## **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.

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.

## **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 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.

## **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.

## **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 company. You are encouraged to be careful in discussing with non-company people any trade secret or proprietary information about the company; this includes but is not limited to all financial records, Bost, Inc. pricing and cost information and any information on past and present customers. 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 agreeing 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 the Proprietary Information except in connection with the performance of employment. Moreover, discussions regarding this confidential information/matters with non-Company 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 Company 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, employment 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 a Company officer before engaging in any activity which might be covered by this policy.

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. (unless such relationship has been approved by the Executive Director). Such relationships that may be considered and conflict of interest include but are not limited to:

- a. Private care or supervision of individuals served by Bost.
- b. The same or similar type of business as that being performed by Bost, Inc., including Bost Fort Smith Skills Training Center, or Bost Hand-in-Hand Child Development Center.
- c. The use of the Agency's assets or resources for personal use, business or financial benefit.
- d. Secondary employment must not interfere with an employee's ability to perform the duties of his/her job with the Agency.

Any actual or potential conflict of interest must be disclosed for consideration or approval. Such requests should be in writing to the Executive Director or designee.

## **GIFTS AND GRATUITIES**

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.

## **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.

## **SOLICITATION POLICY**

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.

## **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 the following conditions are met:

- a. When the employee has a handgun that is lawfully possessed,
- b. When the employee exits their personal vehicle they must keep it 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 POLICY**

### **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.

### **Testing Procedure:**

#### **Drugs:**

Urinalysis is the method employed for testing for the presence of drugs. The urine sample will be taken by certified Bost personnel or at a location designated by Bost under controlled conditions. Collection of a specimen shall be observed only if Bost believes that the individual providing a specimen has attempted to or has tampered with or adulterated a specimen. The specimen will then be tested at a laboratory chosen by Bost for a screening test. If the results of that screening test are positive, a confirmation test will be performed to corroborate the results of the screening test. The results of the confirmation test are controlling.

The laboratory will retain for a period of one year a portion of all specimens which test positive. Any employee whom tests positive may have a test performed upon the retained portion of the specimen at the employee's expense.

Consideration will be given to the results of the retest. However, those results are not binding upon Bost.

#### **Alcohol:**

Breath, and/or blood serum testing will be the methods employed for testing for the presence of alcohol. A breath specimen will first be obtained from the employee or applicant, and a test will be performed.

### **Test Results:**

#### **Drugs:**

A positive test result occurs when the initial screening or the confirmation test indicates the presence of the drug(s) for which the test was conducted. A positive test result is a violation of Bost policy. If the employee tests positive for a substance for which the employee could have a valid explanation, *i.e.* a legal drug, Bost, through the Medical Review Officer, 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 the Medical Review Officer determines that the employee had a valid explanation for the positive test result, i.e., the employee was taking a legal drug; 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.

A negative test result occurs when either the initial screening or the confirmation test indicates the absence the drug(s) for which the test was conducted.

### **Alcohol:**

A positive test result occurs when the breath test indicates the presence of alcohol. A positive test result is violation of Bost policy. Results may differ when applied to state or federal D.O.T. regulations.

A negative test result occurs when either the breath/saliva test or the blood serum test indicates the presence of alcohol.

### **Confidentiality:**

Information regarding test results will be treated as confidential. In that regard, Bost will attempt to provide it only to persons within Bost with the need to know.

### **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.

### **SMOKING / TOBACCO POLICY**

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 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 Smoking/Tobacco policy as a condition of employment and, therefore, will agree not to smoke or use tobacco inside any Agency building, Bost-owned contiguous property, or vehicle.
2. Will verbally communicate the 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 Smoking/Tobacco policy to all persons through signage, bulletins, newsletters and employee presentations.
3. Will assist employees who wish to stop smoking by making information available regarding smoking cessation classes.
4. Will communicate Agency Smoking/Tobacco policy through employee meetings and individual counseling as needed.

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

Will approve areas at apartment facilities for smoking/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.

## **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 POLICY**

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**

## HIRING POLICY

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.

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. Two references must be received; one of which must be either a supervisory or a professional reference. After the job offer is made, but prior to starting work, the Agency will conduct drug testing. Background checks (criminal and/or fingerprint) as required by state licensure and/or Agency policy will be conducted as part of the hiring process.

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 Personnel Office 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-HIRE POLICY**

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 no-rehire will be in effect for employees who are terminated. The Department Director will be responsible for the final decision of re-hire.

### **NEPOTISM POLICY**

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.

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.

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.

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.

### **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 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.

### **HOURS OF WORK**

Specific working hours will be designated at the time of hiring for each individual position.

### **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 a signed and approved time card. Failure to turn in a signed time card 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 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.

**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 POLICY**

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 Deduction Policy**

It is our policy to comply with the salary basis requirements of the FLSA; therefore, we prohibit all company managers from making any improper deductions from the salaries of exempt employees. Bost wants employees to be aware of this policy and that the company does not allow deductions that violate the FLSA.

### **What to do if an improper deduction occurs**

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.

## **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 insure that certification and licensing requirements are met for all employees.

## **DRESS CODE POLICY**

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.

## **INFECTIOUS DISEASE**

It is the responsibility of each employee to maintain a current Health Card (i.e. TB Card) 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.

## PAID TIME OFF (PTO) POLICY

Paid Time off (PTO) benefit time is granted to full-time employees and may be used for vacation, personal, funeral and sick leave. 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:

<b>Years of Service</b>	<b>Rate - Per Hour Worked</b>	<b>Maximum Per Pay-Period</b>	<b>Total Maximum Annual Hours</b>	<b>Total Maximum Annual Days</b>
<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 200 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 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. 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.*

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.

### HOLIDAY LEAVE

Ten paid holidays are scheduled annually for regular full-time employees. Because departments may have different funding and schedule requirements, each department will schedule the specific date for holidays. Unless they occur on a weekend, the following holidays will be included in all departmental holiday schedules:

New Year's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day	Four Days during the Christmas Holidays
Labor Day	

Each Departmental Holiday Schedule for the calendar year will be available and posted by January 1 of each year.

Since Bost, Inc. must care for some individuals on a daily or twenty-four hour per day basis or to meet customer needs, it is necessary for some employees to work on a designated holiday. Arrangements will be made to find a mutually agreeable compensatory day for these employees thirty days prior to or thirty days after the scheduled holiday.

All holidays not requested and scheduled will be lost after thirty days following the holiday. Holiday time does not accrue. The Administration of Bost, Inc. reserves the right to determine which employees will work on a given holiday.

## **FAMILY AND MEDICAL LEAVE POLICY**

*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.

## **MONETARY ALLOWANCE**

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.

## **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. Completed evaluations will be forwarded annually to Human Resources by May 15th. 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 of 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 of Resolution Procedure. The employee, after being placed on probation, may utilize the Conflict of Resolution Procedure starting at STEP 2 of the Conflict of Resolution Procedures. (See Conflict of Resolution Procedures)

### **CELL PHONE/ELECTRONIC DEVICE USE POLICY**

#### **Purpose**

Bost recognizes that employees are our most valuable asset and that they are the most important contributors to our continued growth and success. Thus, we are firmly committed to employee safety and will do everything possible to prevent workplace accidents.

Crashes attributed to driver distraction are quickly on the rise, in large part because of widespread use of cell phone and other portable electronic devices behind the wheel. In fact, according to the National Highway Traffic Safety Administration, distraction-related fatalities represented 16 percent of all traffic fatalities in 2009. Researchers across the country have found that response times and attentiveness while using a mobile device are as low as those of drunk drivers. In fact, because of the dramatically increased risk of injury and death that comes with texting while driving, the Occupational Safety and Health Administration (OSHA) has stated that companies' legal obligation to create and maintain a safe and healthful workplace includes having a clear, unequivocal and enforced policy against the hazard of texting while driving. To protect employees driving on company business as well as others on the road, Bost and Companies developed this Cell Phone/Electronic Device Use Policy, effective October 1, 2011.

## **Scope and Applicability**

The Cell Phone/Electronic Device Use Policy applies to all employees of Bost and Companies who fit any or all of the following criteria:

- Driving on Bost business in any vehicle, personal or otherwise
- Driving a company car, whether on company business or not
- Placing work-related calls, whether driving on company business or not
- Using a company-issued cell phone or other electronic device while driving

## **Definitions**

**Cell phone** (also known as a **mobile phone, smart phone, handheld cell or handset**) – a mobile electronic device that engages in telecommunications including voice calls, text messaging/short message service (SMS) and /or e-mail. Cell phones also may include features like complete Internet access, games, multimedia messaging service (MMS), instant messaging (IM) service, digital audio (MP3) players, cameras, radios and global positioning systems (GPS). Any device that engages in these functions is included in this policy.

**Electronic device** – in this policy, electronic device means any portable apparatus that involves user interaction. This includes, but is not limited to laptops, GPS systems, MP3 players, cameras, pagers and personal digital assistants (PDAs).

**Headset** (also known as **hands-free**) – an extension of the cell phone either connected to the handset via cord or wirelessly through Bluetooth technology that allows the user to engage in voice communication without holding onto the cell phone itself.

## **Procedures**

The following procedures apply to all Bost and Companies employees falling under the conditions outlined above in **SCOPE AND APPLICABILITY**.

## **State Laws**

Bost is not responsible for any traffic violations or parking tickets acquired by violation of city ordinance, state or federal laws regarding your driving habits and operation of your motor vehicle. Any ticket issued is the employee's responsibility, even if the ticket is issued while conducting business for Bost.

Note that cell phone driving laws vary greatly by state. It is the employee's responsibility to be familiar with and abide by such laws. However, all Bost employees must comply with the company Cell Phone/Electronic Device Use Policy on top of abiding by any state or local regulations addressing the matter.

## **Commercial Truck Drivers**

Federal legislation prohibits certain drivers operating Commercial Motor Vehicles (CMV) from texting using electronic devices, and provides sanctions including fines and disqualifications for drivers convicted of texting while operating CMVs. All Bost drivers must follow these federal regulations.

### **General Procedures**

- Use of cell phones while driving is strictly prohibited – this includes all functions of the cell phone including, but not limited to, phone calls, text messaging/SMS, e-mail, MMS, Internet use, camera use, etc.;
- Use of electronic devices – including laptops, PDAs, cameras and pagers – while driving is strictly prohibited unless specifically outlined below;
- Voicemail must handle all calls while driving, and calls may only be returned when stopped or pulled off the road;
- Passengers making or taking calls for the driver is permissible provided the interaction does not affect the driver's performance;
- Regular callers must be informed that you will not be available while driving and should be notified of the best times to call based on driving schedule; and
- Employees who receive calls from co-workers who are driving are obligated to ask that the co-worker call back at a more appropriate time.

### **Headset/Hands-Free Use**

The use of headsets or hands-free devices while driving is permissible IF:

- Device is pre-approved by Bost for use;
- Use of the device does not cause distraction (i.e., fiddling with the device or taking eyes off road to get it to function properly);
- Any dialing or use of the handset is handled while stopped or pulled to the side of the road;
- Conversation do not interfere with the driver's ability to drive safely; and
- Road conditions are generally good and do not threaten your safety.

### **Emergency Calls**

The only exception to the cell phone use policy is calls placed to 911. If placing or accepting an emergency call, keep it short and use a hands-free option if available. Pull over if practicable.

### **GPS Systems**

Bost understands that sometimes, especially when traveling in unfamiliar areas, drivers require assistance with directions. GPS systems are extremely helpful devices, but they can also be distracting if used improperly. Employees must adhere to the following:

- Mounted GPS systems may not block or obstruct the driver's view in any way away from

- the road to follow instructions
- Employees may not program the system while in motion
- Programming or otherwise engaging with the GPS screen may only occur while stopped or while pulled off the road

### **MP3 AND Other Audio Devices**

In some cases, worrying about music selection or touching dials and buttons on the radio, MP3 player or other audio device may be just as dangerous as cell phone use. It takes eyes and concentration off the road, which is not permissible under this policy. Bost does allow employee use of personal, portable audio devices. However, while the employees' ability to enjoy music while behind the wheel is not eliminated, certain guidelines are in place:

- Employees may not take eyes off the road to adjust music settings
- Programming music settings while stopped, pulled off the road or before departing is permissible behavior

Employees may not under any circumstances use MP3 players or other handheld electronic audio devices with headphones – not only is it illegal in most states, it also impedes the driver's ability to properly hear warning signs, signals or sirens.

### **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 of Resolution Procedure. The employee, after being placed on suspension, may utilize the Conflict of Resolution Procedure starting at STEP 2 of the Conflict of Resolution Procedures. (See Conflict of Resolution Procedures, page 36.)

### **DISMISSALS - IT SHOULDN'T HAPPEN TO YOU**

Dismissals are distasteful but they can happen. Actions against the best interest of Bost and fellow employees that usually lead to dismissal include, but are not limited to:

1. Safety violations. Disregard of safety policy. Any serious accident that is chargeable to or preventable by the employee.
2. Dishonesty in any matter or theft of personal or company property of any value.
3. Unexcused, frequent or prolonged absences.
4. Frequent tardiness.
5. Indecent or immoral conduct, or language will not be tolerated. Drinking alcoholic beverages or consuming drugs during regular working hours, coming to work, and/or operating a company vehicle at any time under the influence of liquor or drugs is strictly prohibited.
6. Conviction of a criminal or traffic offense that would prevent an employee from completing his/her regular job duties
7. Obtaining or conveying without the Management's approval, confidential financial or proprietary business information concerning Bost or its trade secrets or customer base.
8. Willful destruction of Bost's personal property.
9. Falsification of records or information furnished to Bost.
10. Complaints by or actions toward present or potential customers that affects the business or reputation of Bost.
11. Upon termination, an employee is required to relinquish all Bost's property, including printed materials.
12. Threats of violence, physical violence or sexual harassment.
13. Possession of weapons either on your person or in company vehicles.

### **EMPLOYEE TERMINATION**

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.
- theft – including, but not limited to, the removal of company property or the property of another employee from company premises without prior authorization
- 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
- knowingly punching the time card 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
- 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

- fighting or provoking a fight on Agency premises
- 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 recorded in writing 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 of Resolution Procedure starting at STEP 2 of the Conflict of 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.

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 recorded 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 recorded 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 POLICY**

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 POLICY**

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

The same principals and guidelines found in the Organization's policies 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.

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

Carefully read these guidelines, the Confidentiality Policy, Equal Opportunity Employment Policy, and the Harassment Policy, and ensure your postings are consistent with these policies. Postings that may include discriminatory remarks, harassment, and threats of violence or similar or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

Always be fair and courteous to customers and suppliers. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers 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, and threatening or intimidating, that disparage customers or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include threatening or harassing posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, age, national origin, disability, religion or any other status protected by law or Company policy.

Maintain the confidentiality of Company trade secrets and private or confidential information. Trade secrets may include information regarding the development of systems, processes, products, know-how and technology. Do not post internal financial reports, financial or procedure policies, procedures or other internal business-related consumer or financial confidential communications.

Do not create a link from your blog, website or other social networking site to a Company website without identifying yourself as a Company employee.

Express only your personal opinions. Never represent yourself as a spokesperson for the Organization. If the Organization is a subject of the content you are creating, be clear and open about the fact that you are an employee. 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 the Organization."

## **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

**CONSENT FORM**  
**FOR DRUG-FREE WORKPLACE POLICY**

I, , do hereby certify that I have had an opportunity to review the Organization's Substance Abuse Policy, (the "Policy") and state that I understand its contents. I further state that I have had an opportunity to ask questions concerning it. I recognize that the Organization may change this Policy at any time without employee consent. I understand that I am being asked by the Organization to submit to chemical testing to determine the presence of drugs or alcohol, and whatever procedures are necessary to complete a urinalysis, breath/saliva and a blood serum test. I also recognize that the use or abuse of drugs or alcohol thereof by my fellow employees or me can create an unsafe working environment for all employees and others.

In consideration of my personal desire for as safe a work environment as possible, I hereby voluntarily give my consent for the Organization to search my person, personal effects, lunch boxes, tool kits, handbags, vehicle, and other personal property or storage places. I understand that these searches will be limited to possession of prohibited drugs. I also understand that if I refuse to undergo a search I may be subject to termination.

All employees recognize that, by continuing their employment they have consented to Bost, Inc. adoption of this Drug-Free Workplace Policy. By deciding to remain with Bost, Inc. after the adoption of this Policy, each employee acknowledges that refusal to participate in a drug test or failure to follow Bost, Inc. policies and procedures may result in the employee's termination.

I further freely consent to the medical procedures necessary to complete a urinalysis, breath/saliva and blood serum test, and to the release of the test results to those Company officials who make employment decisions for the Organization.

Further, I freely and voluntarily consent to the release to Bost, Inc. any recommendations, conclusions, and findings made by any substance abuse rehabilitation program to whom I have been referred by Bost, Inc. I further agree to the release to Bost, Inc., its agents, officers, directors or employees, any recommendations, findings, conclusions or results of any substance abuse rehabilitation program in which I enroll and which is approved by Bost, Inc. I agree to release the Assessor/MRO/substance abuse rehabilitation program, its agents, officers, directors or employees, from any and all liability of whatever kind as a result of the release of information to Bost, Inc.

I understand that the Policy is intended to set forth an overview of the Organization's Policy towards substance abuse, and in no way is intended to create an express or implied contract. I recognize that the Organization may change this Policy at any time without employee consent.

\_\_\_\_\_  
Witness

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

\_\_\_\_\_  
Date

**INTERNET AND E-MAIL POLICY AND  
SOCIAL MEDIA POLICY ACKNOWLEDGMENT**

I hereby acknowledge that I have read Bost, Inc.'s Internet and E-mail Policy and Social Media Policy and understand my responsibilities to comply with the acceptable usage principles contained in the policies and this Acknowledgment Form. I understand that I have no privacy expectations in my E-mails or Internet usage, and that Bost, Inc. has the right and ability to monitor and review this information. I understand the privileges and responsibilities associated with accessing these systems and confirm that I have the obligation to ask questions and discuss areas of uncertainty with the Officers of the Organization and/or my immediate supervisor.

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

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

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

## 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.**

**EMPLOYEE**

By: \_\_\_\_\_

By: \_\_\_\_\_

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

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

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

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

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

\_\_\_\_\_

**ACKNOWLEDGMENT OF SECURITY POLICIES**

I acknowledge that it is the policy of Bost, Inc. to develop, implement, and amend security policies for the purpose of protecting the property of Company, as well as the property and lives of the employees and consumers of the Organization. By accepting employment with Company, or by continuing at my employment with the Organization, I agree to abide by all written and verbal policies or instructions with regard to security issues.

I acknowledge that all desks, cabinets, locker, vehicles, or work spaces are and remain the Organization's property and subject to its control, inspection or search at any time, without notice. I acknowledge that I have no expectation of privacy in these areas. Further, property identified in the search that is in violation of the Organization's rules or policies, or state or federal law may be removed.

I acknowledge that, within the Organization discretion, local, state or federal authorities may be permitted access to premises to search or inspect the Organization's desks, vehicles, lockers, storage or work spaces, contents and property to investigate and make arrests for possible violations of law.

With regard to property owned by me that I bring onto the property of Company, I understand that the Organization reserves the right, and I agree to allow the Organization to:

1. Search all briefcases, bags, packages, lunch boxes, containers or other items that I may have brought onto the Organization's premises or property;
2. Stop and search my vehicle at any time that it is on the Organization's premises;
3. Use security detection or inventory or access control devices; systems or personnel;
4. Use undercover investigators, electronic and eyewitness surveillance to enforce Company's rules and local state or federal laws, to extent such surveillance is not prohibited by law; and
5. Make changes in its security policies.

I acknowledge that Company is not responsible for my personal property brought onto the premises.

I acknowledge that, with regard to any internal management investigation, or any external law enforcement investigation, I have an obligation to fully cooperate with the investigation, including the truthful communication of all knowledge that I might have concerning the matter being investigated. I understand that failure to cooperate, in any manner, with such an investigation, can result in my discharge from employment.

I acknowledge that no explosives, weapons (including hunting weapons), alcohol, or controlled substances are permitted on the Organization's premises or at my place of work at any time. The only exception are firearms approved by fulfilling all the listed requirements of the Disclosure of weapons possession statement.

Employee Name (Print or Type): \_\_\_\_\_

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**ACKNOWLEDGEMENT**

In consideration of my employment, I agree to conform to the rules and policies of Bost, Inc. I understand that my employment and compensation are at-will and can be terminated for any reason or no reason, and with or without notice, at any time, at the option of either Bost, Inc. or myself.

Safety is a condition of employment. The Bost, Inc. Safety Policy will be strictly enforced.

I hereby acknowledge that I have read and understood the contents of the Handbook and will be cooperative in complying with the policies stated herein. I understand that revisions may be made to the Handbook at any time. Further, I agree that THE HANDBOOK IS NOT A CONTRACT OF ANY KIND, IMPLIED OR EXPRESSED, INCLUDING ONE FOR EMPLOYMENT, BUT IS FOR MY INFORMATION ONLY. MY EMPLOYMENT RELATIONSHIP is not for a definite period of time, and may be terminated by either the company or myself at any time, for any reason, with or without cause.

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

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

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

**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 potential for risks...

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

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

\_\_\_\_\_  
Date

**BOST, INC.**  
**CELL PHONE/ ELECTRONIC DEVICE USE POLICY**

The No. 1 on-the-job fatality is transportation incidents, and at Bost, Inc. it is our job to enforce procedures that mitigate this risk. It is for your safety, as well as the safety of everyone else on the road, that the company has put this Cell Phone/Electronic Device Use Policy in place.

All employees are expected to understand when this policy applies and follow all procedures. As technology evolves, Bost, Inc. also expects employees to use common sense and err on the side of caution when assessing electronic device use while driving. All employees are encouraged to take a proactive approach to road safety. Therefore, Bost, Inc. expects employees to report any problems or known violations of this policy to their supervisor.

Prior to working on any Bost, Inc. job site each employee is expected to have read the Cell Phone/Electronic Device Use Policy.

If you have any uncertainty or questions regarding the content of these policies, consult your supervisor. This should be done prior to signing and agreeing to the Bost, Inc. Cell Phone/Electronic Device Use Policy.

I have read and understand Bost, Inc.' Cell Phone/Electronic Device Use Policy, and I understand the requirements and expectations of me as an employee. I agree to adhere to all provisions and procedures outlined in the policy, and I understand that failure to do so will result in discipline up to and including termination.

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

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

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

**BOST, INC.**  
**NEW EMPLOYEE SAFETY AND TRAINING ACKNOWLEDGEMENT**

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

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

- \_\_\_\_\_ A copy of the Bost, Inc. Employee handbook
- \_\_\_\_\_ Initial Safety Instruction
- \_\_\_\_\_ Issued Equipment

I have read the Employee Handbook 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 also understand that in the case I am injured, not matter how slightly, while in the course of my work with Bost, Inc., I must report immediately to my supervisor who will report immediately to the human resources director.

Specific training provided

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Personal Protective Equipment Issued. \_\_\_\_\_

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

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BOST, INC.

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

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

**CORPORATE LOSS CONTROL PROGRAM**  
**POLICY STATEMENT**

TO ALL EMPLOYEES:

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 Best 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.

## **EQUAL EMPLOYMENT OPPORTUNITY STATEMENT**

TO ALL EMPLOYEES:

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

## **SAFETY POLICY STATEMENT**

The Occupational Safety and Health Act of 1970 provides job safety and health protection for workers through the promotion of safe and healthful working conditions throughout the nation.

It is the policy of Bost, Inc., Incorporated to provide and maintain for all employees a place of employment free from recognized hazards that are causing or likely to cause death or serious harm. Bost, Inc. shall comply with occupational safety and health standards issued by the Act.

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 employ 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 NOTICE**

Federal Law (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.

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.

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.**  
**DISTRACTED DRIVING POLICY**

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 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.

Your receipt of, and agreement to comply with this Distracted Driving Policy is evidenced by your signature contained at the conclusion of the Statement of Acknowledgement.

**STATEMENT OF ACKNOWLEDGMENT**

I have read and will comply with the Bost, Inc. Distracted Driving Policy as stated above.

I understand that violations of this policy will be considered as a serious offense and may result in disciplinary action up to and including immediate termination of my employment with Bost, Inc.

I acknowledge that I have received a copy of the Distracted Driving Policy, including this Statement of Acknowledgment and so verify receipt by my signature contained below.

EMPLOYEE:

Name (print): \_\_\_\_\_

Sign: \_\_\_\_\_

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

BOST, INC.

By: \_\_\_\_\_

# **Section VII**

## **Addendum**

**Addendum A**  
**INCIDENT REPORTING – POLICY**

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 State Division of Developmental Disabilities Services.

***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
2. All serious incidents shall be documented on DDS 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 DDS Quality Assurance Section within 1 hour of incident using DDS Incident Report Form and by calling [\(501\) 765-9018](tel:5017659018). 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.

**Addendum B**  
**INCIDENT REPORTING OF SEXUAL INCIDENTS POLICY**

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.

**PERSON(S) RESPONSIBLE**

**All Bost, Inc. Employees/Volunteers**

1. Shall immediately take whatever steps necessary to stop suspected rape or attempted rape.
2. Shall immediately report sexual incidents, including rape and attempted rape, to Department Director.
3. Shall immediately and thoroughly investigate sexual incident to determine:
  - a. Nature and extent of sexual act, and
  - b. Physical and mental status of client.
4. If any of the following events occur:
  - a. Physical or mental abuse is suspected, or
  - b. Rape, attempted rape is suspected, or
  - c. Sexual intercourse or deviate sexual activity with another person not his/her spouse who is incapable of consent is suspected, the client should be taken to the hospital emergency room. Bost employee or agent should recommend rape protocol to the emergency room personnel to determine if intercourse or rape occurred. NOTE: If client refuses emergency treatment, then this must be recorded in progress notes and incident report. Employees should request the client to sign reports, if possible.
5. Shall inform Client Coordinator of Sexual Incident
6. Shall follow all other procedures under Incident Reporting Policies/Procedures.

**Client Coordinator**

1. If the client has a guardian, shall contact the guardian as soon as possible.
2. Shall contact the family of the client, unless the client expresses otherwise.

**Department Director**

1. Shall determine if activity is criminal in nature and notify police if criminal violations are suspected as defined by Arkansas Statute Annotated 5-14-105.1(see below).
2. Shall follow all procedures listed in "Incident Reporting", including immediate reporting "serious" incidents to the Associate Executive Director and reporting to listed authorities.

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

3. 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.
4. Carnal abuse in the second degree is a Class D felony.

**Addendum C**  
**BEHAVIOR MANAGEMENT POLICY**

All Bost, Inc. clients will have their human and civil rights preserved, including rights related to client programming and behavior management. Behavior management procedures shall be developed and implemented in order of least to most restrictiveness. Approval of behavior management plans and procedures shall be made on the basis of clinical decisions made by the individual client's interdisciplinary team<sup>1</sup>, including the client and/or guardian.

Levels of behavior management may be established depending on the nature and severity of behavior involved. The consent of the client and/or guardian shall be obtained before implementing a behavior management plan of any level.

**PERSON (S) RESPONSIBLE**

**All Bost, Inc. Employees**

Shall ensure that client human and civil rights of all clients are maintained within the parameters for levels of programming as follows:

**CATEGORY I**

a. Contingent exclusion for up to one hour. The client should engage in appropriate behavior before being allowed to resume normal activities. The client must be supervised during these procedures. Upon demonstration of appropriate behavior, the client will be allowed to resume normal activities, if a minimum amount of time has elapsed for programmatic purposes. Category I procedures include the following:

1. Activity time-out - Removal from an on-going activity for a period of time.
2. Separation time-out - Separating the client from other individuals in the area. The client may be required to go to a quiet part of the room or to another normally used living area, excluding restrooms. Closets and "time-out" rooms are not living areas; bedrooms and kitchens are.
3. Assignment of additional tasks. The client is assigned additional tasks as a consequence of inappropriate behavior. Additional activities may only be assigned if such activities are already part of the client's individual program plan and are not to replace other personnel.
4. Restitution. The client is required to correct and restore the environment to a state which is similar to the way it was before the occurrence of the inappropriate behavior which disrupted the environment. For example, requiring the client to pick up a chair which he/she has kicked over.
5. Withholding privileges. The client loses a particular privilege or privileges following the occurrence of a target behavior. Privileges include such things as movies, canteen visits, or special outings. Privileges do not include basic living activities such as meals, habilitation activities such as therapies or classes.

**CONDITIONS FOR USE FOR CATEGORY I**

Behavior Management programs should only be used after positive methods of intervention have been tried. No aversive stimuli are allowed, except those listed above.

**APPROVAL OF USE FOR CATEGORY I**

Procedures may be used by employees without prior approval, although prior consent is required by the consumer and/or guardian. Should the use of these Category I procedures become frequent, formalized programs for those behaviors resulting in the use of the procedures must be written by employees and approved by the Department Director. A formal program is one that conforms to all policies and professional ethics, standards, and practices.

## **CATEGORY II**

- a. Include following:
  - 1. Restitution overcorrection. Requires the client to restore the environment to a state that is better than it was before the occurrence of the inappropriate behavior which disrupted it.
  - 2. Positive practice overcorrection. Requires the client to engage in an intensive practice period which the alternative appropriate behavior is practiced.
- b. Procedures not covered: Any procedure questionable under these definitions must be classified by the Department Director, and approved by the Special Review Committee prior to use.

### **CONDITIONS FOR USE FOR CATEGORY II**

- a. Behavior Management programs should only be used after positive methods of intervention have been tried. Use of any aversive stimuli, except those in Category I, without first having tried positive methods, must be fully documented and substantiated as to why aversive procedures are advisable before using positive procedures.
- c. All persons administering or authorizing aversive stimuli must have personally experienced that particular procedure, unless medically contraindicated for that person.
- d. Behavior Management should be used in order of least restrictiveness. Exceptions to this order must be fully documented and substantiated as to why more restrictive procedures are advisable before less restrictive ones.
- e. Behavior Management programs that do not result in the reduction of the targeted behavior after sufficient trial must be discontinued.

### **APPROVAL OF USE OF CATEGORY II**

- a. Approving Authority - Recommendations for procedures must come from a professional staffing of the client's interdisciplinary team through a staffing conference.
- b. The consumer and/or guardian must provide informed consent, within the following parameters:
  - 1. Persons under the age of eighteen cannot give informed consent.
  - 2. If there is a question about a person's ability to give informed consent, and the person is his/her own guardian, then the person must consent himself/herself and:
    - a.) An immediate family member or next of kin must be notified.
    - b.) Appropriate legal and/or court action must be pursued to have someone appointed who can legally give consent.
  - 3. The following elements must be provided on a consent form, in language understandable by the consent giver:
    - a.) description of the behavior(s) to be modified,
    - b.) description, including data, of all procedures already tried (positive or negative),
    - c.) description of any alternative to the program proposed,
    - d.) justification of the procedure(s), including whether this is an established or experimental procedure,
    - e.) description of the aversive procedure, including duration and intensity,
    - f.) possible side effects and risks,
    - g.) special precaution(s) and consideration(s),
    - h.) data collection for baseline and treatment to be carried out,
    - i.) expected outcome, and
    - j.) procedures for review of the program and progress, including dates/times.
- c. Approval of CATEGORY II behavior programs require final review and approval by:
  - 1. the respective Department Director, and by,
  - 2. the Agency Special Review Committee, which shall act as the Agency Human Rights Committee for the purpose of approving CATEGORY II behavior programs.

**Addendum D**  
**CORPORATE COMPLIANCE POLICY**

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.

**PERSON RESPONSIBLE**

The following procedures/guidelines will govern the design and implementation of the Organization's corporate compliance program:

**Executive Director (or designee)**

The Executive Director or designee will formally designate a Corporate Compliance Officer (CCO), monitor the Agency's corporate compliance program and ensure that the governance authority is fully informed at all times on matters pertaining to corporate compliance.

**All Departments/All Sites**

All CCO contact information shall be posted in all Bost, Inc. locations.

**Corporate Compliance Officer**

The Corporate Compliance Officer (CCO) will oversee all components, implementation, and training in regard to Bost, Inc.'s Corporate Compliance Plan.

The Corporate Compliance Officer (CCO) will review and update Bost, Inc.'s Corporate Compliance Plan on an annual basis.

**All Employees/All Sites**

Anyone aware of violations or suspected violations of laws, regulations, the conditions of participation or Bost, Inc.'s policies and procedures must report them immediately to a supervisor or member of management, the Compliance Officer or the Corporate Compliance Hotline at 877-701-9111. Any member of management receiving a report of a violation or suspected violation must report the violation immediately to the Compliance Officer. Strict compliance with Bost, Inc.'s policies, and procedures; federal, state, and local laws and regulations; and the conditions of participation for federal healthcare programs are conditions of employment.

**Addendum E**  
**TRAINING POLICY**

This policy provides written procedures to ensure the agency provides orientation, departmental training, supervisor training and annual training for all personnel.

**PERSON RESPONSIBLE / PROCEDURE**

**Program Directors**

1. Shall ensure all employees attend agency orientation and departmental orientation prior to starting work within their respective departments. Additional training required by the position i.e. DSP, CPR/First Aide and/or any other required training based on the program the employee is assigned shall be completed within the first 30 days of employment.
2. Shall ensure all employees attend annual topics within 30 days of their anniversary date.
3. Shall make all employees aware that failure to attend required training will result in adverse employment action, up to and including termination.

**Staff Development Specialist**

1. Will provide Agency Orientation, CPR/First Aid, DSP and MANDT training on an ongoing basis (at least twice monthly) to ensure employees are provided an opportunity to receive required training offered by the agency. Will provide/coordinate additional training for supervisors as the need is identified.
1. Will maintain training files, publish monthly training calendar and provide department directors a list of employees who are due for training on a monthly basis.
2. Will provide list of non-compliant employees to the appropriate program director on a monthly basis.

**Program Director**

1. Will investigate cause of non-compliant employee and take appropriate action.
2. Adverse employment action will be recommended based on cause of non-compliance (FMLA, Work Comp, or a death in the family are a few acceptable causes) Staffing ratios will not be an acceptable reason for non-compliance.

**Addendum F**  
**BACKGROUND CHECK POLICY**

This policy provides written procedures to ensure background checks are performed on individuals in accordance with Department of Human Services, Office of Long Term Care and Children and Family Services.

**PERSON RESPONSIBLE / PROCEDURE**

**HR Coordinator/Hiring Supervisors**

1. All candidates prior to starting work will complete a Request for Criminal Record Check, Child Abuse and Neglect Central Registry and Authorization for Adult Maltreatment Central Registry forms. If the potential employee has lived outside of AR within the last 5/6 years (5 years for WA, PV,CS, MFG; 6 years for PS) he/she will be provided with a fingerprint card to take to their nearest police station to be fingerprinted and return the card to the HR Coordinator/Hiring Supervisor.
2. Potential candidates for Preschool employments will also complete an AR Child Maltreatment and AR Criminal Record check.
3. In accordance with program licensure requirements, all record checks must be completed prior to hiring the individual.

**Agency LPN/Designated testing site/MRO**

1. Will conduct drug testing on all potential employees in the local area prior to the employee intake process. Potential new employees outside the local area will be directed to the designated testing site by their hiring supervisor.
2. Will perform TB test on all new employees in the local area. Potential new employees outside the local area will be directed to the designated testing site by their hiring supervisor.
3. Agency LPN will provide test results to the HR Coordinator. Designated testing sites will send test results to the HR Coordinator.



Bost, Inc. Addendum G  
**Personnel Policies**

and

**CDL Driver Information**

on

***Federal Motor Carrier Safety Administration***

***Drug and Alcohol Testing Regulations***

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

**Revised: November 2008**

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*\*Sources: Title 49, CFR, Part 40, Part 382, Part 390.5, and 395.2*

## **Section A**

### **Bost, Inc. Policy**

**on**

### **Drug and Alcohol Abuse**

*The Code of Federal Regulations (CFR) requires that employers must immediately remove from duty all CDL drivers who are in violation of the regulations. Penalties for these violations are set by the employer. The penalties contained herein are guides and may be revised by the employer, but will require additional employee notification to comply with the CFR.*

## ***Bost, Inc. CDL POLICY***

A POLICY TO INCORPORATE THE FEDERAL DEPARTMENT OF TRANSPORTATION'S FINAL RULES FOR CONTROLLED SUBSTANCES AND ALCOHOL TESTING, UPDATING THE OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT OF 1991 INTO EXISTING PERSONNEL POLICIES AND TO AMEND ANY PERSONNEL POLICY PROVIDING FOR CONDITIONS OF EMPLOYMENT, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, pursuant to Congressional mandate, the U. S. Department of Transportation has handed down its Final Rules for Controlled Substances and Alcohol Testing, (hereinafter called the Rules), which update the Omnibus Transportation Employee Testing Act of 1991; and

WHEREAS, all employees occupying positions which require a Commercial Driver's License in order to carry out the duties of their position will now be subject to the Rules, including those for drug and alcohol testing; and

WHEREAS, the Board of Directors of Bost, Inc. is committed to maintaining a safe workplace for its employees, passengers, and users of the public highways that is free from illegal drug use and the misuse of alcohol; and

WHEREAS, the Board of Directors of Bost, Inc. intends to comply with the requirements for drug and alcohol testing as mandated by the U.S. Department of Transportation and other Federal and State laws and regulations.

NOW, THEREFORE, BE IT ADOPTED BY THE BOARD OF DIRECTORS OF Bost, Inc.:

SECTION 1: That all personnel policies of Bost, Inc. are hereby revised and amended to incorporate the DOT Final Rules, as amended. A copy of said Rules is attached hereto and by reference is incorporated herein in its entirety as if restated word for word.

SECTION 2: That this Employer Policy specifically amends any personnel policy providing for conditions of employment for employees whose duties require them to maintain a Commercial Driver's License in order to lawfully carry out their duties.

SECTION 3: Any Employer Policy, Resolution, Rule, Regulation or part of any Employer Policy, Resolution, Rule, Regulation now in effect which conflicts with the Rules is hereby repealed.

SECTION 4: The Human Resources Director is hereby directed to establish procedures to ensure compliance with the Rules, including the assignment of a Designated Employer Representative (DER) responsible for the execution of the procedures.

SECTION 5: Any laboratory, medical review officer, substance abuse professional or any other professional who receives payment for testing, evaluating, record-keeping, or other services mandated by the Rules must be qualified according to the Rules and must perform such services in conformance with 49 CFR Part 40 and Part 382.

SECTION 6: Drug and alcohol testing will be administered to those employees mandated by the Rules, in the circumstances and in the manner mandated by the Rules.

SECTION 7: The penalty for refusal to take a mandated test for drugs or alcohol is immediate discharge.\*

SECTION 8: The penalty for a positive drug test result, once the time limit for requesting a second test of a split sample has expired, or upon receipt of a positive drug test result from the second test, is immediate discharge.\*

SECTION 9: The penalty for a positive alcohol test results is immediate discharge.\*

SECTION 10: Employees whose initial drug test results are positive and who request a test of the second portion of the split sample will be suspended without pay until such time as the DER receives the results of the second (split sample) test. Such second test will be at the employee's expense.

SECTION 11: A negative result from the second (split sample) drug test will render the first test invalid and the employee will be reinstated with back pay and reimbursed for the costs of the second test.

SECTION 12: An employee suspected of unlawful use of drugs and abuse of alcohol while on duty as established by the Rules, or who is involved in an accident as defined in 49 CFR 390.4 (and receives a citation for a moving traffic violation in this section) by the Rules, shall be suspended immediately with pay until the results of the drug or alcohol test are received by the DER.

SECTION 13: If any provision of this Employer Policy is held invalid by a court of law or subsequent legislative action, such holding shall in no way affect the validity of the remaining provisions or sections of this Employer Policy, which shall remain in full force and effect.

SECTION 14: The need to adopt the Department of Transportation's Final Rules on Drug and Alcohol Testing, as amended, is necessary for the effective, efficient, and safe operation of Bost, Inc. and to protect the health and welfare of its employees, passengers and the citizens who travel the streets and highways, THEREFORE, an emergency is hereby declared to exist and this Employer Policy shall be in full force and effect from and after \_\_\_\_\_, 20\_\_\_\_.

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President or Chair  
Agency Governing Board

## **Section B**

**Bost, Inc.**

**Regulations and Policies**

**on**

**Drug and Alcohol Testing**

## **GENERAL REQUIREMENTS**

The Employer is required to provide educational materials that explain the requirements of the DOT's alcohol and drug testing program and the Employer's policies and procedures with respect to meeting those requirements.

The Employer shall ensure that a copy of these materials is distributed to each covered employee prior to the start of alcohol and controlled substances testing under the applicable regulations and this policy, and to each covered employee subsequently hired or transferred into a position requiring driving a commercial motor vehicle.

Employers must require that each covered employee sign a receipt for these materials. The employer must keep the original receipt and may provide the employee with a copy.<sup>1</sup>

The employer is required to obtain certain DOT drug and alcohol testing information from an applicant's previous employers for the past two years, along with the written authorization from the applicant for the release of this information.

## **TRAINING FOR SUPERVISORS**

Each employer shall ensure that persons designated to determine whether reasonable suspicion exists to require a driver to undergo testing receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

## **IMPLEMENTATION OF POLICY**

The Federal Motor Carrier Safety Regulations, specifically Title 49, Code of Federal Regulations, Part 382, established by the US Department of Transportation Federal Highway Administration, requires the Employer to establish rules and regulations for controlled substances and alcohol use and testing.

The Board of Directors of Bost, Inc. adopted the rules contained in the above regulations pertaining to certain employees and established penalties for violations. In addition, there may be other Employer Policy and policies regarding drug and alcohol testing.

## **PERSON DESIGNATED TO ANSWER QUESTIONS**

To assist you in understanding the requirements placed on both the employee and employer, the following persons will answer your questions about the alcohol and drug testing programs for those whose positions require a Commercial Driver's License.

Director of Human Resources Telephone: (479) 478-5602

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<sup>1</sup> An example receipt is included in Appendix B.

If not available,

## **EMPLOYEES SUBJECT TO ALCOHOL AND DRUG TESTING**

The employees who must be tested are those required to have a Commercial Driver's License (CDL).

That is any employee whose position requires driving a motor vehicle

- with a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight of more than 10,000 pounds;
- with a gross vehicle weight rating of 26,001 or more pounds;
- designed to transport 16 or more passengers, including the driver; or
- of any size that is used to transport hazardous material which require the vehicle to be placarded under the hazardous materials regulations.

## **SAFETY SENSITIVE FUNCTIONS**

Safety Sensitive Functions as defined by the regulations means any of those on-duty functions set forth in Part 395.2, Definitions, "On Duty Time" Para. 1-9.<sup>2</sup>

On-duty time means all the time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. On-duty time shall include

- waiting at a facility or other property to drive, unless relieved from duty by the employer;
- performing pre-trip inspections or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- driving the motor vehicle;;
- in or upon any commercial motor vehicle;
- loading or unloading the vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, or remaining in readiness to operate the motor vehicle;
- all time repairing, obtaining assistance, or remaining in attendance of a disabled vehicle;
- all time spent providing a breath sample or urine sample, including travel time to and from the collection site, in order to comply with any test conducted under USDOT regulations;

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<sup>2</sup> Covered employees may be called upon to perform safety-sensitive functions at any time during their scheduled work period. Covered employees are expected to adhere to this policy at all times during their scheduled work periods.

- performing any other work in the capacity, employ, or service of the agency;
- performing any compensated work.

## PROHIBITED CONDUCT

A driver shall not report for duty or remain on duty requiring the performance of safety sensitive functions, or perform a safety sensitive function

- while using alcohol;
- while having an alcohol concentration of 0.04 or greater and shall not return to safety sensitive duty until having an alcohol concentration of less than 0.02;
- while possessing alcohol. This includes the possession of medicines containing alcohol (prescription<sup>3</sup> or over-the-counter);
- within four hours after using alcohol;
- when using any controlled substance; except when instructed by a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a CMV. The employer may require a driver to inform the employer of any therapeutic drug use;<sup>4</sup>
- if tested positive for controlled substances.

A driver shall not refuse to submit to an alcohol or controlled substance test required by post-accident, random, or reasonable suspicion testing requirement.

Following an accident requiring a post-accident alcohol test, a driver or operator shall not use alcohol within eight hours after an accident<sup>5</sup> that requires a post-accident test, or before taking the required post-accident alcohol test, whichever comes first.

No supervisor shall permit a driver or operator to perform or continue to perform safety sensitive functions when the supervisor has actual knowledge that a driver or operator<sup>6</sup> [6]

- is using alcohol;
- has an alcohol concentration of 0.04 or greater;

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<sup>3</sup> Employer Policy: Employees are required to provide the supervisor with a physician's statement informing of any prescribed therapeutic use of a controlled substance. An Example Form is provided in Appendix B. An employee who refuses or fails to provide the required statement is subject to discharge.

<sup>4</sup> See Footnote Number 3

<sup>5</sup> An Accident as defined in 49 CFR Part 390 which resulted in the driver receiving a citation for a moving traffic violation or in which there was a fatality.

<sup>6</sup> "On-call" employees have an affirmative duty to notify their supervisor when called if they are in violation of any provision of this policy. Employees are expected to be aware of inclement weather forecasts and be prepared to be called to duty, which includes not violating the provisions of these regulations.

- has used alcohol within four hours;
- possesses alcohol. This includes the possession of medicines containing alcohol (prescription<sup>7</sup> or over-the-counter);
- has tested positive for controlled substances;
- is using any controlled substance, except when the employee has been instructed by a physician that the substance does not adversely affect the employees ability to safely operate a CMV;<sup>8</sup>
- has refused to submit to alcohol or controlled substance test.

## **WHEN A DRIVER MUST BE TESTED**

The Federal Motor Carrier Safety Regulations are very specific about when a driver must submit for a drug and alcohol test. The drug test will use urine, and the alcohol test will use breath.

The regulations require four tests of CMV drivers. They are

- Pre-employment (Drug test only)
- Random
- Reasonable Suspicion
- Post-Accident
- Return to Duty \*
- Follow-up \*.

\* Not necessary for agencies who follow a “zero tolerance” policy for positive test results and refusals.

## **TESTING PROCEDURES**

### **ALCOHOL TESTS**

Alcohol testing is done by testing breath, because it is the most easily obtained bodily substance and the results are known within minutes of testing. The test results are displayed and printed in

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<sup>7</sup> Employer Policy: Employees are required to provide the supervisor with doctor’s statement informing of any prescribed therapeutic use of any controlled substance. An example form is provided in Appendix B. An employee who refuses or fails to provide the required doctor’s statement is subject to disciplinary action, including discharge.

<sup>8</sup> See Footnote Number 7

terms of grams of alcohol per 210 liters of breath. The testing device is called an Evidential Breath Testing Device (EBT). The EBT is a scientific instrument which determines the concentration of alcohol expressed as “percent by weight”. It does this by analyzing a specific volume of expired breath. The weight of alcohol in the breath sample is determined and the quantity of the alcohol converted to its equivalent value in blood. A BAC (blood alcohol concentration) of 0.10 means one tenth of gram of alcohol per 210 liters of breath.

The EBT will print three copies of each test result and the test results are numbered. A test may have two separate parts. The first is the initial test. If the initial test shows a reading less than 0.02, the test is recorded as “negative”. If the initial test result is 0.02 or greater, a confirmation test will be done.

The alcohol testing will be done in a site that affords privacy to the drivers being tested. This site could be a room, van, or a partitioned-off area. Only one breath test will be done at one time. The person giving the test will not leave the testing site during the test.

The first part of the testing process is to make sure that the EBT is operating properly. In the driver’s presence the technician runs an “air blank” test to make sure the EBT is working correctly and the reading is zero. Next, a sealed mouthpiece is opened and placed into the EBT. In order to get a sufficient quantity of deep lung air, the driver is requested to blow into the mouthpiece for at least 6 seconds, or until the EBT indicates that an adequate amount of breath has been obtained. The EBT will immediately read the results of the initial test.

When the initial test results show a reading of 0.02 BAC or greater, a confirmation test is necessary. Before the confirmation test, a 15-minute waiting period will be observed during which the driver cannot leave the test site and may not eat, drink, or smoke during this period. The purpose of the 15-minute waiting period is to ensure that the presence of mouth alcohol from the recent use of food, tobacco, or hygiene products does not artificially raise the test result. The confirmation test is done on the same EBT as the first test, and the testing procedures will be the same.

When the confirmation result is different from the initial test, the lower of the two test results will be used to determine the consequences. A breath alcohol testing form will be prepared with a copy for the tested driver.

## DRUG TESTS

The testing program required by the regulations is limited to five drug types

Marijuana  
Cocaine  
Opiates  
Amphetamines  
Phencyclidine (PCP).

All drug testing must be done from urine specimens collected under highly controlled conditions. Specimen collection procedures require

- a designated collecting site;
- security for the collection site;
- chain of custody documentation;

- use of authorized personnel;
- privacy during collection;
- integrity and identity of the specimen;
- transportation to the laboratory.

Driver protection is built into the testing procedures. To meet the federal requirements the only laboratories to be used are those that have been certified by the federal government. The Substance Abuse and Mental Health Services Administration certifies laboratories that have met all of the guidelines established by the Department of Health and Human Services.

After the urine specimen has been collected and forwarded to the laboratory, two tests are performed

- Initial test: this is an immunoassay screening test to determine drug usage for the five classes of drugs.
- Second test: this is a confirmation test using gas chromatography mass spectrometry (GCMS)

**The positive levels for the five classes of drug tests are in the table below:**

<b>DRUGS</b>	<b>Initial Test Levels (ng/mL)*</b>	<b>Confirmation Test Levels (ng/mL)*</b>
Marijuana	50	15
Cocaine	300	150
Opiates	2000	-----
Morphine	-----	2000
Codeine	-----	2000
Phencyclidine (PCP)	25	25
Amphetamines	1000	500
Methamphetamine	-----	500

**\*ng/mL means nanograms per milliliter. A nanogram is one billionth of a gram. A milliliter is one thousandth of a liter.**

If the results of the initial test are negative, the testing laboratory will advise the employer's Medical Review Officer (MRO) that the drug test for the driver was negative. No additional tests on the specimen will be done.

If the results of the initial test are positive, that is, if the results exceed the test levels for any of the five drug classes, a second (confirmation) test is performed. This test done in an entirely different manner from the initial one. All specimens identified as positive on the initial test must be confirmed using gas chromatography/mass spectrometry techniques.

Only specimens that are confirmed positive on the second or confirmatory test are reported positive to the Medical Review Officer, who will contact the employee or applicant and confer regarding the results to determine if a false positive is possible. If after making all reasonable efforts and documenting these efforts, the MRO is unable to reach the employee directly, the MRO must contact the DER who then must direct the employee to contact the MRO. If, after

making all reasonable efforts, the management official is unable to reach the employee, the employer may place the employee on medically unqualified status (suspension) until a determination has been made as to the appropriate course of action to be taken.

The MRO may verify a test as positive without having communicated directly with the employee about the test results under the following circumstances

- the employee expressly declines the opportunity to discuss the test results;
- the employee does not contact the MRO within 72 hours after having been instructed to do so;
- neither the MRO nor DER has been able to contact the employee within 10 days of the confirmed test.

Urine collections are made “split specimen.” That is, the urine is divided into two specimen bottles before the testing. If the test result of the primary specimen is positive, the driver, within 72 hours of being notified of the positive test result of the primary specimen, may request the Medical Review Officer to send the second (or split) specimen to a different certified laboratory for testing.<sup>9</sup> The testing of the split specimen will be for the presence of drugs with no cut-off levels. If the result of the test of the split specimen is “negative”, the MRO shall cancel the test.

The employer is required to maintain a file for each covered driver showing the type of test (pre-employment, random, etc.); date of collection; location of collection; entity performing the collection; name of the lab; name of the MRO; and the test results. These records are to be maintained according to Federal Motor Carrier Safety Regulations.

## **TESTING PROGRAMS**

Most testing will be done while the driver is performing a safety-sensitive function, or just before the driver is to perform a safety-sensitive function, or immediately available to perform any safety-sensitive function, or just after the employee has ceased performing such functions.

### PRE-EMPLOYMENT TESTING

Persons whose positions require a commercial driver’s license must be tested for drug use prior to the first performance of a safety-sensitive function, as defined in 49 CFR Part 382.107. A negative drug test result must be received before the driver can perform these functions. Drivers must submit to pre-employment drug testing if they have been removed from the testing pool for more than 30 days. Pre-employment alcohol testing is not required.

### REASONABLE SUSPICION TESTING

An employer shall require a driver to submit to an alcohol or controlled substance test, within the time limits set out in the regulations, when the employer has reasonable suspicion to believe the

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<sup>9</sup> Employer Policy: Second tests are at the employee’s expense. If the results of the second test are negative, the employee will be reimbursed the cost of the test by the Employer. Only the employee may request the MRO to run the second test. Such request must be received by the MRO within 72 hours of being notified of the positive test result.

driver has engaged in prohibited actions as defined by Subpart B of Part 382 of the regulations concerning controlled substances or alcohol.<sup>10</sup> Such reasonable suspicion shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The observations leading to reasonable suspicion of use of a controlled substance may include indications of the chronic and withdrawal effects of such substances.

Reasonable suspicion means a very specific and objective basis for suspecting the particular employee of engaging in PROHIBITED CONDUCT. For the purpose of this section,

PROHIBITED CONDUCT shall include the listing earlier in this document under the topic heading "PROHIBITED CONDUCT".

The supervisor making the observations leading to reasonable suspicion controlled substance and alcohol testing must have received the required training in detection of probable alcohol misuse or controlled substance abuse.

The supervisor who determines that reasonable suspicion exists shall not conduct the breath alcohol test on the driver. Testing will be done only by someone trained to operate the EBT (evidential breath testing device) and proficient in the breath testing procedures. This may be by a contract service or a local law enforcement officer in a post-accident situation. The testing shall be accomplished in accordance with the procedures listed earlier in this document, under the topic heading "TESTING PROCEDURES".

The driver may be directed by the employer to undergo reasonable suspicion testing for alcohol only while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions. The driver must be taken immediately to the test site and the test must be done as soon as possible within the time limits set by the regulations.

In the case of suspected drug use, the driver must be taken immediately to a collection site and a urine sample must be obtained. The behavior, appearance or other condition of the employee that causes the supervisor to require the test must be documented in writing and signed by the witness within 24 hours after the behavior is noticed or before the controlled substances tests are released, whichever is earlier.

## RANDOM TESTING

Random testing ensures that every driver has an equal chance of being tested.<sup>11</sup> Random tests are unannounced.

The rate for random testing is based on a 1-year period. The unannounced tests should be spread evenly throughout the year on a weekly, monthly, or quarterly basis.

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<sup>10</sup> Employer Policy: Any employee suspected of unlawful use of drugs or abuse of alcohol while on duty as established by the Federal Regulations, or who is involved in an accident as defined by the Federal regulations shall be immediately suspended with pay until the results of the drug or alcohol test are received by the Employer and a determination has been made as to the appropriate course of action to be taken.

<sup>11</sup>Employer Policy: Drivers are selected randomly by Social Security Number. Selection is made by a third party designated by the Employer, who shall notify the DER of the selected names.

The regulations provide that random drug testing is to be at a 50% annualized rate (minimum); and that random alcohol is to be at a 10% annualized rate (minimum). Employees may be selected to take both the drug and alcohol random tests at the same time.

### POST ACCIDENT TESTING

As soon as practical following an accident<sup>12</sup> involving a commercial motor vehicle, the employer shall test for alcohol & controlled substances each surviving driver who was performing safety sensitive functions with respect to the vehicle if the accident involved

- a fatality; or
- the driver receives a citation under state or local law for a moving traffic violation arising from the accident; and ***either the accident involves a bodily injury to a person who receives medical treatment away from the accident site; or one of the involved vehicles is towed from the scene.***

A driver who is subject to post accident testing<sup>13</sup> shall remain readily available for such testing or may be deemed by the employer to have refused to submit to testing. Drug tests must be administered within 32 hours of the accident. Alcohol tests are required to be administered within 2 hours, but not later than 8 hours, after an accident. Nothing in this section shall require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for a period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

The results of any breath or blood test for the use of alcohol or a urine test for the use of controlled substances, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to applicable Federal, State or local requirements, and that the results of the tests are obtained by the employer.

### **REFUSAL TO SUBMIT TO AN ALCOHOL OR CONTROLLED SUBSTANCES TEST**

The Federal Motor Carrier Safety Regulations provide that

- a driver or operator shall not refuse to submit to a post-accident test, reasonable suspicion test, random selection test, or follow-up test; no employer shall permit a driver or operator who refuses to submit to a required test to perform or continue to perform safety sensitive functions.

Under the regulations, actions constituting a refusal to submit to a test include

- engaging in conduct that clearly obstructs the testing process;
- tampering, contaminating, adulterating or substituting specimen;

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<sup>12</sup> Employer Policy: As required in Part 382.303 of Federal Regulations.

<sup>13</sup> Employer Policy: Any employee involved in an accident as defined by the regulations shall be suspended immediately with pay until the results of the drug or alcohol tests are received by the DER.

- the refusal to sign the certification in step 2 on the alcohol test form;
- failure to provide an adequate amount of breath without a valid medical explanation;
- failure to provide sufficient urine for a drug test without a valid medical explanation;
- leaving the scene of an accident without just cause prior to submitting to a test;
- failure to appear for any test within a reasonable time, after being directed to do so by the agency, except a pre-employment test;
- failure to remain at the testing site until the testing process is complete;
- failure to cooperate with any part of the testing process;
- failure to undergo a medical examination or evaluation as required by a MRO or DER;
- failure to permit monitoring of observed testing;
- failure to take a second test when required;
- verification of a test that was adulterated or substituted;
- Failure to follow the observer's instructions during an observed collection;
- Possessing or wearing a prosthetic or other device that could be used to interfere with an accurate collection;
- Admission to the collector or MRO of adulteration or substitution of a specimen.

#### Collections Under Direct Observation

Given the increased availability of cheating products, the USDOT has adjusted the balance between safety and privacy by making direct observation collections mandatory and adding additional procedures in the observation and collection process.

Observed urine collections are authorized and required in the following circumstances:

1. The temperature of the original specimen is outside the accepted temperature range of 90°F - 100°F
2. The original specimen shows signs of tampering, such as an unusual odor, color or characteristic
3. A collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen
4. The MRO orders an observed collection following the report of certain atypical laboratory results of the original specimen without legitimate medical reason
5. The MRO determined that the original specimen was positive, adulterated or substituted, but had to be cancelled because the test of the split specimen could not be performed.

The observer does not have to be a certified collector, but must be the gender as the employee. The observer need only follow the directions of the certified collector. The observer shall request the employee to raise his or her outer upper garments, above the waist, just above the navel; lower clothing and underpants to mid-thigh and show the observer, by turning around, that the employee does not have a prosthetic or other device designed to carry "clean" urine or urine substitute.

If the employee has such a device, the observer immediately notifies the collector, if the observer is not the collector; the collector stops the collection, and thoroughly documents the circumstances surrounding the event in the remarks section of the CCF. The collector notifies the DER. This is a refusal to test.

If the employee does not have such a device, the employee is permitted to return clothing to its proper position for the observed collection. The observer must watch the urine pass from the employee's body into the collection container. If the observer is not the collector, the observer must watch as the employee take s the specimen to the collector. The collector then completes the collection process.

Failure of the employee to permit any part of the direct observation procedure is a refusal to test and violation of this policy.

#### CONSEQUENCES OF A REFUSAL TO SUBMIT TO A DRUG OR ALCOHOL TEST

The regulations provide that no employer shall permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions.<sup>14</sup>

#### **CONSEQUENCES OF A POSITIVE TEST**

The regulations require an employer to immediately remove an employee from safety sensitive duties following a positive drug test or alcohol test of 0.04 BAC and above.

#### ALCOHOL TEST RESULTS OF 0.04 BAC AND ABOVE

A driver who tests 0.04 or above will be

- immediately removed from safety sensitive functions;<sup>15</sup>
- made aware of resources for solving alcohol and drug problems;<sup>16</sup>

***Note: If the employer chooses a different form of disciplinary action, then that should be substituted for the penalties stated in Footnotes 14 & 15.***

#### ALCOHOL TEST RESULTS OF OVER 0.02 BAC OR OVER BUT LESS THAN 0.04 BAC

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<sup>14</sup> Employer Policy: The penalty for refusal to take a mandated test for drugs of alcohol is immediate discharge.

<sup>15</sup> Employer Policy: The penalty for a positive alcohol test is immediate discharge.

<sup>16</sup> Employer Policy: Choice of Substance Abuse Professional (SAP) shall be made by the employee, who may use the list provided in this booklet. Cost of initial and all follow-up SAP evaluations shall be at the employee's expense if not covered by medical insurance.

No Driver who is found to have a BAC of 0.02 or greater but less than 0.04 shall perform safety sensitive functions until the start of the driver's next scheduled duty period, but not less than 24 hours following the test.

### DRUG TESTS

A driver who tests positive for drugs shall

- be immediately removed from safety-sensitive functions;<sup>17</sup>
- be made aware of resources for solving alcohol and drug problems;<sup>18</sup>

***Note: If the employer chooses a different form of disciplinary action, then that should be substituted for the penalties stated in Footnote 17.***

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<sup>17</sup> Employer Policy: The penalty for a positive drug test result, once the time limit for requesting a second test of a split sample has expired, or upon receipt of a positive drug test result from the second test, is immediate discharge. Employees whose initial drug test results are positive and who request a test of the second portion of the split sample will be suspended without pay until such time as the DER receives the results of the second test. A negative result from the second drug test will render the first invalid and the employee will be reinstated with back pay and reimbursement for the costs of the second test.

<sup>18</sup> See Footnote Number 16.

## **THE EFFECTS OF ALCOHOL AND DRUGS ON HEALTH, WORK, AND PERSONAL LIFE**

The hazard of misuse of alcohol and illegal drugs extends far beyond the individual user. Impaired employees endanger themselves, fellow workers, and other users of our highways. Employees with drugs or alcohol in their systems are less productive and more likely to injure themselves or other persons in an accident. Alcohol and drug abusing employees increase the costs related to lost productivity, absenteeism, accidents, loss of trained personnel, theft, and treatment and deterrence programs. Also, medical costs are higher and are passed on to the employer in the form of higher health insurance rates. Alcohol and drug abuse costs both the employer and the employee. Alcohol remains the number one abused drug in this country. Alcohol consumption causes a number of changes in behavior. Even low doses can impair the judgment and coordination required for driving. Low to moderate doses increase the incidence of a variety of aggressive acts. Moderate to high doses cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressant drugs, much lower doses of alcohol will produce the effects just described. Long-term consumption of large quantities of alcohol can lead to permanent damage to vital organs such as the brain and the liver.

## **SIGNS AND SYMPTOMS OF AN ALCOHOL OR DRUG PROBLEM**

Drugs can show their effects in many different ways. Some of the most noticeable signs of drug abuse are drowsiness, respiratory depression, constricted pupils, nausea, slurred speech, excitement, loss of appetite, poor perception of time and distance, relaxed inhibitions, disoriented behavior, watery eyes, runny nose, chills and sweats, convulsions, apathy, depression, and the use of drug paraphernalia. Some of the signs and symptoms of alcohol misuse are the odor of alcohol, slurred speech, staggering, tremors, vomiting, cramps, delirium, loss of appetite, using arms for balance, leaning against walls and doorways, swaying while maintaining balance, and confusion.

Multiple substance abuse is abuse of more than one drug, either at the same time or over a period of time and it involves any combination of

- Alcohol
- Prescription drugs
- Over-the-counter drugs
- Illegal drugs

Multiple substance abuse is especially dangerous because different substances interact with each other to produce unexpected effects and dangers.

Multiple substance abuse often begins with abuse of a single substance. This may happen because once a person begins to rely on a drug, abuse of additional substances becomes more likely.

People who abuse one substance are at a high risk for developing dependence and tolerance for other substances.

More detailed information on drugs that every driver needs to know is contained in Appendix A.

## **INTERVENTION AND ASSISTANCE**

### **METHODS OF INTERVENTION FOR SUSPECTED ALCOHOL OR DRUG PROBLEMS**

Alcohol and substance abuse is a complex problem calling for specialized supervision and care. Don't help or aid a person whom you think has an alcohol or drug abuse problem. Don't make excuses for them; don't do their work for them; and don't look the other way. The problem is not going to go away. Don't enable the person to continue the alcohol or drug abuse.

Leave the treatment and counseling of persons with an abuse problem to the professionals. The DOT regulations require that the person with a problem be evaluated by a professional – such as a physician, psychologist, or other persons with knowledge of abuse and clinical experience in the diagnosis and treatment of alcohol and drug related disorders.

## WHERE CAN I GO FOR HELP?

**LISTED BELOW ARE SOURCES FOR INFORMATION ON ALCOHOL AND DRUG ABUSE TREATMENT CENTERS (Local offices of these and other sources may be found in your city or county. Ask your employer.)**

### **ALCOHOL ONLY**

AA Central Office .....	501-664-7303
Alcohol Abuse & Addiction Information & Treatment.....	501-375-2733
Highway Hero Program, 1100 N. University, LR.....	501-666-9100
Serenity Park Inc., 2801 W. Roosevelt Rd., LR.....	501-663-7627
Southwest Employee Assistance Program Plaza West Bldg., LR .....	501-663-1797
Twenty Four Hour Center Inc., LR	
Alcohol Rehab Center for Men, 2021 S. Main .....	501-375-7585
Alcohol Rehab Center for Women, 3900 Affolter Ln.....	501-868-5184
Wilson, Bill, 2500 McCain Blvd., N. Little Rock.....	501-753-1616
Wolfe Street Center, 1210 Wolfe, LR .....	501-372-5662

### **DRUG ABUSE ONLY**

Arkansas Cares .....	501-661-7979
The Bridgeway, 21 Bridgeway Rd., Maumelle .....	501-771-1500
Gyst House, 4201 John Barrow Rd., LR.....	501-568-1682
Gyst O-P Center 1616 W. 14 <sup>th</sup> , LR.....	501-372-6800
Step Up Center, 9300 Geyer Springs Rd., LR .....	501-565-1333

### **ALCOHOL AND DRUG ABUSE**

Alpha Link Inc., 7509 Cantrell Road, LR.....	501-664-7867
Pinnacle Pointe Hospital 11501 Financial Centre Pkwy, LR .....	800-880-3322
Central Arkansas Substance Abuse Programs, 7107 W. 12 <sup>th</sup> , LR .....	501-666-6460
Cocaine Anonymous, 1712 W. 16 <sup>th</sup> , LR.....	501-374-1334
Cocaine-Lifeline 24 Hr. Helpline .....	800-822-4898
Family Service Agency, 628 W. Broadway, Ste. 300, N. Little Rock, AR.....	501-372-4242
InterPhase of Arkansas, 5 Shackelford Plaza, LR .....	501-227-7305
Living Hope Institute, 600 S. McKinley, LR.....	501-663-4673
Ouachita Chemical Dependency Units, Camden.....	800-232-1289
Pinewood Resource Center, 425 W. Capitol, LR.....	501-374-4033
Recover, 9601 Interstate 630, LR .....	501-223-7507
Restore, Two St. Vincent Circle, LR.....	501-376-1200
Riverbend Recovery Center, 1201 River Rd., NLR .....	501-372-4611

**ASACB**

**Arkansas Substance Abuse Certification Board**

**Department of Transportation Substance Abuse Professionals**

(from ASACB website [<http://icrcaoda-arkansas.org/dotproviders.htm>], Feb. 6, 2009)

Becky Ausburn  
(501) 278-0701  
Renewal Date 12/12/2009

Sharon Bell  
Cabot, A 72023  
501-827-3111  
Renewal date 12/15/2010

Weldon "Buck" Benthall  
908 Club Parkway  
Nashville, TN 37221  
(615) 495-5258  
Campus for Human Development

Robert Campbell  
1501 N. 49th Street  
Fort Smith, AR 72904  
479-783-6842  
Renewal date 12/9/2009

B. J. Franzen  
Health Resources of Arkansas  
P.O. Box 441  
Augusta, AR 72006  
870-347-5908  
Renewal date 12/13/2009

José Fred Garcia  
P.O. Box 633  
Siloam Springs, AR 72761  
479-283-1374  
[fgarcia@ipa.net](mailto:fgarcia@ipa.net)  
Renewal date 3/11/2009

Lisa J. Jackson, CADC, CCS, SAP  
3900 Armour Avenue  
Ft Smith, AR 72904  
479-783-8849 ext. 212 or ext 219  
479-782-5682 fax  
479-883-9182 cell  
Renewal Date 6/14/2011

Frank McIlroy

401 Crittenden  
Arkadelphia, AR 71923  
870-246-7636  
Cell 501-617-1308  
Renewal date 6/12/2010

Debbye Miller  
369 Hawthorne  
Memphis, TN 38112  
cell 901-487-5134  
work 901-521-1131  
Renewal date 9/09/2009

Martha C. Mosley  
CASS Job Corps  
21424 N. Hwy 23  
Ozark, AR 72949  
Phone (479) 667-0332 Fax (479) 667-3989  
Renewal date 12/13/2009

Steven Nelson  
806 S. 26th  
Fort Smith, AR 72901  
479-441-3392  
Renewal date 12/9/2009

John Parker  
Serenity Counseling Advocates, Inc.  
P.O. Box 1108  
Van Buren, AR 72957  
479-410-1700  
[jpcca@swbell.net](mailto:jpcca@swbell.net):  
Renewal date 12/13/2009

Chuck Perry  
1078 CR 1035  
Greenville, TX 75401  
Renewal date 12/13/09

J.G. Regnier  
Counseling and Psychology Associates  
100 South University Avenue  
Little Rock, AR 72205  
501-766-1697  
[jgregnier@msn.com](mailto:jgregnier@msn.com)  
Renewal date 12/13/2009

Charles A. Scott, LCSW, ACADC, SAP  
768 E. Birwin St.  
Fayetteville, AR 72703  
479-856-1929

[Duling56@cox.net](mailto:Duling56@cox.net)

Pat Stricker  
McCain Psychotherapy Clinic  
3805 Mc Cain Park Drive, Suite 116  
North Little Rock, AR 72116  
501-758-9993  
Renewal date 12/13/2009

Michael Teague  
P.O. Box 10040  
Jonesboro, AR 72401  
870-972-6199  
Renewal date 12/13/2009

Catherine Totten  
Private Practice  
618 North Willow Avenue  
Fayetteville, AR 72701  
479-521-3025  
Renewal date 3/13/2007

Frank 'Mic' Wright  
UAMS Department of Psychiatry  
4301 W. Markham St. 825A  
Little Rock, AR 72205-7199  
501-554-4938  
[micwright@uams.edu](mailto:micwright@uams.edu)  
Renewal date 12/13/2009

#### **LISTED BELOW ARE NATIONAL SOURCES OF HELP AND INFORMATION**

National Clearinghouse for Alcohol and Drug Information  
Monday through Friday  
1-800-729-6686

The National Federation of Parents for Drug-Free Youth  
Monday through Friday  
1-800-622-2255

Parents Resource Institute for Drug Education (PRIDE)  
Monday through Friday  
Saturday and Sunday, 12:00 p.m. – 3:00 a.m.  
1-800-COCAINE

## **Appendix A**

### **Alcohol and Drug Misuse**

*Note: The 'Fact Sheets' contained herein are excerpted from Arkansas State Highway and Transportation Department training materials.*

## ALCOHOL FACT SHEET

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

### Signs and Symptoms of Use

- Dulled mental process
- Lack of coordination
- Odor of alcohol on breath
- Possible constricted pupils
- Sleepy or stuporous condition
- Slowed reaction rate
- Slurred speech

(Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

### Health Effects

The chronic consumption of alcohol (average of three servings per day of beer (12 ounces), whiskey (1 ounce), or wine (6 ounce glass) over time may result in the following health hazards

- Decreased sexual functioning
- Dependency (up to 10 percent of all people who drink alcohol become physically and/or mentally dependent on alcohol and can be termed “alcoholic”)
- Fatal liver disease
- Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
- Kidney disease
- Pancreatitis
- Spontaneous abortion and neonatal mortality
- Ulcers
- Birth defects (up to 54 percent of all birth defects are alcohol related)

### Social Issues

- Two-thirds of all homicides are committed by people who drink prior to the crime
- Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends
- Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes
- The rate of separation and divorce in families with alcohol dependency problems is 7 times the average
- Forty percent of family court cases are alcohol problem related
- Alcoholics are 15 times more likely to commit suicide than are other segments of the population
- More than sixty percent of burns, forty percent of falls, 69 percent of boating accidents and 76 percent of private aircraft accidents are alcohol related

### The Annual Toll

- 24,000 people will die on the highway due to the legally impaired driver
- 12,000 more will die on the highway due to the alcohol-affected driver
- 15,800 will die in non-highway accidents
- 30,000 will die due to alcohol-caused liver disease
- 10,000 will die due to alcohol-induced brain disease or suicide
- Up to another 125,000 will die due to alcohol-related conditions or accidents

### Workplace Issues

- It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage from the body
- Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body
- A person who is legally intoxicated is 6 times more likely to have an accident than a sober person

## AMPHETAMINE FACT SHEET

Amphetamines are central nervous system stimulants that speed up the mind and body. The physical sense of energy at lower doses and the mental exhilaration at higher doses are the reasons for their abuse. Although widely prescribed at one time for weight reduction and mood elevation, the legal use of amphetamines is now limited to a very narrow range of medical conditions. Most amphetamines that are abused are illegally manufactured in foreign countries and smuggled into the U.S. or clandestinely manufactured in crude laboratories.

### Description

- Amphetamine is sold in counterfeit capsules or as white, flat, double-scored “mini-bennies.” It is usually taken by mouth.
- Methamphetamine is often sold as a creamy white and granular powder or in lumps and is packaged in aluminum foil wraps or sealable plastic bags. Methamphetamine may be taken orally, injected, or snorted into the nose.
- Trade/street names include Biphphetamine, Delcobese, Desotyn, Detedrine, Chetrol, Ritalin, Speed, Meth, Crank, Crystal, Monster, Black Beauties, and Rits.

### Signs and Symptoms of Use

- Hyperexcitability, restlessness
- Dilated pupils
- Increased heart rate and blood pressure
- Heart palpitations and irregular beats
- Profuse sweating
- Rapid respiration
- Confusion
- Panic
- Talkativeness
- Inability to concentrate
- Heightened aggressive behavior.

### Health Effects

- Regular use produces strong psychological dependence and increasing tolerance to drug.
- High doses may cause toxic psychosis resembling schizophrenia.
- Intoxication may induce a heart attack or stroke due to spiking of blood pressure.
- Chronic use may cause heart and brain damage due to severe constriction of capillary blood vessels.
- The euphoric stimulation increases impulsive and risk-taking behaviors, including bizarre and violent acts.
- Withdrawal from the drug may result in severe physical and mental depression.

### Workplace Issues

- Since amphetamines alleviate the sensation of fatigue, they may be abused to increase alertness because of unusual overtime demands or failure to get rest.
- Low-dose amphetamine use will cause a short-term improvement in mental and physical functioning. With greater use or increasing fatigue, the effect reverses and has an impairing effect. Hangover effect is characterized by physical fatigue and depression, which may make operation of equipment or vehicles dangerous.

## COCAINE FACT SHEET

Cocaine is used medically as a local anesthetic. It is abused as a powerful physical and mental stimulant. The entire central nervous system is energized. Muscles are more tense, the heart beats faster and stronger, and the body burns more energy. The brain experiences an exhilaration caused by a large release of neuro hormones associated with mood elevation.

### Description

- The source of cocaine is the coca bush, grown almost exclusively in the mountainous regions of northern South America.
- Cocaine Hydrochloride – “snorting coke” is a white to creamy granular or lumpy powder that is chopped into a fine powder before use. It is snorted into the nose, rubbed on the gums, or injected in veins. The effect is felt within minutes and lasts 40 to 50 minutes per “line” (about 60 to 90 milligrams). Common paraphernalia include a single-edged razor blade and a small mirror or piece of smooth metal, a half straw or metal tube, and a small screw cap vial or folded paper packet containing the cocaine.
- Cocaine Base – a small crystalline rock about the size of a small pebble. It boils at a low temperature, is not soluble in water, and is up to 90 percent pure. It is heated in a glass pipe and the vapor is inhaled. The effect is felt within seven seconds. Common paraphernalia includes a “crack pipe” (a small glass smoking device for vaporizing the crack crystal) and a lighter, alcohol lamp, or small butane torch for heating.
- Trade/street names include Coke, Rock, Crack, Free Base, Flake, Snow, Smoke, and Blow.

### Signs and Symptoms of Use

- Financial problems
- Frequent and extended absences from meetings or work assignment
- Increased physical activity and fatigue
- Isolation and withdrawal from friends and normal activities
- Secretive behaviors, frequent nonbusiness visitors, delivered packages, phone calls
- Unusual defensiveness, anxiety, agitation
- Wide mood swings
- Runny or irritated nose
- Difficulty in concentration
- Dilated pupils and visual impairment
- Restlessness
- Formication (sensation of bugs crawling on skin)
- High blood pressure, heart palpitations, and irregular rhythm
- Hallucinations
- Hyperexcitability and overreaction to stimulus
- Insomnia
- Paranoia and hallucinations
- Profuse sweating and dry mouth
- Talkativeness

### Health Effects

- Research suggests that regular cocaine use may upset the chemical balance of the brain. As a result, it may speed up the aging process by causing irreparable damage to critical

nerve cells. The onset of nervous system illnesses such as Parkinson's disease could also occur.

- Cocaine use causes the heart to beat faster and harder and rapidly increases blood pressure. In addition, cocaine causes spasms of blood vessels in the brain and heart. Both effects lead to ruptured vessels causing strokes or heart attacks.
- Strong psychological dependency can occur with one "hit" of crack. Usually, mental dependency occurs within days (crack) or within several months (snorting coke). Cocaine causes the strongest mental dependency of any known drug.
- Treatment success rates are lower than for other chemical dependencies.
- Cocaine is extremely dangerous when taken with depressant drugs. Death due to overdose is rapid. The fatal effects of an overdose are not usually reversible by medical intervention. The number of cocaine overdose deaths has tripled in the last four years.
- Cocaine overdose was the second most common drug emergency in 1986 – up from 11<sup>th</sup> place in 1980.

#### Workplace Issues

- Extreme mood and energy swigs create instability. Sudden noises can cause a violent reaction.
- Lapses in attention and ignoring warning signals greatly increase the potential for accidents.
- The high cost of cocaine frequently leads to workplace theft and/or dealing.
- A developing paranoia and withdrawal create unpredictable and sometimes violent behavior.
- Work performance is characterized by forgetfulness, absenteeism, tardiness, and missed assignments.

## MARIJUANA (CANNABINOID) FACT SHEET

Marijuana is one of the most misunderstood and underestimated drugs of abuse. People use marijuana for the mildly tranquilizing and mood or perception altering effects it produces.

### Description

- Usually sold in plastic sandwich bags, leaf marijuana will range in color from green to light tan. The leaves are usually dry and broken into small pieces. The seeds are oval with one slightly pointed end. Less prevalent, hashish is a compressed, sometimes tarlike substance ranging in color from pale yellow to black. It is usually sold in small chunks wrapped in aluminum foil. It may also be sold in an oily liquid.
- Marijuana has a distinctly pungent aroma resembling a combination of sweet alfalfa and incense.
- Cigarette papers, roach clip holders, and small pipes made of bone, brass, or glass are commonly found. Smoking "bongs" (large bore pipes for inhaling large volumes of smoke) can easily be made from soft drink cans and toilet paper rolls.
- Trade/street names include Marinol, THC, Pot, Grass, Joint, Reefer, Acapulco Gold, Sinsemilla, Thai Sticks, Hash, and Hash Oil.

### Signs and Symptoms of Use

- Reddened eyes (often masked by eye drops)
- Slowed speech
- Distinctive odor on clothing
- Lackadaisical "I don't care" attitude
- Chronic fatigue and lack of motivation
- Irritating cough, chronic sore throat.

### Health Effects

#### General

- When marijuana is smoked, it is irritating to the lungs. Chronic smoking causes emphysema-like conditions.
- One joint causes the heart to race and be overworked. People with undiagnosed heart conditions are at risk.
- Marijuana is commonly contaminated with the fungus *Aspergillus*, which can cause serious respiratory tract and sinus infections.
- Marijuana smoking lowers the body's immune system response, making users more susceptible to infection. The U.S. government is actively researching a possible connection between marijuana smoking and the activation of AIDS in positive human immunodeficiency virus (HIV) carriers.

#### Pregnancy Problems and Birth Defects

- The active chemical, tetrahydrocannabinol (THC), and 60 other related chemicals in marijuana concentrate in the ovaries and testes.
- Chronic smoking of marijuana in males causes a decrease in sex hormone, testosterone, and an increase in estrogen, the female sex hormone. The result is a decrease in sperm count, which can lead to temporary sterility. Occasionally, the onset of female sex characteristics including breast development occurs in heavy users.
- Chronic smoking of marijuana in females causes a decrease in fertility and an increase in testosterone.

- Pregnant women who are chronic marijuana smokers have a higher than normal incidence of stillborn births, early termination of pregnancy, and higher infant mortality rate during the first few days of life.
- In test animals, TUC causes birth defects, including malformations of the brain, spinal cord, forelimbs, and liver and water on the brain and spine.
- Offspring of test animals who were exposed to marijuana have fewer chromosomes than normal, causing gross birth defects or death of the fetus. Pediatricians and surgeons are concluding that the use of marijuana by either or both parents, especially during pregnancy, leads to specific birth defects of the infant's feet and hands.
- One of the most common effects of prenatal cannabinoid exposure is underweight newborn babies.
- Fetal exposure may decrease visual functioning and causes other ophthalmic problems.

### Mental Function

Regular use can cause the following effects:

- Delayed decision-making
- Diminished concentration
- Impaired short-term memory, interfering with learning
- Impaired signal detection (ability to detect a brief flash of light), a risk for users who are operating machinery
- Impaired tracking (the ability to follow a moving object with the eyes) and visual distance measurements
- Erratic cognitive function
- Distortions in time estimation
- Long-term negative effects on mental function known as "acute brain syndrome," which is characterized by disorders in memory, cognitive function, sleep patterns, and physical condition.

### Acute Effects

- Aggressive urges
- Anxiety
- Confusion
- Fearfulness
- Hallucinations
- Heavy sedation
- Immobility
- Mental dependency
- Panic
- Paranoid reaction
- Unpleasant distortions in body image.

### Workplace Issues

- The active chemical, THC, stores in body fat and slowly releases over time. Marijuana smoking has a long-term effect on performance.
- A 500 to 800 percent increase in THC concentration in the past several years makes smoking three to five joints a week today equivalent to 15 to 40 joints a week in 1978.
- Combining alcohol or other depressant drugs and marijuana can produce a multiplied effect, increasing the impairing effect of both the depressant and marijuana.

## OPIATES (NARCOTICS) FACT SHEET

Opiates (also called narcotics) are drugs that alleviate pain, depress body functions and reactions, and, when taken in large doses, cause a strong euphoric feeling.

### Description

- Natural and natural derivatives – opium, morphine, codeine, and heroin
- Synthetics – meperidine (Demerol), oxymorphone (Numorphan), and oxycodone (Percodan)
- May be taken in pill form, smoked, or injected, depending upon the type of narcotic used.
- Trade/street names include Smack, Horse, Emma, Big D, Dollies, Juice, Syrup, and China White.

### Signs and Symptoms of Use

- Mood changes
- Impaired mental functioning and alertness
- Constricted pupils
- Depression and apathy
- Impaired coordination
- Physical fatigue and drowsiness
- Nausea, vomiting, and constipation
- Impaired respiration

### Health Effects

- IV needle users have a high risk for contracting Hepatitis B and C and AIDS due to the sharing of needles.
- Narcotics increase pain tolerance. As a result, people could more severely injure themselves or fail to seek medical attention after an accident due to the lack of pain sensitivity.
- Narcotics' effects are multiplied when used in combination with other depressant drugs and alcohol, causing increased risk for an overdose.

### Social Issues

- There are over 500,000 heroin addicts in the U.S., most of whom are IV needle users.
- An even greater number of medicinal narcotic-dependent persons obtain their narcotics through prescriptions.
- Because of tolerance, there is an ever-increasing need for more of the drug to produce the same effect.
- Strong mental and physical dependency occurs.
- The combination of tolerance and dependency creates an increasing financial burden for the user. Costs for heroin can reach hundreds of dollars a day.

### Workplace Issues

- Unwanted side effects such as nausea, vomiting, dizziness, mental clouding, and drowsiness place the legitimate user and abuser at higher risk for an accident.
- Narcotics have a legitimate medical use in alleviating pain. Workplace use may cause impairment of physical and mental functions.

## PHENCYCLIDINE (PCP) FACT SHEET

Phencyclidine (PCP) was originally developed as an anesthetic, but the adverse side effects prevented its use except as a large animal tranquilizer. Phencyclidine acts as both a depressant and a hallucinogen, and sometimes as a stimulant. It is abused primarily for its variety of mood-altering effects. Low doses produce sedation and euphoric mood changes. The mood can change rapidly from sedation to excitation and agitation. Larger doses may produce a coma-like condition with muscle rigidity and a blank stare with the eyelids half closed. Sudden noises or physical shocks may cause a “freak out” in which the person has abnormal strength, extremely violent behavior, and an inability to speak or comprehend communication.

### Description

- PCP is sold as a creamy, granular powder and is often packaged in one-inch square aluminum foil or folded paper “packets.”
- It may be mixed with marijuana or tobacco and smoked. It is sometimes combined with procaine, a local anesthetic, and sold as imitation cocaine.
- Trade/street names include Angel Dust, Dust, and Hog.

### Signs and Symptoms of Use

- Impaired coordination
- Sever confusion and agitation
- Extreme mood shifts
- Muscle rigidity
- Nystagmus (jerky eye movements)
- Dilated pupils
- Profuse sweating
- Rapid heartbeat
- Dizziness.

### Health Effects

- The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body.
- PCP is potentiated by other depressant drugs, including alcohol, increasing the likelihood of an overdose reaction.
- Misdiagnosing the hallucinations as LSD induced, and then treating with Thorazine, can cause a fatal reaction.
- Use can cause irreversible memory loss, personality changes, and thought disorders.
- There are four phases to PCP abuse. The first phase is acute toxicity. It can last up to three days and can include combativeness, catatonia, convulsions, and coma. Distortions of size, shape, and distance perception are common. The second phase, which does not always follow the first, is a toxic psychosis. Users may experience visual and auditory delusions paranoia, and agitation. The third phase is a drug-induced schizophrenia that may last a month or longer. The fourth phase is PCP-induced depression. Suicidal tendencies and mental dysfunction can last for months.

### Workplace Issues

- PCP abuse is less common today than in recent years. It is also not generally used in a workplace setting because of the severe disorientation that occurs.

## **Appendix B**

### **Forms**



**U. S. Department of Transportation**  
**Federal Motor Carrier Safety Administration**  
**Substance Abuse Program**



***Acknowledgement of Employer's Policy Addressing Drug and Alcohol Abuse***

I, \_\_\_\_\_, the undersigned, hereby acknowledge that I have received a copy of the anti-drug 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 the governing board of Bost, Inc. 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 understand that the use of possession of alcohol in any form is prohibited in the workplace, and that there are restrictions on alcohol use for a period prior to reporting for work and after an accident.

I understand that the possession or use of unauthorized or illegal drugs is prohibited at any time whether in the workplace or not.

As a condition of employment, I understand that I must submit to random testing for alcohol and drugs, and must submit to collection of breath, urine, and/or saliva samples when requested by my Employer or a contractor acting for my Employer. I also understand that I may be subject to drug and alcohol testing in other circumstances, including, but not limited to, post-accident and reasonable suspicion.

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 clarifications for any questions from the Drug and Alcohol Program Administrator 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 addendum shall be disseminated to me in a manner consistent with the provision of 49 CFR Part 382 as amended.

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

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

\_\_\_\_\_  
 Witness



**U. S. Department of Transportation**  
 Federal Motor Carrier Safety Administration  
 Substance Abuse Program



Physician's Statement

\_\_\_\_\_ Date

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

\_\_\_\_\_ Prescribed Controlled Substance

Impairs the patient's ability to operate a commercial motor vehicle.

Does not impair the patient's ability to operate a commercial motor vehicle.

\_\_\_\_\_ Date patient will cease to be impaired by this medication.

Physician:

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

\_\_\_\_\_ Signature

Mailing Address:

Phone Number:

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

## **Section VIII**

### **Other**

## MVR BACKGROUND CHECK POLICY

### POLICY

Bost, Inc. Motor Vehicle Record policy is designed to provide acceptable driving record guidelines for our employees. Employees required to drive as part of their job description, must meet the guidelines listed below.

### 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.
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.
  - No speeding 20 miles in excess of the applicable speed limit.
  - All drivers must be licensed for at least 3 years.
  
1. 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
  
2. For Drivers <25 years old, the following guidelines also apply:
  - No drivers <21 years of age are allowed to drive a Bost, Inc. owned/leased/rented vehicle.
  - Drivers < 25 will be considered so long as:
    - No driving any Bost, Inc. 15 passenger vans
    - CLEAN MVR
    - Valid Driver's license in effect for at least 3 years

### PERSON RESPONSIBLE/PROCEDURE

#### **Employee(s)**

1. Maintain acceptable driving record to meet Agency requirement.

## **HR Coordinator**

1. Notify responsible hiring supervisor of results from MVR Background checks.

## **LEGAL AND OTHER EXTERNAL REQUEST POLICY**

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.

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

#### **All Employees**

Shall direct any and all legal, public media, and regulatory inquiries, requests, and orders to the office of the Executive Director by providing the name and telephone office number of the Executive Director to persons making such inquiries.

#### ***Executive Director***

Is the designated public spokesperson for Bost, Inc. and shall respond to any and all legal, public media, and regulatory inquiries, requests, and orders. Shall delegate and designate other staff to respond to regularly occurring legal and related requests including, but not limited to: wage garnishments, personnel references, request for client data with bona fide release of information documentation, and publicity promoting the activities and services of the Agency, including fund raising. Shall provide as required appropriate assistance to Agency personnel during investigations by external authorities. Such assistance may be limited to guidance and information pertaining to the investigative process.

## **BULLETIN BOARD POLICY**

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.

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

#### **All Employees**

Shall be responsible for reading the Agency bulletin boards regularly, to be familiar with the information posted. May submit items for posting on the department "barter board". Items must be approved by respective Department Director and may be posted for no longer than thirty days.

#### **Department Director**

Shall be responsible for the content of all bulletin boards within their respective facilities, unless otherwise

noted. Shall be responsible for approving all items posted on departmental boards.

**Director of Human Resources**

Shall be responsible for the content of the HR bulletin boards at each site.

**RELATIONSHIPS WITH INDIVIDUALS SERVED POLICY**

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.

**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.

## **PERSON/ENTITY RESPONSIBLE**

### ***The Board of Directors***

1. Shall annually review the Agency Code of Ethical Conduct.
2. Individual Board members will annually sign a declaration of conformance to the Code of Ethical Conduct.
3. Shall annually approve the Corporate Compliance Officer for the fiscal year.

### **Corporate Compliance Officer**

1. Shall maintain the Agency Code of Ethical Conduct for the Board of Directors review, including the following areas: business, marketing, service delivery, professional responsibilities and human resources and make revisions as necessary.
2. Shall conduct an initial investigation into complaints, allegations or suspicion of violations of Code of Ethical Conduct in a timely manner.
3. Will document findings of investigation and outcomes with copies to be provided to the respective department director and Executive Director or designee, with recommendations for any further action.
4. In any findings and outcomes involving any supervisor or above senior management, or any member on the Board of Directors, shall also provide copy of the report to the President of the Board of Directors.

### **Department Directors**

1. Shall address any reports or allegations of violations of Code of Ethical Conduct utilizing discipline personnel policies and procedures as appropriate to the reported findings.

### **All Employees**

1. Shall report immediately to the supervisor, or member of management, Corporate Compliance Officer or Compliance hotline any complaints, allegations or suspicion of violations of Code of Ethical Conduct with no fear of reprisal in reporting another parties waste, fraud, abuse or other questionable activities and practices.

### **Agency Training Coordinator**

1. Shall conduct training on the Agency Code of Ethical Conduct during Agency orientation of Direct Service Professional Training. Such training shall include review of Agency policies and procedures related to Code of Ethical Conduct and review of the Code itself in Personnel Policy. Training shall stress that no reprisal shall be made for any reporting employee in reporting another person's waste, fraud, abuse or other questionable activities and practices.
2. Shall make available further and ongoing training to Departments on the Code of Ethical Conduct.
3. Shall maintain records of Code of Ethical Conduct training and declaration of conformance with same in individual personnel files.

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, or national origin;
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 empower people with disabilities, and their families, to achieve their dreams by providing lifelong choices, support and learning opportunities.

### **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.

**Employee Volunteer Recognition:** Employees with 24 or more volunteer hours annually will be recognized for their volunteerism at the annual Appreciation Dinner.

### **PERSON RESPONSIBLE/PROCEDURE**

#### **All Employees**

1. Submit to the Department Director the following information: 1) Name and nature of the organization or event; 2) Specific service the employee provided; 3) Phone number of contact person at the Organization; 4) Date/time of employee involvement.

#### **Department Director**

1. Initial information and forward to Executive Assistant

#### **Executive Assistant**

1. Track volunteer hours for recognition at annual Appreciation Dinner.