



Employee Handbook

## Table of Contents

<b>Welcome</b> .....	5
Mission Statement.....	6
Compliance with Laws.....	6
At-Will Employment.....	6
Employer of Record.....	6
<b>Our Programs</b> .....	7
<b>Definitions</b> .....	10
<b>Cultural Competency/Equal Employment Opportunity</b> .....	12
Cultural Competency.....	12
Equal Employment Opportunity Americans with Disabilities Act-----	12
Americans with Disabilities Act (ADA) and Americans with Disabilities Act Amendments (ADAAA)-----	13
Religious Accommodations.....	13
Disability Accommodations.....	13
Anti-Harassment Policy.....	14
Whistleblower Protection Act.....	15
Retaliation Statement.....	19
Intellectual Property and Confidentiality.....	19
Conflict of Interest.....	19
<b>Human/Client/Patient Rights</b> .....	21
Developmental & Acquired Brain Disorder Services.....	21
Elders and Chronically Ill Adults.....	24
Home Care.....	25
Responsibility to Report.....	26
Complaint Process.....	27
<b>Employment Relationship</b> .....	28
Pre-Employment Background Checks.....	28
Authorization to Transport.....	30
Job Classifications.....	31
Timekeeping.....	31
Overtime Work.....	32
Timesheets.....	32
Scheduled Hours.....	32
Holiday Pay.....	33
Mileage.....	33
Direct Deposit.....	33
Deductions from Pay.....	33
Access to Personnel Files.....	34
Employment of Relatives.....	35
Separation of Employment.....	35

Auto Termination.....	35
FME Term Process.....	36
<b>Workplace Safety.....</b>	<b>38</b>
Safety Policy.....	38
Reporting Work Related Injuries.....	38
In Case of Accident or Injury.....	39
Drug and Alcohol-Free Workplace.....	40
Drug and Alcohol Testing.....	41
Smoke Free Workplace.....	43
Work Related Problems.....	43
Infectious/Communicable Diseases.....	43
<b>Workplace Guidelines.....</b>	<b>45</b>
Social Media.....	45
Disciplinary Action.....	47
Performance Management.....	48
Training Compliance.....	48
Ethics and Code of Conduct.....	49
Workplace Conduct Investigations.....	51
Dress Code.....	52
Health Insurance Portability and Accountability Act (HIPAA).....	54
Attendance in the Workplace.....	56
Inclement Weather.....	57
Use of Personal Vehicles.....	58
Sleeping Time/Overnight Care.....	59
Fraud and Abuse Prevention and Detection.....	59
Federal Civil False Claims Act.....	60
<b>Time Off/Leave of Absence.....</b>	<b>62</b>
Family Medical Leave Act.....	62
Military Family Leave.....	63
Uniformed Services Employment and Reemployment Rights Act.....	63
New Hampshire Pregnancy Leave.....	64
New Hampshire Paid Family Medical Leave.....	64
Voting Leave.....	65
Jury Duty.....	65
Victims of Crimes.....	65
Bereavement.....	66
Short/Long Term Disability.....	66
Workers Compensation.....	67
<b>Employee Benefits.....</b>	<b>68</b>
Holidays.....	68

Earned Time Off.....	68
Group Insurance Plans.....	70
Tuition Reimbursement.....	71

## Welcome

Welcome New Employee:

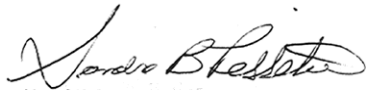
On behalf of your colleagues, I welcome you to Gateways Community Services and wish you every success here.

We believe that each employee contributes directly to Gateways Community Services' growth and success, and we hope you will take pride in being a member of our team.

This handbook was developed to describe some of the expectations of our employees and to outline the policies, programs and benefits available to eligible employees. Employees should familiarize themselves with the contents of the employee handbook as soon as possible, for it will answer many questions about employment with Gateways Community Services.

We hope that your experience here will be challenging, enjoyable, and rewarding. Again, welcome!

Sincerely,

A handwritten signature in cursive script, appearing to read "Sandra B. Pelletier".

Sandra B. Pelletier

President/CEO

**Mission Statement:** We believe that all people are of great value. We provide innovative, high quality, long-term services to support individuals throughout their lifetime, so they can lead meaningful lives.

### **Compliance with Applicable Laws**

You should understand that the laws in different jurisdictions often vary. As a result, the laws of one state may differ from those in another state. Further, because states occasionally amend their laws, a statement that accurately describes the law at the time it is written may become inaccurate if a state amends its law or a court or agency interprets the law in a new or different way.

This handbook seeks to describe the policies it covers in a manner that complies with the applicable legal standards. If the law of any state or other jurisdiction changes, the Company will administer its policies and practices in a manner that conforms to the legal requirements applicable at the time. In some cases, this may require that a practice or policy be administered differently in one state or jurisdiction from the way it is administered or applied elsewhere.

Gateways Community Services will do its best to identify and comply with its legal obligations and will attempt to monitor changes in the laws. Employees are encouraged to bring any special issues that exist in their state or changes in the law to the attention of the Human Resources Director so that they can be reviewed and addressed.

### **Employment At-Will**

Company personnel are employed on an at-will basis. This means that at any time employees are free to resign, either with or without reason. It also means the Company has the very same right and can terminate an employee's employment with the Company at any time with or without cause or advance notice. Nothing in this handbook shall limit the right to terminate at-will employment. No manager, supervisor, or employee of the Company has any authority to enter into an agreement for employment for any specified period or to make an agreement for employment on other than at-will terms. Only the CEO of the Company has the authority to make any such agreement, which is binding only if it is in writing.

### **Employer of Record**

Under Consumer Directed Services, Gateways Community Services becomes the Employer of Record for Family Managed Employees. Gateways Community Services processes employees for employment and verifies citizenship/legal alien status and conducts required background checks. Gateways Community Services is responsible for payroll and related taxes, worker's compensation, benefits, if applicable. The consumer/family/guardian/caregiver continues to direct the employees' day-to-day activities. Rates, hours, and schedule are managed by consumer/family/caregiver.

## Our Programs

### Consumer Directed Services CDS

We offer home and community-based services to people who experience developmental disabilities to help them stay as independent as possible. When it comes to managing those services, everyone has different needs. Choosing the Consumer Directed option allows individuals more control over their program services if they are able to manage them responsibly. Our team will help to decide what services are needed and how to maximize usage of Medicaid funds.

### Gateways Autism Center GAC

The Gateways Autism Center is a program based on the principles of Applied Behavior Analysis (ABA) that provides a combination of center and home-based programming as well as social skills for individuals with autism. The earlier an individual is diagnosed with autism and receives ABA services the less likely they are to need those services for the rest of their lives.

The Gateways Autism Center strives to provide high-quality skills training and behavior intervention for the promotion of independence and autonomy. We offer services in our center, client's homes, within the community, as well as school consultation.

### Gateways Adult Day Center GADC

Gateways Adult Day Center offers a variety of benefits for participants and their care-partners. Our space has been completely renovated; allowing participants to utilize a bigger space, spend time away from the group in our new quiet room and enjoy our outdoor patio.

In addition to engaging in daily activities and exercise, participants will be served a nutritious lunch and snack. Participants will have the opportunity to socialize with each other and with Alvirne High School Students.

Students from multiple Career and Technical Education (CTE) programs will be engaged with the Adult Day Center by assisting to set up the room before participants arrive, participating in 1-1 activities with participants, conducting food demonstrations, and working with our licensed nurse to learn more about caring for others while gaining hands-on experience. CTE programs offer students hands-on learning experiences that help prepare them for college or provide them with the skills needed to enter the workforce seamlessly after high school.

### Adult Service Coordination

We provide person-centered planning and support to individuals who are determined eligible to receive services. Service Coordinators work with individuals and teams to develop service plans in partnership with vendors to meet shared, desired outcomes.

### Choices for Independence (CFI)

CFI offers a wide range of services to individuals 18 years and older, as determined by the Department of Health and Human Services and the Bureau of Elderly and Adult Services.

We work with participants to optimize their independence at home and within the community through a person-centered approach.

### In Home Supports (HIS)

PDMS- In Home supports program is a Medicaid waived program for individuals that are under 22 and are still enrolled in school. Individuals must qualify for the NH developmental services system under RSA 171:A:2, He-M 503, and He-M 524, be Medicaid eligible, meet the ICF/IDD level of care, and are limited to those individuals who require long term support services at the same level as services provided in an institution. Individuals receive In-Home Residential Habilitation support to promote greater independence and skill development for children or young adults who have a developmental disability and significant medical or behavioral challenges. These supports allow them to remain living at home with their family and actively engaged with their community. These supports are inclusive of personal care in the home, and other related supports and services.

### Early Supports and Services (ESS)

We partner with families to meet the developmental needs of the child for children birth to age 3. For those children found eligible, we offer services that include parent coaching, physical, occupational, speech and developmental therapies.

### Partners in Health (PIH)

We support individuals and families from birth to 21 years who experience chronic illnesses. Our coordinators help guide, educate, and connect families to resources and financial assistance such as campership, respite, and health care needs.

The PIH Advisory Council is made up of parents of children with chronic health care needs who volunteer their time. The Council works collaboratively with Family Support Coordinators to shape the program by identifying community needs and developing innovative solutions. In turn, a stronger environment for children with chronic health care issues is established and nurtured.

### Family Support

We work with individuals age 3-21 that experience a developmental disability and live with a family member. We offer support at education meetings, guide you to community resources, and help with the transition into adult life. We also help those children with intensive needs to remain in their home.

### Family Support Council

Our Family Support Advisory Council is made up of families and provides an opportunity for families to make their concerns and priorities for services known. It is open to all eligible Family Support families and individuals. The Council oversees discretionary funding available for services and resources to help promote and increase independence, participate in the community, increase skills, and/or training to caregivers.



#### Gateways for Seniors G4S

Gateways for Seniors is a state-licensed home care program that offers a range of specialized personal care, homemaker and home health aide and Nursing for adults who are 18 years or older and seniors in Hillsborough and Rockingham counties. Since 2002, our mission has been to deliver exceptional in-home care to support adults and seniors in our community to stay at home, safe, and independent for as long as possible.

#### Veterans Directed Care Program (VDC)

The Veterans Directed Care Program is to help Veterans with long-term care needs remain in their own homes. VDC program is designed to empower and support qualifying Veterans to hire, train and supervise direct care employees providing home-based care to them.

#### NH Family Caregiver Support Services (NHFCS)

The NH Family Caregiver Program provides grants to assist families and caregivers to care for their loved ones at home. The grants support respite care services to provide a temporary break for full time caregivers and services that complement the care the family and caregiver are providing.

## Definitions

Fiscal Year: July 1st through June 30<sup>th</sup>

Grievance: Any condition of employment that an employee feels is unjust or inequitable.

Pay Period: A pay period is defined as two weeks of work, beginning on a Saturday at 12:01am and running until the second following Friday at midnight.

Family Managed Employee: An employee hired full or part-time in a co-employment situation in Consumer Directed Services where Gateways Community Services serves as the Employer of Record. Individuals are identified and supervised for employment by the consumer/family/guardian/caregiver to provide services. Pay rates, hours, schedule, and provision of care are negotiated between the Family Managed Employee and the Consumer/Family/Guardian/Caregiver. Work is performed in an in-home or community-based setting. Employee benefits follow rules for Regular full-time, regular part-time, part-time and per diem.

Personal Care Service Providers: An employee hired full-time, part-time or per diem by Gateways for Seniors and identified by the participant or assigned by Gateways for Seniors to work in an in-home or community-based setting. The client and/or guardian negotiates hours and schedule and acts as primary supervisor for provision of care. Pay rates are established by Gateways for Seniors based on skills, experience, and certifications. Employee benefits follow rules for Regular full time, regular part time, part time, per diem, seasonal, and temporary employees.

Respite Worker: An employee hired full-time or part-time by Family Support to work in an in-home or community-based setting. The client and/or guardian negotiates hours and schedule and acts as primary supervisor for provision of care. Pay rates are established by Family Support based on skills, experience, and certifications. Employee benefits follow rules for Regular full time, regular part time, part time, per diem, seasonal, and temporary employees.

Payroll Services Employees: An employee to work on an as needed basis to meet the needs of a fiscal management service offered to a participant, caregiver and/or partner organization; to provide defined services and/or support. Payroll service employees are considered per diem and will not be entitled to any earned time, insurance, holiday pay benefits, or other paid benefits unless specified under the contract agreement. These employees work for the Veterans Directed Care Program and NH Family Caregiver Support Services programs.

Employer of Record: Under Consumer Directed Services and Fiscal Management, Gateways Community Services becomes the Employer of Record for Payroll Service and Family Managed Employees. Gateways Community Services processes employees for employment and verifies citizenship/legal alien status and conducts required background checks. Gateways Community Services is responsible for payroll and related taxes, worker's compensation, benefits, if applicable. The consumer/family/guardian/caregiver

continues to direct the employees' day-to-day activities. Rates, hours, and schedule are managed by consumer/family/caregiver.

Fiscal Management Services: Gateways Community Services provides services on the receipt and distribution of specific funds/budgets along with ensuring specific funds/budget program/regulation compliance.

## Cultural Competency/Equal Employment Opportunity

### **Cultural Competency**

Gateways Community Services values diversity and believes that cultural competency is critical to deliver services effectively and successfully in cross-cultural situations. Through cultural competency training, staff and volunteers will be more capable of meeting the diverse needs of the changing population in our community. We understand that this is a journey by which we must commit ourselves to an on-going process of continuous improvement.

- We embrace the following essential elements of Cultural Competency and promote them throughout our services, policies, and practices.
- Purposeful elimination of barriers to service
- Provision of services that are sensitive to cultural differences in decision making and life events  
Awareness of the dynamics inherent when cultures interact
- Delivery of services in a manner relevant, meaningful and consistent with consumers language, culture and/or religious belief
- Delivery of services by a culturally diverse staff who are culturally competent
- Continuous Education of staff to essential elements of Cultural Competency
- Adaptations of service delivery to reflect an understanding of cultural diversity and changing demographics

### **Equal Employment Opportunity**

Gateways Community Services is an equal opportunity employer. We make employment decisions based on merit. We want to have the best available person in every job. Company policy prohibits unlawful discrimination based on race, color, creed, gender, religion, marital status, age, national origin or ancestry, physical or mental disability, medical condition including genetic characteristics, sexual orientation, or any other consideration made unlawful by federal, state, or local laws. It also includes a perception that anyone has any of those characteristics or is associated with a person who has or is perceived as having any of those characteristics. All such discrimination is unlawful.

The Company is committed to compliance with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in the operations of the Company and prohibits unlawful discrimination by any employee of the Company, including supervisors and coworkers.

If you believe you have been subjected to any form of unlawful discrimination, submit a written complaint to the Human Resources Director. Your complaint should be specific and should include the names of the individuals involved and the names of any witnesses. We will immediately undertake an effective, thorough, and objective investigation and attempt to resolve the situation.

If we determine that unlawful discrimination has occurred, we will work to ensure that effective remedial action is taken commensurate with the severity of the offense. Appropriate action will also be taken to deter any future discrimination. The Company will not retaliate against you for filing a complaint and will not knowingly permit retaliation by management employees or your coworkers.

### **Americans with Disabilities Act (ADA) and Americans with Disabilities Act Amendments Act (ADAAA)**

Gateways Community Services is committed to providing equal employment opportunities to qualified individuals with disabilities, which includes providing reasonable accommodations where appropriate. In this regard, the Company will make a reasonable accommodation for the known physical or mental limitations of an Employee with a disability unless undue hardship for the Company would result.

As part of its commitment to make reasonable accommodations, the company also wishes to participate in a timely, good faith, interactive process with the disabled applicant or employee to determine effective reasonable accommodations, if any, which can be made in response to a request for accommodations.

Applicants and employees are invited to identify reasonable accommodation that can be made to assist them to perform the essential functions of the position they seek or occupy. Applicants and employees should contact Management as soon as possible to request the opportunity to participate in a timely interactive process. By working together in good faith, the company hopes to implement any reasonable accommodations that are appropriate and consistent with its legal obligations.

If you feel that you need accommodation, please contact your immediate supervisor, and/or the Human Resources Director.

### **Religious Accommodations**

Employees who need time off for religious observance should request leave from their supervisors in advance. Employees may use their earned time for religious observance, in addition to any floating holidays to which they may be entitled. Beyond this, we must reconcile employees' religious obligations with the requirements of running a business and serving customers. Supervisors will authorize schedule changes and/or additional use of earned time or unpaid leave, only where the requested arrangement, in the supervisor's judgment, neither prevents the requesting employee from meeting the requirements of the job nor unfairly burdens other employees.

### **Disability Accommodations**

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA) prohibit discrimination against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation fringe benefits, job training and other terms, conditions, and privileges of employment. The ADA does not alter the Company's right to hire the best-qualified applicant, but it does prohibit discrimination against a qualified applicant or employee because of his or her disability, or because of a perceived disability. Most, if not all states now have similar statutes prohibiting discrimination against the disabled. As a matter of company policy, the Company prohibits discrimination of any kind against people with disabilities.

### **Definition of Disabled**

An applicant or employee is considered disabled if he or she:

- Actually, has a physical or mental impairment that substantially limits one or more major life activities;
- Has a record or history of such an impairment; or
- Is regarded or perceived (correctly or incorrectly) as having such an impairment.

A qualified employee or applicant with a disability is an individual who satisfies the skill, experience, education, and other job-related requirements of the position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of that position.

#### Reasonable Accommodation

Qualified applicants or employees who are disabled should request reasonable accommodation from the Company to allow them to perform a particular job. If you are disabled and you wish such reasonable accommodation, contact Human Resources. On receipt of your request, we will meet with you to discuss your disability. We may ask for information from your health care provider(s) regarding the nature of your disability and the nature of your limitations or take other steps necessary to help us determine viable options for reasonable accommodation.

#### ADAAA

The Americans with Disabilities Act, as amended (ADAAA) is partially a job protection statute. It provides for reasonable accommodation, which may be a leave of absence in some cases. ADAAA only requires a leave of absence if it conceivably would allow the employee to return to work to his or her job (not a substantially equivalent job) and would not impose an undue hardship on your organization.

#### **Anti-Harassment Policy**

Gateways Community Services will not tolerate sexual and other unlawful harassment or any form of illegal discrimination of or by an employee, client, vendor, or any personnel dealing with Gateways Community Services. Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of that person's race, skin color, religion, gender, national origin, age, or disability. Harassment can also occur if conduct is directed toward a person's relatives, friends, or associates. Harassment is considered one or more of the following:

- Has the purpose or effect of creating an intimidating, hostile, or offensive work environment
  - Has the purpose or effect of unreasonably interfering with an individual's work performance
  - Otherwise adversely affects an individual's employment opportunities
- Sexual Harassment is defined as unwanted sexual advances or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser

Sexual Harassment is also defined as unwelcome sexual advances (either verbal or physical), requests for sexual favors, or other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment; Submission or rejection of the conduct is used as a basis for making employment decisions; or
- The conduct has the purpose or effect of interfering with work performance or creating an intimidating, hostile or offensive work environment

Harassing conduct includes, but is not limited to:

- Epithets, slurs, negative stereotyping or threatening, intimidating, or hostile acts that relate to race, color, religion, gender, national origin, age, or disability (including jokes or pranks that are hostile or demeaning about race, color, religion, gender national origin, age, or disability) and
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, religion, gender, national origin, age, or disability and that is displayed on walls, bulletin boards, or other locations or circulated in the workplace.

Reporting Harassment/Discrimination In order to take appropriate action, management must be aware of any form of harassment or illegal discrimination. Therefore, anyone who believes that s/he has experienced or witnessed harassment or discrimination should promptly report such behavior to an Immediate Supervisor, Human Resource Director, or the President/CEO.

Gateways Community Services will actively investigate all allegations of harassment and other forms of illegal discrimination. Any supervisor who experiences, witnesses, or receives a written or oral report or complaint of harassment or illegal discrimination shall promptly report it to the Human Resources Director and/or President/CEO. The goal is to provide all employees confidential and reliable procedures for reporting all incidents of harassment or illegal discrimination.

At any time, if an individual does not feel that their report or complaint of harassment or illegal discrimination was addressed properly, a complaint may be filed with: NH Commission for Human Rights  
2 Channel Drive Concord, NH 03301 (603) 271-2767

#### **Whistleblower Protection Act**

NH RSA 275-E:2 protects employees reporting violations, and guarantees that no employer shall discharge, threaten, or discriminate against any employee because the employee, in good faith, reports verbally or in writing, what the employee has reasonable cause to believe is a violation of a state rule or state or federal law.

The employee should first bring the alleged violation to the attention of a supervisor, and then allow the employer a reasonable opportunity to correct that violation, unless the employee had specific reason to believe that reporting the violation to his employer would not result in a prompt remedy.

Gateways supports these efforts through the following internal compliance procedures:

- As policies and procedures are updated, these changes will be communicated to employees, contractors, and agents to keep them informed regarding Gateways' operations.
- Gateways will require:
  - Periodic internal audits that monitor and correct performance/productivity issues
  - Progressive training to educate/reinforce a compliant culture
  - Recognition and reporting of deviations through the facilitation of open lines or communication, and
  - Enforcement of standards through well-publicized guidelines
- Gateways will:
  - Promptly repay any overpayments which it discovers

- Establish a reserve account to hold any disputed funds until the results of an internal investigation determine whether the money is an overpayment to be repaid or whether it was properly paid and should be returned to the general fund
- Gateways' employees, contractors, and agents shall retain all records for six years.
- Any suspected incidents of non-compliance shall be reported to the Gateways Quality Improvement Specialist and the Gateways Program Director of the department where such suspected non-compliance is occurring, for review and action. All incidents of non-compliance will be reported to the Gateways President/CEO, the Chief Financial Officer, and to the Senior Human Resource Director.
- All contracts and other arrangements with providers, referral sources, and other persons may be reviewed by Gateways' outside counsel to verify legal compliance
- Disciplinary action, in accordance with the Employee Discipline policy, will be taken against employees who authorize or participate directly in a violation of applicable state or federal law, or these policies and procedures, and any employee who may have deliberately failed to report such a violation, or who hinders an investigation.
- After review by Senior Management and as appropriate, Gateways will contact the Medicaid Fraud Control unit to investigate reported irregularities. Medicaid Fraud Control Unit. Office of the Attorney General.33 Capital Street. Concord, NH 03301. Telephone: (603) 271-1246.Fax: (603) 223-6274

#### Whistleblower Protection Act Policy

Gateways Community Services encourages staff to bring instances of improper conduct to the attention of someone who can be counted on to investigate the problem promptly and fairly, without any fear of retaliation. It is illegal for Gateways Community Services or any company to punish a whistle-blower in any manner. The Sarbanes-Oxley Act has encouraged Gateways to implement and enforce a whistle-blower policy. Gateways Community Services complies with the State of NH Whistleblower Protection Act RSA 275-E.

#### Section 407 - Whistleblower Protection

The following policy has been adopted to maintain the highest standards of conduct and ethics and comply with applicable laws and regulations.

- Any suspected fraudulent or dishonest use or misuse of resources or property by staff, board members, consultants, or volunteers will be investigated.
- All individuals including staff, board members, consultants and volunteers, connected with this organization are encouraged to report suspected fraudulent or dishonest conduct, including but not limited to waste, financial or other impropriety or abuse, to the attention of a responsible person who can be counted on to investigate the problem promptly and fairly. In other words, in these circumstances, all individuals are called on to act as "whistleblowers".
- Any staff member, board member, consultant or volunteer who reports waste, fraud, financial or other impropriety or abuse will not be fired or otherwise retaliated against for making the report. Even if the matter is determined not to constitute improper conduct, the individual making the report will not be retaliated against. Further, that person will not be subject to any punishment – including firing, demotion, suspension, reprimand, harassment, failure to be considered for promotion, or any other kind of discrimination – in retaliation for making the report.



Gateways will adhere to the following guidelines in order to maintain “best practices”:

- Gateways will establish a confidential and anonymous mechanism to encourage employees to report any inappropriateness by Gateways financial management or other complaints.
- No punishment for reporting issues will be allowed. Even if the claims are unfounded; a reasonable belief or suspicion that fraud exists is enough to create a protected status for the employee.
- Management and the Board will take every employee complaint seriously; investigate; correct any problems or justify why corrections are not necessary.
- All employee reports will be kept completely confidential. No information likely to reveal your identity will be shared with anyone else without your permission. Staff will be completely protected from retaliation for having made good faith reports.
- Gateways will eliminate careless and irresponsible accounting practices should any be discovered.
- Gateways may initiate an internal audit to identify weak areas and create processes that are not vulnerable to fraud and abuse.

The following policy has been adopted to maintain the highest standards of conduct and ethics and comply with applicable laws and regulations.

Any suspected fraudulent or dishonest use or misuse of resources or property by staff, board members, consultants, or volunteers will be investigated.

All individuals including staff, board members, consultants and volunteers, connected with this organization are encouraged to report suspected fraudulent or dishonest conduct, including but not limited to waste, financial or other impropriety or abuse, to the attention of a responsible person who can be counted on to investigate the problem promptly and fairly. In other words, in these circumstances, all individuals are called on to act as “whistleblowers”.

Any staff member, board member, consultant or volunteer who reports waste, fraud, financial or other impropriety or abuse will not be fired or otherwise retaliated against for making the report. Even if the matter is determined not to constitute improper conduct, the individual making the report will not be retaliated against. Further, that person will not be subject to any punishment – including firing, demotion, suspension, reprimand, harassment, failure to be considered for promotion, or any other kind of discrimination – in retaliation for making the report.

#### Procedure

- The report of suspected waste, fraud, or abuse can be made the following ways and anonymously, if so desired. Send a written report, email or telephone call to, or request a personal meeting with:
  - President/CEO – Gateways Community Services
  - Senior Human Resources Officer or
  - The Board Chair(s) of the organization.
- The report will be taken seriously and investigated.
  - The CEO, Senior Human Resources Officer, or Executive Board will review the facts of the complaint.
  - The CEO, Senior Human Resources Officer, or Executive Board will investigate or enlist an appropriate person to investigate

- The CEO, Senior Human Resources Officer, or Executive Board will provide feedback to the employee regarding a correction or justify why no correction is warranted.
  - The person or persons charged with alleged impropriety will be given an opportunity to respond to the allegations in person or in writing.
- Following the investigation, this organization will
  - Provide the person filing the report with a summary of the findings;
  - Take appropriate steps to deal with the issue addressed, including making operational or personnel changes, or justify why corrections are not necessary;
  - If warranted, contact law enforcement to deal with any suspected criminal activities.
  - All founded complaints and any actions taken by the CEO, Board Chair or recommended by the investigation will be presented to the full board.
- This organization will maintain confidential records of all actions taken under this Policy.
- The President/CEO has responsibility for compliance with this Policy.
- The Board Governance Committee has responsibility for oversight of compliance with this Policy.

Rights and Remedies- RSA 275-E:4

After the employee has made a reasonable effort to maintain or restore his/her rights through any grievance procedure or similar process available with the employer And has filed the written complaint with the New Hampshire Department of Labor. He/she may request a hearing with the New Hampshire Department of Labor, which can result in a judgment to order reinstatement, payment of fringe benefits, seniority rights, and injunctive relief.

Additional Rights and Remedies for Public Employees Only RSA 275-E:8 and 9

Public employees can issue complaints to the New Hampshire Department of Labor, who has the authority to investigate complaints or information concerning the possible existence of any activity constituting fraud, waste, or abuse in the expenditure of any public funds, whether state or local, or relating to programs and operations involving the procurement of any supplies, services, or construction by governmental entities within the state.

The identity of the person who filed the complaint shall not be disclosed without his or her written consent, unless such disclosure is to a law enforcement agency that is conducting a criminal investigation.

No governmental entity shall take any retaliatory action against a public employee who, in good faith, files a complaint under this section and the public employee shall be afforded all protections under RSA 275-E:2. No governmental entity shall threaten, discipline, demote, fire, transfer, reassign, or discriminate against a public employee who files a complaint with the department of labor under RSA 275-E:8 or otherwise discloses or threatens to disclose activities or information that the employee reasonably believes violates RSA 275-E:2, represents a gross mismanagement or waste of public funds, property, or manpower, or evidences an abuse of authority or a danger to the public health and safety.

### **Retaliation is Strictly Prohibited**

Gateways Community Services strictly prohibits any form of retaliation against an Employee because you complained about harassment or discrimination. If you feel you have been retaliated against based on a complaint, you must notify an appropriate member of the Company's management team and/or the Human Resources Director immediately. Any Employee violating this policy prohibiting retaliation will be subject to disciplinary action up to and including immediate termination of employment.

### **Intellectual Property and Confidentiality**

Gateways Community Services, at any time during the implementation of any program, retain ownership in and rights to any creative works, research data, and reports, assets of an organization such as ideas, inventions, technologies, brands, general knowledge, software, designs, or processes. It retains the right to safeguard any process of analyzing existing products or processes in order to redesign or reproduce them.

The protection of confidential information and proprietary inventions is vital to the interest and the success the organization. Such confidential information includes, but is not limited to the following:

- Consumer, Client, Participant, Guardian and/or Family Information
- Employee information
- Financial information (non-public)
- Research and development initiatives
- Pending projects and proposals
- Donor Names/Information

The disclosure of Gateways Community Services' confidential, proprietary or other nonpublic information, whether intentional or unintentional, will be subject to disciplinary action (up to and including possible discharge), even if the employee does not actually benefit from the disclosed information.

### **Conflict of Interest**

Employees are prohibited from engaging in any activity, practice, or act which conflicts with or appears to conflict with the interest of Gateways Community Services, consumers, families, or funders. There may be times when the business actions we take on behalf of Gateways Community Services may conflict with personal or family interests. The course of action that is best for an employee personally may not be the best course of action for Gateways Community Services.

Employees have a duty of care to Gateways Community Services to advance its legitimate interests. Employees must never use Gateways Community Services' property or information for personal gain, nor personally take for themselves any opportunity discovered through a position with Gateways Community Services. The following are some examples of ways a conflict of interest could arise:

- Being employed by Gateways Community Services while also being employed by or consulting to a competitor or potential competitor, supplier, or contractor. This applies to all employees. Please consult with HR regarding this issue if an immediate family member has employment with a competitor or potential competitor, supplier, or contractor.

- Direct supervision of family members or closely related persons (often referred to as nepotism). Employment of family members under Consumer Directed Services, in accordance with the plan, is not considered a conflict of interest.
- Owning or having a substantial interest in a competitor, supplier, or contractor.
- Having a personal interest, financial interest or a potential gain in any Gateways Community Services transaction.
- Placing Gateways Community Services business with a firm owned or controlled by another Gateways Community Services employee or his or her family
- Employees may accept gifts of a nominal value (not to exceed \$25.00) such as cookies, flowers, gift cards, or candy if the gift would not influence or reasonably appear to others to be capable of influencing the employee's judgment or provision of services and supports.

Any actual or potential conflict of interest shall be disclosed, in writing, to Human Resources. Human Resources will review the actual or potential conflict with the President/Executive Director for appropriate follow up actions. It is not always easy to determine whether a conflict of interest exists. Prior to any activity, transaction, or relationship that might be a conflict of interest, employees must discuss the situation with their immediate supervisor or Human Resources. If an employee has any questions about conflicts of interest, they should contact their manager or Human Resources.

Gateways Community Services shall not sell, lease for a term of greater than five years, purchase or convey any real estate or interest in real estate to or from an employee or close family member without the prior approval of the Board of Directors and after a finding that the transaction is fair to Gateways Community Services. However, this does not apply to a bona fide gift of an interest in real estate to Gateways Community Services by a staff member or close family member.

## Human/Client/Patient Rights

### **Developmental & Acquired Brain Disorder Services**

The purpose of this policy is established procedures for the protection of the rights of persons applying for and receiving services which are monitored and regulated by the Division of Health and Human Services pursuant to RSA 135-C or RSA 171-A through Gateways Community Services.

Gateways Community Services per RSA 171-A: 1 Rights of the Developmentally Impaired Person, He-M 202 Rights Protection Procedures, He-M 310 Rights of Persons Receiving Developmental Services in the Community, as well as contracted parties are responsible to pursue all complaints regarding "Client Rights".

If an employee is the subject of a human rights investigation, employment may be suspended to protect the health and safety of any consumer related to the investigation.

### Definitions

**Abuse:** An act or omission which is not accidental and harms or threatens the physical, mental, emotional health and safety of an individual. *Examples are* cursing, degrading, name-calling, hitting, kicking, threatening to cause injury, sexual exploitation, sexual activity of any kind between staff and individual, and psychological mistreatment.

**Neglect:** An act or omission which results or could result in the deprivation of essential services necessary to maintain the minimum mental, emotional, or physical health of an individual. *Examples are* failure to provide proper food, sufficient food, clothing, personal care, health care, safe and humane living conditions, or a safe and humane working environment.

**Exploitation:** The use of an individual's person or property for another's profit or advantage. *Examples are* Theft of individual's possessions, borrowing money, asking for an individual to pay for staff expenses, using authority or power over an individual for personal gain.

### State Regulation of Rights

New Hampshire state regulations (He-M 202 and He-M 310), include five major rights to protect the rights of people with disabilities and acquired brain disorder that receive services through an area agency. The state of New Hampshire requires that all direct care staff employed by an area agency and all vendors be trained within the first 30 days of employment.

Individual Rights are the same rights that all American citizens have, a diagnosis of developmental disability does not mean loss of these rights, every human being has the right to be treated with respect.

Fundamental Rights are the rights all citizens are entitled to.

- Freedom of religious preference and practice; including the right to be free from engaging in any religious activity and to receive reasonable assistance in attending places of worship.
- Right to vote; including access to and assistance in registering to vote and voting.

- Civil rights: including the right to manage affairs, to contract, to hold professional, occupational or motor vehicle drivers' licenses; to marry or divorces; to make a will or exercise any other civil right.
- Right to be free from discrimination; including discrimination based on race, color, sex. Religion, national origin, age, handicap, sexual orientation, or degree of disability.
- Right to seek legal remedies; including right to hire a lawyer and file suit.

Personal Rights pertains to personal privacy, dignity, and respect.

- The right to be treated with dignity and respect
- The right to be free from verbal, non-verbal, mental, or physical abuse or neglect
- The right to be free from intentional or unauthorized use of force or restraint
- The right of freedom from financial or person exploitation
- The right to privacy and confidentiality, including the right to give consent prior to release of information and to give consent prior to taking of photographs, fingerprints, or the recording by audio or visual equipment.
- The right to access records, including right to review agency and program records and to receive copies upon request.
- The right to complain about alleged violations of rights.

\*The rights of individuals can be modified by guardianship order, admission to the service delivery system as per RSA 171 B or as the result of imposition of emergency treatment as per He-M 305.

Service Rights

Service Rights refer to the way services are provided.

- Right to adequate and humane treatment
- Right to refuse medications and treatment
- Right to access quality services
- Rights to services that promote full participation in one's community
- Right to a service agreement and to receive the service referenced therein.
- Right to services that promote independence
- Right to be informed and give consent, including right to give consent prior to any service, including medical, behavioral management program, and referrals; access to information regarding significant risks, benefit, side effects, and alternative treatment and services. The individual must understand that they are free to choose or refuse any available alternative and that the choice is free from all coercion.
- Right to be fully informed of one's own diagnosis and prognosis.
- Right to voluntary services, including the right to seek changes in services, service provider, or to withdraw from service delivery system.
- Right to services in the least restrictive setting, including the right to series in the individual's setting of choice.
- Right to referral for medical care and treatment in a prompt and timely manner.
- Right to freedom from restraint, including the right to be free from seclusion and physical, mechanical, or pharmacological restraints.
- Right to consultation and second opinion including, at the client's own expense,

- Right to have people of their choice present at service planning meetings
- Right to generic integrated services whenever possible or being able to access the same community services typically accessed by others without disabilities.

Community Residences Rights while living within a community residence.

- Right to safe, sanitary, and humane living environment
- Right to communicate with others, including sending and receiving unopened and uncensored mail, reasonable access freely and privately to telephones to make and receive calls, receive and refuse visitors and to engage in social, recreational and religious activities.
- Right to privacy, including the right to courtesies, such as knocking on closed doors prior to entering; ensuring telephone call and visitation privacy; personal interaction in private settings, and the right to be free from searches of individual possessions.

Procedural Rights is regarding the delivery of services to an individual.

- Right to be informed of specific program rules
- Right to notice before termination of services, including right to a written 30-day notice, which states the reason for the date of termination of services.
- Right to notice of suspension, including a written prior notice to the individual and/or guardian of the specific behaviors or conduct for which suspension of services is imposed.

Guardianship and Rights

- Guardianship is a legal process involving a judgment by a Probate Court Judge, in which a substitute decision maker should be appointed by the court such as a relative, friend or public guardian for the best interest of the individual due to the judge finding beyond a reasonable doubt that an individual is incapacitated. A guardian may be granted authority over the estate, individual or both.
- All individuals over the age of 19 are presumed to be competent unless a judge finds the individual incapacitated. Individuals are not considered incapacitated if their functional limitations are the result of poverty, negligence, or the result of an informed decision on their part. In other words, individuals have the right to be poor or make bad decisions.
- Those who have a guardian, conservator, or representative payee, still have human rights. Each of these legal arrangements have specific areas in which someone other than the individual has a say in what is happening. However, the individual still maintains the rights to routine, day to day decisions, such as whom to associate with, what to wear, what to say and what to eat. The majority still retain their right to vote.

Responsibility

- It is important to always remember to be aware of the increased risks that individuals with intellectual disabilities face in having their rights violated.
- Teaching and promoting advocacy skills are one of the most effective ways to protect individual rights.
- Help individuals learn about and exercise their rights
- Give individuals the information they need to make good choices, the change to ask questions, and have them involved or empower them to take the lead in meetings to discuss their services.

- Inform individuals about the complaint process and give them the toll-free number 1-855-450-3593, so they can call in a complaint.
- Keep personal information about individuals receiving services private.
- Ask Gateways or a supervisor if you have any questions regarding rights.
- Know and understand the definitions of Abuse, Neglect and Exploitation.
- Report any violation to file a complaint verbally or in writing.
- Know how to file a complaint, the number to call, the importance of calling as soon as possible and who to report a complaint to.

### Service Concern Complaints

All persons providing services to an individual who has a developmental disability within the area of Region 6 are required to report or assist a person to report a service concern if a specific or general issue pertaining to service provision is of concern. This can include but not limited to services not being provided, being provided inappropriately, or agency procedures not being followed.

- A service concern may be made by an individual, an employee of the bureau, a facility, or a program by another person.
- A service concern may be filed in writing or orally to the Service Coordination Manager, his/her designee, and/or the management staff of a service provider. The Service Coordination Manager or designee is responsible for following through on the service concern.
- A service concern may be made anonymously, and the identity of the person be kept confidential throughout the review process if the person so requests and if at each stage of the process, maintaining the anonymity of the person will not interfere with the effective resolution of the service concern.

The Service Coordination Manager and/or designee receive all service concerns and ensures that all parties are notified within 24 hours of receiving the service concern. The Service Coordination Manager/Director has thirty (30) days to ensure that the concern has been resolved.

The Director of Quality reviews all services concerns with the Human Rights Committee on a quarterly basis and annually with the Board of Directors, Family Support Council and interdepartmentally.

### **Elders and Chronically Ill Adults**

#### Patent Bill of Rights

Gateways adopts and accepts the consumer rights and responsibilities as stated in the Patient/Homecare Bill of Rights (RSA 151:21-b.) which is attached to this policy.

Gateways will adhere to all rules relative to this will include distributing a copy to all applicants, including it in all staff training and posting it at all program sites.

#### Service Concern

Gateways will investigate any concern reported by, or on behalf of, any individual who receives services through Gateways Community Services or any of its provider agencies. Service Concerns pertain to problems with service provision and should only be reported when previous attempts to resolve a problem were unsuccessful.

Service Concerns are reported to the Program Director and a reporting form is completed. The Director or their designee investigates the concern and provides a written summary which includes the input of



all individuals involved, recommendations, and a response date if applicable. Copies of this report are forwarded to the person who reported the concern, the director of the vendor agency involved, the Gateways Quality Assurance Administrator, and others as appropriate.

Service Concern files are maintained by the Service Concerns are tracked by Quality Assurance and reported to Human Resources.

## **Home Care**

### Bill of Rights

Home health care providers shall provide each client or client's legal representative with a written copy of the rights and responsibilities listed in paragraphs II and III of this section in advance of or during the initial evaluation visit and before initiation of care. These rights apply only to the services delivered by or on behalf of the home health care provider. If a client cannot read the statement of rights, it shall be read to the client in a language such client understands. For a minor or a client needing assistance in understanding these rights, both the client and the client's legal representative shall be fully informed of these rights.

The statement of rights shall state that at a minimum the client has a right to:

- (a) Be treated with consideration, respect, and full recognition of the client's dignity and individuality, including privacy in treatment and personal care and respect for personal property and including being informed of the name, licensure status, and staff position and employer of all persons with whom the client/resident has contact, pursuant to RSA 151:3-b.
- (b) Receive appropriate and professional care without discrimination based on race, color, national origin, religion, sex, disability, or age, nor shall any such care be denied on account of the patient's sexual orientation.
- (c) Participate in the development and periodic revision of the plan of care, and to be informed in advance of any changes to the plan or intent to discharge except as provided in RSA 151:26-a, III.
- (d) Be informed that care is evaluated through the provider's quality assurance program.
- (e) Refuse treatment within the confines of the law and to be informed of the consequences of such action, and to be involved in experimental research only upon the client's voluntary written consent.
- (f) Voice grievances and suggest changes in service or staff without fear of restraint, discrimination, or reprisal.
- (g) Be free from emotional, psychological, sexual, and physical abuse and from exploitation by the home health care provider.
- (h) Be free from chemical and physical restraints except as authorized in writing by a physician.
- (i) Be ensured of confidential treatment of all information contained in the client's personal and clinical record, including the requirement of the client's written consent to release such information to anyone not otherwise authorized by law to receive it. Medical information contained in the client's record shall be deemed to be the client's property and the client has the right to a copy of such records upon request and at a reasonable cost.
- (j) Be informed in advance of the charges for services, including payment for care expected from third parties and any charges the client will be expected to pay.

The provider has the right to expect the client or the client's legal representative will:

- (a) Give accurate and complete health information.
- (b) Create and maintain an environment that is safe and free from sexual or other forms of harassment by the client or others in the home. For the purposes of this subparagraph, an environment is unsafe if

conditions in and around the home imminently threaten the safety of the home health care provider personnel or jeopardize the home health care provider's ability to provide care.

(c) Participate in developing and following the plan of care.

(d) Request information about anything that is not understood, and express concerns regarding services provided.

(e) Inform the provider when unable to keep an appointment for a home care visit.

(f) Inform the provider of the existence of, and any changes made to, advance directives.

Nothing in this section shall be construed to apply to any visiting nurse service or home aid service conducted exclusively by and for the adherents of any church or religious denomination the tenets and practices of which include reliance solely upon spiritual treatment through prayer in lieu of medical treatment.

### **Responsibility to Report**

As a human services professional, you have an obligation and legal responsibility to report a suspected incident of abuse, neglect and exploitation or any right violation. If you have reason to believe an individual has been abused, neglected, or exploited in any way you must file a complaint either verbally or in writing to:

Bureau of Developmental Services (BDS) 855-450-3593

Individuals under the age of 18, also report to the Division of Children, Youth and Families (DCYF) 800-894-5533 or (603) 271-6556. On weekends, holidays or after 4:30pm weekdays, call your local police department if the concerns about child abuse and neglect are immediate.

Individual is 18 years or older then also to the Bureau of Elderly and Adult Services (BEAS) 800-949-0470 or 603-271-7014.

### Important things to know:

- You may file a complaint anonymously
- You will not be the subject to any form of discipline, harassment, or retaliation because of filing a complaint
- If you feel an individual is in imminent danger, notify your supervisor immediately
- Proof of abuse or neglect is not required to make a report.

### Who may file a complaint?

- The Individual
- The Guardian
- A Family Member
- Significant Other
- Agency Staff
- Community Member
- Healthcare Professional

### **Complaint Process- Bureau of Developmental Services**

Individuals who receive services in the developmental services system have a right to be free from abuse, neglect and being taken advantage of.

- Call the toll-free number 1-855-450-3593
- Once the complaint has been filed, a complaint investigator will be assigned to begin the complaint resolution process. Complaints are handled under two categories: formal and informal. This is decided by the individual or the guardian.
- The investigator will interview the witness(es), review relevant information, may consult professionals, review physical evidence, and review any systemic factors.
- The investigator will then submit a report of findings of fact, proposed determination, and reason for, along with a proposed resolution.
- The investigator has 15 business days to determine if the complaint is Founded or Unfounded. The investigator must be given unrestricted access to program premise, staff, training records, and any documents or files of the individual.
- If the final report is not accepted the disagreeing party must submit in writing to BDS, specific reasons as to why and a reason for further investigation within the next 10 business days.

## Employment Relationship

### Pre-employment Background Checks

As part of our background and investigation process for employment, volunteer and internship placement, Gateways Community Services obtains individual reports to check criminal conviction history and/or motor vehicle operator's information. Following the provisions of the Fair Credit Reporting Act (15 USC at 1681-1681u) as amended, and NH Department of Safety procedures, before we can seek such reports, we must have written permission from the individual to obtain the information.

All consumer records containing criminal and motor vehicle information history will be kept confidential in Human Resources office at Gateways Community Services. The information obtained will be kept strictly confidential and findings used to make hiring decisions by the HR Director/Manager. If additional information is requested in background and investigation process, the HR Director/Manager will contact only the individual in which the consumer report is in question. The findings are not to be discussed with anyone, including the applicant's family member and/or potential managing supervisor.

If the individual report findings and subsequent hiring and/or placement decision is questioned, Gateways Community Services' President/CEO will be consulted. If a criminal finding is on an individual record; the waiver process may be executed on the discretion and decision of the family in employer of record/co-employment situations. Gateways Community Services will not accept a third-party query obtained from outside vendors and/or agencies as substitute of background process.

Gateways Community Services is inclined to make an adverse decision based on the results of the background and investigation process based on the following criteria:

- A misdemeanor conviction against any individual that involves:
  - Physical or sexual assault;
  - Violence or exploitation;
  - Child pornography;
  - Threatening or reckless conduct;
  - Theft;
  - Fraud;
  - Driving under the influence of drugs or alcohol; or
  - Any other conduct that represents evidence of behavior that could endanger the safety or well-being of an individual
- A conviction of a felony against any individual;
- The applicant's name is on the List of Excluded Individuals and Entities (LEIE), per the U.S. Department of Health and Human Services, Office of the Inspector General (OIG's): This check relates to Federal Health Care Programs and cases of Medicaid and Medicare Fraud. This check is done upon hire and monthly there-after.
- The applicant's name is found in the Central Registry of the Department of Child, Youth and Families. This check ensures that there are no present or past founded accusations of child abuse, neglect or exploitation.
- Prior Rights Violations check: This check with the Bureau of Elderly and Adult Services state registry is to obtain information regarding any prior rights violations, service concerns and/or medication administration privilege revocations.

- Evidence that any provider or staff working directly with individuals has an illness or behavior that, as evidenced by the documentation obtained or the observations made by the department, would endanger the well-being of the individuals or impair the ability of the provider to comply with department rules, except in cases where such personnel have been reassigned and the well-being of all individuals and the provider's ability to comply with these rules are no longer at risk.
- Additional factors considered in determining suitability may include, but not be limited to
  - Relevance of the crime to the position sought;
  - The nature of the work and/or activity to be performed;
  - Time elapsed since the conviction;
  - Age of the candidate at the time of the offense;
  - The number of offenses
  - Whether the individual has pending charges;
  - Any relevant evidence of rehabilitation or lack thereof; or
  - Any other relevant information, including information submitted by the individual or requested by the hiring authority. Gateways Community Services will notify the individual of the pending adverse or adverse decision in a timely manner.

MA CORI Law/Regulation Updates: For current and recent (within one year of employment) residents of Massachusetts, by MA State Law Gateways Community Services is required to run a CORI, additional forms will be provided to you once the organization(s) is/are notified of your current or former residency in Massachusetts. Gateways adheres to the rules and regulations required by the State of Massachusetts when processing and receiving the CORI. Massachusetts Criminal Offender Record Information Policy (CORI): Applicants who have worked or who live or have lived in the State of Massachusetts will be required to complete a Criminal Offender Record Information (CORI) check as part of the general background check for employment, volunteer work, or internships.

- CORI checks will only be conducted as authorized by the Criminal History Safety Board (CHSB). All applicants will be notified that a CORI check will be conducted at the time an offer of employment is made.
- An informed review of a criminal record requires adequate training. Accordingly, any staff authorized to review CORI in the decision-making process will be thoroughly familiar with the educational materials made available by CHSB.
- Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on CORI checks will be made consistent with this policy and any applicable law or regulations.
- If a criminal record is received from CHSB, the authorized individual will closely compare the record provided by CHSB with the information on the CORI request form and any other identifying information provided by the applicant, to ensure the record relates to the applicant.
- If Gateways Community Services is inclined to make an adverse decision based on the results of the CORI Check, the applicant will be notified immediately. The applicant shall be provided with a copy of the criminal record, advised of the part(s) of the record that make the individual unsuitable for the position or license, and given an opportunity to dispute the accuracy and relevance of the CORI record.
- Applicants challenging the accuracy of the policy shall be provided a copy of CHSB's "Information Concerning the Process in Correcting a Criminal Record". If the CORI record provided does not exactly match the identification information provided by the applicant, Gateways Community Services may contact CHSB and request a detailed search consistent with the CHSB policy.

- If Gateways Community Services reasonably believes the record belongs to the applicant and is accurate, based on the information as provided in section IV on this policy, then the determination of suitability for the position or license will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to the following:
  - Relevance of the crime to the position sought;
  - The nature of the work to be performed;
  - Time since the conviction;
  - Age of the candidate at the time of the offense;
  - Seriousness and specific circumstances of the offense;
  - The number of offenses; o Whether the applicant has pending charges; o Any relevant evidence of rehabilitation or lack thereof;
- Gateways Community Services will notify the applicant of the decision and the basis of the decision in a timely manner.

Depending on the employees' position, they may require a TB test and/or a health examination prior to starting work with us.

#### **Authorization to Transport**

In order to be authorized to drive as an employee of Gateways Community Services, employees must meet the following criteria.

- Hold a valid driver's license from the state in which they reside. In cases where the employee holds a valid license from a state other than the state in which they reside, they will be authorized to drive provided they are in the process of obtaining the appropriate license in accordance to the laws of the state of residency.
- Must have an acceptable driving record as documented through a motor vehicle background check. Employees are required to submit to and authorize a motor vehicle background check prior to being authorized to drive on agency business.

An acceptable driving record is defined as:

- Have no major driving offenses within the last three years. Examples of major violations include DWI, Hit & Run, Vehicular Homicide, driving with a Suspended or Revoked License, Reckless Driving, Speed Contest, and Failure to Report an Accident.
- Have no more than 3 violations and accidents combined in the last 3 years.

Gateways recommends that employees who drive as a responsibility of their job have auto insurance coverage with personal liability limits in place of at least \$100,000. Employees who are authorized to transport individuals receiving services MUST maintain liability coverage. A current certificate of insurance shall be filed with Human Resources.

A certificate of automobile coverage will be requested at time of hire and on an annual basis from that point forward. It is the responsibility of each employee to notify their insurance company that the vehicle is being used for employment purposes. Employees are responsible for notifying their immediate supervisor and Human Resources whenever they are involved in a motor vehicle accident or receive a motor vehicle violation, regardless of whether it occurred during work hours or not. The agency

may require the employee to submit to a motor vehicle record check upon being notified of the accident or violation.

### **Job Classifications**

**Exempt:** A classification of positions as defined by the Fair Labor Standards Act which may be “exempt” from minimum wage and/or overtime compensation requirements of the act. **Non-exempt:** A classification of positions entitled to overtime compensation under the Fair Labor Standards Act.

**Full Time:** Those employed to work on a regular basis for 35 hours or more per week.

**Regular Part Time:** Those employed to work on a regular basis for at least 20 hours per week but less than 35 hours per week. Employees are entitled to limited benefits.

**Part Time:** Those employed to work on a regular basis for less than 20 hours per week. Employees are entitled to limited benefits.

**Per Diem:** Those employees to work on an as need basis. Per diem employees will not be entitled to any earned time benefits, insurance, or holiday pay benefits. Per diem staff who do not work for a period of six (6) months will be removed from payroll.

**Introductory Employee:** New employees under 90 calendar days from date of hire. During this introductory period, all employees are expected to successfully complete introductory training requirements. If at any time during this ninety-day introductory review period an employee's capabilities, work habits or overall performance are unsatisfactory, we reserve the right to terminate employment. If we determine that the designated introductory-review period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory review period may be extended for a specified period.

During the introductory-review period, new employees are eligible for those benefits that are required by law, such as workers' compensation insurance and social security.

### **Timekeeping**

All employees in the exempt, non-exempt, full-time, part-time and temporary classifications are responsible for completing a time sheet or reporting hours electronically in Paycom. For a list of period end dates and pay dates, please see the payroll calendar posted on the Gateways website.

If you are unaware of the procedures to do so, please contact either your Gateways Community Services contact or the HR/Payroll department.

A “Pay Period” is defined as two weeks of work, beginning on a Saturday at 12:01 A.M. and running until the second following Friday at midnight. All employees are paid on a biweekly Friday pay cycle after the close of the pay period unless the Friday is a holiday. The pay date will then be the Thursday before the Friday pay date.

The administrative/operational staff workweek is generally from Monday through Friday, with normal operating hours from 8:30am to 4:30pm, with 30 minutes paid lunch.

Exempt and Non-exempt employees document hours worked for each day of the payroll period and document appropriate benefited hours use (e.g., holiday, earned time, etc.).

### **Overtime Work**

Overtime work is not allowed.

### **Timesheets**

Timesheets are legal documents; corrections on paper timesheets (cross outs, mark outs, etc.) are required to be initialed by the employee. White out, pencil, or red pen are not to be used to complete a timesheet. Electronic timesheets will become the legal document for time reporting. Employees and managers must follow the defined reporting protocols.

Timesheets are due by 9:00 am on Monday after the close of the pay period, signed by the staff member and the Family Managed Supervisor.

- Submitted and approved through Paycom
- Dropped off at the red box located on the ramp at the 144 Canal Street, Nashua, NH building (available 24 hours)
- Sent by fax to (603) 459-2726
- Mailed to: Attn Payroll (Program Code), Gateways Community Services, 144 Canal Street, Nashua, NH 03064
- Direct Service Providers (Family Managed Employees) can email to [CDS@gatewayscs.org](mailto:CDS@gatewayscs.org)
- Employees in the Caregivers and Veterans program can email to [FMTimesheet@gatewayscs.org](mailto:FMTimesheet@gatewayscs.org) or fax to (603)459-2726

Timesheets are available online: additional paper timesheets are available at Gateways Community Services front desk or on the Gateways Community Services website [www.gatewayscs.org](http://www.gatewayscs.org) under resources then forms.

Timesheets that are not submitted to their supervisor on time may be late for our payroll deadline and cause a delay in pay to the staff member.

### **Scheduled Hours**

Scheduled (Default) hours are the total number of hours an employee is scheduled or budgeted to work in one single pay period. It is calculated by taking the assigned number of hours per week and multiplying them by 2 (two weeks in one pay period). Example: Jane Smith works 35 hours a week. Her scheduled (default) hours equal 70.

Employees must meet their scheduled (default) hours every pay period if they are scheduled to work 60 hours or more per pay period. If an employee does not meet the expected number of worked hours in either week, earned time will be applied to the employee's timecard. Additionally, hours from the opposite week of the pay period cannot be used to offset any reduced hours. For example, if an employee is scheduled to work 70 hours, he or she is expected to work 35 hours each week of the pay period. If the employee works 34 hours in the first week and 36 hours in the second week, one hour of Earned Time will be applied to the employee's timesheet as the employee did not meet their scheduled hours for that week.



### **Holiday Pay**

Gateways Community Services offers employees, based on Part-Time Regular and Full-Time classification, twelve (12) paid holiday benefit who works before and after the holiday. Gateways Community Services offers field employees, based on Part-Time Regular and Full-Time classification, a seven (7) paid holiday benefit who works before and after the holiday.

All staff must be hired and work for one full calendar week prior to the holiday to be paid for the holiday. Employees will get paid for hours worked on reported and the recognized holiday based on pro-rated hours eligibility. Holiday hours are an additional benefit; the holiday hours will not be considered an overtime calculation. Only regular hours worked over 40 in each week of the pay period qualify as overtime.

Holidays are pro-rated\*\* on an employee's scheduled weekly hours.

i.e. An employee is scheduled to work 28 hours a week; eligible pro-rated holiday hours would be determined taking 28 hours divided by 40 hours = 70% 70% x 8 hours= 5.6 hours  
A 40-hour-a-week employee will receive 8 hours holiday.

### **Mileage**

Mileage reimbursement eligibility varies from program to program so employees should confirm with their supervisor if they are eligible.

Employees who utilize their vehicle as part of their job are required to possess a valid driver's license and carry adequate auto bodily injury, liability, and property damage insurance coverage. An employee will not be allowed to use their personal vehicle to transport consumers or travel for company business if they do not have vehicle insurance. All employees are responsible for reporting to Human Resources any accident or occurrence, loss of their driving license or discontinuation of vehicle insurance.

It is the responsibility of each employee to update their personal information with Gateways Community Services Human Resources. If an employee fails to provide proof of their current valid driver's license and current vehicle insurance, any mileage reimbursement request for payment will be suspended until such documentation is received by Human Resources. Once current records are verified, approved mileage reimbursements will be processed. Forms can be found online at [www.gateways.org](http://www.gateways.org) under forms.

All mileage reimbursements must be signed by the Family Managed Supervisor prior to submitting.

### **Direct Deposit**

Employees can enroll in direct deposit by logging in through the Paycom Employee Self Service portal and clicking on the Payroll tab (Payroll > Direct Deposit).

Separate forms are available to enroll in direct deposit for expense reimbursement. The direct deposit for expense reimbursement is to be submitted directly to the business office.

### **Deductions from Pay**

An employee's pay will be subject to required deductions for state, federal and local taxes, and for social security taxes. Voluntary deductions agreed to in writing may be made for example, for health, dental or life insurance premiums, or voluntary contributions to a retirement plan, if applicable.

Additionally, the Company may be required by law to recognize certain court orders, liens, wage garnishments and others. In the event changes occur, you should obtain copies of court orders and immediately forward them to Human Resources.

### Social Security

Employees are covered under the provisions of the Federal Insurance Contribution Act (FICA). Social Security tax is deducted from an employee's pay in two segments – Social Security tax and Medicare tax. The amount of deduction from your wages is matched by the Company and credited towards your Social Security benefits. Contact the Company, the local Social Security office for further details or if assistance is needed. All payroll changes must be submitted in writing.

### Deductions for Exempt Employees

Exempt Employees will receive their full salary for any workweek in which any work is performed. The only exceptions to this general policy may occur in the following situations, where deductions from an employee's salary may be made:

- Full day absences for personal reasons, including vacation but excluding sickness or disability.
- Full day absences due to sickness or disability if a team member's PTO balance has been exhausted.
- To offset amounts a team member receives as jury or witness fees (but not for travel and parking), or for military pay.
- For penalties imposed in good faith for infractions of safety rules of major significance.
- For unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace
- During the initial and terminal week of employment (if the team member works less than a full week);
- For weeks in which a team member takes unpaid leave under the Family and Medical Leave Act.

In a workweek in which work is performed, an exempt Employee's pay will not be reduced for any of the following reasons:

- Partial day absences for personal reasons, sickness, or disability.
- An absence created by the Company (e.g., if the office is closed on a scheduled workday) when the team member is ready, willing, and able to work.
- For variations in a team member's quality or quantity of work.
- Absences for jury duty, or attendance as a witness.
- Any other deductions prohibited by applicable law.

### **Access to Personnel Files**

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

Employees who wish to review their own personnel file should contact Human Resources. With minimum written notice of two working days, employees may review their own personnel file in the Gateways Community Services offices and in the presence of an individual appointed by Gateways Community Services to maintain the files.

### **Employment of Relatives**

While the organization has no prohibition against hiring relatives of other employees, close family members such as parents, children, spouses, siblings, or in-laws will not be hired into, or transferred from, positions where they directly or indirectly supervise or are supervised by another close family member. Gateways Community Services reserves the right to determine in all cases if a close enough familial relationship exists to prohibit a supervisory relationship.

Family Managed Employees are often times the family member of clients in the Gateways Community Service system. This is and will be allowed as an employment of relatives.

### **Separation from Employment**

Resignation is a voluntary act initiated by the employee to terminate employment. It is requested that a minimum two-week written notice of resignation be submitted. A minimum of four weeks written notice of resignation must be submitted by Senior/Operational Team Management employees (includes but is not limited to President/CEO, CFO, Vice Presidents, Senior Directors, Directors, and Managers). Once an employee provides their notice of resignation, they cannot use their Earned time during their resignation period. Extenuating circumstances are reviewed on a case-by-case basis and usually require a doctor's note. If notice of resignation meets such requirements, unused earned time will be paid out along with final paycheck. Gateways Community Services reserves the right to end employment prior to the notice without penalty to the employee.

Prior to an employee's voluntary departure, an exit interview will be scheduled and/or an exit interview form will be mailed with a return envelope to the departed employee to discuss reasons for resignation. Information will be provided concerning continuation of benefits upon notice of termination of employment. Employees are required to turn in all keys, books, access codes/passwords and other Gateways Community Services property or proprietary information before departure or as referenced in Information Technology Resources policies.

Discharge is an involuntary employment termination initiated by Gateways Community Services for disciplinary or performance reasons. A letter of termination detailing final pay and the effect on benefits will be given to the employee. A discharged employee's unused earned time will be paid out along with the final paycheck (except when discharged under gross misconduct) within a 72-hour period of employment termination.

### **Auto Termination**

Family Managed Employees are joint employees with the FMS under the He-M 524 and He-M 525 waivers. Under this waiver it is the responsibility of both Gateways Community Services and the family to ensure that the practices of good faith and fair employment are followed.

Family managed employees who are in an inactive status due to training non-compliance will be put into an inactive status and terminated after twelve (12) months in such status.

Inactive means ineligible to be scheduled hours or perform work under Gateways Community Services

Family managed employees who are active in our payroll system but have not submitted hours worked approved by their Family Managed Supervisor for six (6) months will be automatically terminated with a status of involuntary termination.

Gateways Community Services will notify FMS and the staff member of inactive status via their preferred method of contact.

### **FME Termination Process**

FME's being terminated fall into two categories, voluntary and involuntary.

#### **Voluntary-Choice of the FME**

- No Call No Show- no contact with FMS or Gateways Community Services in 7 (seven) days
- No working hours in the last 6 months (unless this is due to client needs)
- Voluntarily leaving for personal or professional reasons

#### **Involuntary- Choice of Gateways Community Services and FMS**

- Misconduct (gross or minor)
- Performance issues
- Gateways Community Services reduction in workforce
- Training non-compliance
- Client is no longer with Gateways Community Services or moves out of the state or catchment area of service
- Client changes needs- hours not needed

If an FMS terminates and FME and they are eligible for employment continuation through Gateways Community Services, the Service Coordinator will reach out to Human Resources to start the process of connecting the staff with a new family.

The FMS will provide an FME Termination Notification to their Service Coordinator prior to the termination of the FME. This notification will contain all needed information for the termination of the FME including

- A resignation letter if that was provided for a voluntary termination
- Any documentation of performance conversations
- Any documentation of conversations that may have occurred causing or during the process of termination decision
- Any documentation of policy and/or procedure non-compliance

The Service Coordinator will submit the termination packet to Human Resources through the HR Share Teams.

The documentation will be reviewed by the Sr HR Director for reasonable termination. If there is not appropriate documentation and/or missing information the Sr HR Director will request a conversation with the FMS and the Service Coordinator.

Once the termination has been approved by Human Resources the FME will be provided with written communication as follows:

- If the termination was solely the decision of the FMS, a letter with notation that the FME was termed by 'their supervisor' (named) and benefits information will be emailed to the FME
- If Human Resources is asked to be part of the termination, approves of the termination and is part of the discussion with the FME, a letter will be emailed to the FME noting the termination as Gateways Community Services and the FMS (named), jointly, with benefits information.

The Payroll Manager will create a request for termination PAF in Paycom, attached to this will be:

- Documentation of the conversation with the FME regarding their termination of employment
- Any documentation of performance and/or issues that may have arisen during their employment
- If the employee is voluntarily terminating, documentation of their voluntary termination.

The PAF will be routed to the service coordinator for approval before final approval from the Sr HR Director.

FME's who do not provide a two (2) week notice of resignation for a voluntary termination will not be eligible for payout of any accrued ETO per Gateways Community Services approved policies and procedures.

It is important that all information regarding the employment of the FME be appropriately passed to the Human Resources department.

If the FME was terminated solely by the FMS, Gateways Community Services will exercise due diligence in contacting the FMS for information if they are contacted by any state agency questioning the termination. These agencies can include the Department of Labor, Equal Employment Opportunity Commission, or the Unemployment Office.

## Workplace Safety

### **Safety Policy**

To assist in providing a safe and healthful work environment for all employees, clients and visitors, Gateways Community Services has established a workplace safety program. The Safety Committee is responsible for implementing, administering, monitoring, and evaluating the safety program.

Information is provided to employees about workplace safety and health issues through regular internal communication channels, such as staff meetings, bulletin board postings, memos, and other written communications. The Safety Committee is comprised of representatives from throughout the organization, to help monitor the safety program and to facilitate effective communication between employees and management concerning workplace safety and health issues. Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the work environment are encouraged to bring them to the attention of a member of the Safety Committee. Reports and concerns about workplace safety issues may be made anonymously if the employee wishes. All reports may be made without fear of reprisal.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action. In the case of an accident that results in injury, regardless of how insignificant the injury may appear, an employee should immediately notify their immediate supervisor and Human Resources. Such reports are necessary to comply with the law and to initiate insurance and Workers' Compensation benefits procedures.

### **Reporting Work Related Injuries**

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action up to and including termination.

Employees must report any injury immediately to his/her supervisor and the Human Resources' Director. Employees will need to fill out an Accident/Injury Form which can be obtained from their supervisor, the Human Resources Department or on the intranet. If a client was involved in the work injury, a State Injury Report must be filled out and filed with the supervisor no later than 24 hours after the accident or injury.

The Human Resources Director will initiate a claim with their carrier utilizing the First Report of Injury, the carrier will notify the State of New Hampshire if the claim is a medical and/or treatable claim. If you are not able to submit your claim within the 24-hour window of expectation, please reach out to your immediate supervisor and/or the Human Resources Director to help you initiate your claim as soon as possible.

When the injury is work-related, the employee should seek either first aid or medical attention at the approved provider; Convenient MD or Concentra. In the event of an emergency, please seek the nearest medical center/hospital for treatment.

Work related is defined as

- incurred during paid working hours;
- on any Gateways Community Services owned, rented or leased grounds;
- at any Gateways Community Services sponsored events if represented during paid working hours.

**In Case of Accident/Injury**

Employees should contact their immediate supervisor as soon as possible in the event of an accident or injury. An Accident/Injury report should be filled out and sent to the Human Resources Director no later than 24 hours after the event.

*In case of an emergency contact 911 immediately or go to the nearest emergency center.*

Employees should go to the nearest workers compensation approved site for medical attention:



Nashua 565 Amherst Street, Nashua, NH 03063 Across from Target on Amherst Street	Merrimack 2 Dobson Way, Merrimack, NH 03054 Exit 11 off Everett Turnpike	Bedford 3 Nashua Road, Bedford, NH 03110 Route 101; Next to Bedford High School
Concord 8 Loudon Road, Concord, NH 03301 Exit 14 off I-93; Across from Everett Arena	Windham 125 Indian Rock Road, Windham, NH 03087 Exit 3 off I-93	Dover 14 Webb Place, Dover, NH 03820 Exit 9 of Spaulding Turnpike; Next to Starbucks



Nashua (603) 889- 2354 14A Broad Street, Nashua, NH 03064 M-F 8am to 5pm	Manchester (603) 644-3330 1279 South Willow Street Manchester, NH 03103 (Mon. - Fri.) 7am - 5pm (Sat.) 9am - 1pm	Concord (603) 223-2300 1 Pillsbury Street Concord, NH 03301 M-F 7am to 5pm
--	---	--

Employees should bring the below information for workers compensation to their appointment

Our Workers Compensation carrier: Granite State HC/HS Trust 20 Chennell Drive Concord, NH. Policy # HCHS20220000543	Claims Submittal: Comp-Sigma Ltd PO Box 538, Concord, NH. 603.228-0500
---	--

### **Drug and Alcohol-Free Workplace**

Prohibited Activities: Employees may not possess, use, be under the influence of (or have ingested/used any amount), manufacture, distribute, dispense, or sell drugs or alcohol at any time in the workplace or in any location where they are working or otherwise representing Gateways, or at any Gateways events or activities. For the purposes of this Policy, working time includes breaks. For purposes of this Policy, “drugs” includes any drug that is illegal under state or federal law. This includes prescription drugs that are used by in a manner (or by any person) other than as prescribed.

Employees are reminded that marijuana remains an illegal drug under federal law, even when used for medical purposes. Employees may not possess, use, be under the influence of (or have ingested/used any amount), manufacture, distribute, dispense, or sell marijuana in the workplace, or in any location where they are working (including during breaks) or otherwise representing Gateways, or at any Gateways events or activities.

Prescription and Over-the-Counter Medication: Gateways does not prohibit the use of legally prescribed medication and over-the-counter drugs where the employee is the person for whom the drug was prescribed, and the employee is using the medication in accordance with the related prescription and/or directions. Any prescription or over-the-counter medications brought into the workplace must be kept in the employee’s personal belongings (such as in a purse, backpack, lunch box, etc.), stored in a locked/secure location and not left out in the open or in other areas easily accessible by others.

Any employee taking prescribed or over-the-counter medications is responsible for consulting with their healthcare provider to learn whether the medication may interfere with safe and/or effective job performance, including safe driving if driving is part of the employee’s job responsibilities. If the medication could compromise safety, it is the employee’s responsibility to use appropriate personnel procedures (such as calling out sick, requesting a leave of absence, or notifying his/her manager/supervisor or the Human Resources Department) to avoid unsafe work practices.

### Medical Marijuana Use

Employees who are under the care of a licensed physician and prescribed medical cannabis must follow the directives written on the script and disclose this information to the Human Resources Department upon hire or upon receipt of such script.

Any employee convicted of any drug-related crime or violation, whether the incident occurred in the workplace, must notify Gateways’ Human Resources Department in writing within 5 calendar days of the conviction. Gateways will take the personnel action with respect to the employee that it deems appropriate, which may include termination of employment. Please also refer to the Consequences of Violating this Policy section of this Policy. In accordance with the Drug-Free Workplace Act, Gateways must notify certain state and/or federal grant providers (funders) of the conviction within 10 calendar days of receiving notice.

In addition, every employee is responsible for reporting to a manager/supervisor or the Human Resources Department any behavior or other observations, or information learned, that suggests another employee may be under the influence of drugs or alcohol or otherwise in violation of this Policy.



If a manager/supervisor receives a report or otherwise believes that an employee may be under the influence or otherwise in violation of this Policy, the manager/supervisor must immediately contact the Human Resources Department.

This Policy does not prohibit the moderate consumption of alcohol at after-hours business networking events or social events hosted by Gateways where Gateways chooses to serve (or provide access to) alcohol, provided employees maintain a professional demeanor and do not act in a manner that is a negative reflection on Gateways.

Gateways (or vendors selected by Gateways) periodically provide drug and alcohol awareness information and/or programs to educate employees about:

- The dangers of drug and alcohol abuse;
- The requirements of this Policy;
- Resources to assist employees with drug and alcohol dependency issues; and
- The penalties that may be imposed for violations of this Policy.

Gateways encourages employees to voluntarily seek assistance for the early resolution of drug and alcohol problems. Employees are welcome to contact the Human Resources Department for information about substance abuse treatment options in the community, and for information about the application of health insurance benefits to these programs. Employees may also seek assistance through Gateways' confidential Employee Assistance Program (EAP). Employees who are granted leaves of absence to seek treatment may be required to agree to periodic and/or random testing upon their return to work.

Employees will not be disciplined or terminated for voluntarily seeking assistance for drug or alcohol problems. Employees who undergo voluntary counseling or treatment and who continue to work must meet all established standards of conduct and job performance. The fact that an employee is in treatment for alcohol or drug abuse does not preclude Gateways from taking disciplinary action for violation of its policies or standards of conduct. Likewise, an employee who has violated this policy cannot avoid disciplinary action, including termination, by voluntarily requesting treatment for alcohol or drug abuse.

### **Drug and Alcohol Testing**

All employees are subject to reasonable suspicion drug and/or alcohol testing. This means that if Gateways has a reasonable suspicion that an employee may be under the influence of drugs and/or alcohol, Gateways may require the employee to submit to drug and/or alcohol testing. Factors that may be considered in determining whether an employee may be under the influence of drugs and/or alcohol include, but are not limited to: the employee's behavior, evidence of impairment, evidence of repeated errors on the job, policy violation, or unsatisfactory attendance patterns if coupled with conduct that indicates possible impairment by reason of drug or alcohol use.

Reasonable suspicion testing will not be performed without prior notice to and approval from the Human Resources Department.

Any employee required by Gateways to submit to a drug and/or alcohol test must consent as a condition of employment. An employee who fails or refuses to submit to a required test will be subject to disciplinary action, up to and including termination of employment. Employees subject to testing may not try to subvert the test by using an adulterated or substituted specimen, or by doing anything to dilute the result or otherwise tamper or interfere with the test or test result. Failing to provide a specimen in a timely manner or otherwise tampering (or attempting to tamper) with the process will lead to disciplinary action, up to and including termination of employment.

Drug and alcohol tests will be performed by a qualified laboratory, hospital, or other health center designated by Gateways. Gateways will provide transportation to and from the testing site for reasonable suspicion testing. Drug test results will be reviewed by a Medical Review Officer if the test result might be other than non-dilute negative.

Any employee with a drug test result other than non-dilute negative will have the opportunity to rebut or explain the test results. Employees should be aware this opportunity is most often provided by the Medical Review Officer (or other staff connected with the testing facility) before the results are reported to Gateways, in which case the employee will not be afforded a second opportunity once the results are received by Gateways.

Test results and any related medical information will be maintained as confidential and shared only on a "need to know" basis unless otherwise permitted or required by law. Test results may also be disclosed to a substance abuse program or counselor for the purpose of evaluating or treating the employee. An employee may request a copy of his/her own test results.

If drug test results for an employee are not immediately available, the employee may be placed on administrative leave pending Gateways' receipt of the drug test results. If the drug test result is non-dilute negative, then the employee will be paid for the time spent on administrative leave. If the drug test result is anything other than non-dilute negative, then time spent on administrative leave will be unpaid (except for salaried employees if applicable wage and hour laws requirement payment regardless).

If a test reveals that an employee has a blood/breath alcohol level of 0.02 or greater or a positive drug test result, the employee will be subject to disciplinary action, up to and including termination from employment. A "positive dilute" drug test result is the same as a positive drug test result. If a drug test result is "negative dilute," Gateways reserves the right to require retesting.

Note also that if applicable law requires different treatment of an employee who is a legally authorized medical marijuana user who tests positive for marijuana, Gateways will follow applicable law. See below for more information regarding the consequences.

To enforce this Policy, and when consistent with applicable law, employees' vehicles, lockers or other storage areas, bags, desks, cabinets, work areas, and any other place they have access to on Gateways' property may be searched by Gateways and/or by law enforcement personnel. Failure to submit to any such search is considered a violation of this Policy.

As a condition of employment, all employees must abide by this Policy. Violations of this policy, and conviction of any drug-related crime or violation, whether the incident occurred in the workplace, will lead to disciplinary action, which often will be termination of employment. In its sole discretion, Gateways may choose not to terminate an employee and to instead refer the employee to a substance abuse professional for assessment and/or to a drug and/or alcohol treatment program, requiring satisfactory completion as a condition of continued employment. The cost of the assessment, any follow up, and any treatment programs are the responsibility of the employee to the extent they are not covered by medical insurance in which the employee is enrolled (if any). Within its discretion, Gateways may suspend the employee while he or she participates in the treatment program. Employees who refuse to participate in such assessments and follow up and/or with treatment programs, or who fail to successfully complete them are subject to immediate termination.

### **Smoke Free Workplace**

The use of tobacco products is allowed in designated areas outside these facilities. Appropriate signage will be placed at entrances to the building advising employees and visitors that Gateways Community Services maintains a tobacco-free environment. This policy always relates to all work areas, including before and after normal working hours. Due to health concerns for our consumers, employees are also prohibited from the use of tobacco products while providing transportation for consumers and while visiting or providing services within consumer residences.

### **Work-Related Problems**

Gateways Community Services is committed to providing a positive and safe working environment for Employees. In turn, as a part of their jobs, all Employees are expected to treat their fellow employees and visitors with the same courtesy and respect that they would want. However, even in the best work environments, problems or disagreements may arise from time to time on the job. When something about your job or the way you are treated concerns you, it is best to bring the problem out into the open so that it may be discussed and resolved. If you have a problem or complaint, feel free to discuss the problem with their immediate supervisor first, if you are unable to speak with that individual, please seek assistance from the human resources department.

### **Infectious/Communicable Diseases**

Infection control is an essential component of any service delivery. Infection control measures can be as simple as hand washing and as sophisticated as high-level disinfection of work equipment and workspaces. Implementing these measures can prevent transmission of disease in human services setting and in the community.

At Gateways Community Services, infection control addresses factors related to the spread of infections within the facility, in-home and community-based setting (whether client-to client, client to staff and from staff to clients, or among staff), including prevention via hand hygiene/hand washing, cleaning, disinfection, vaccination, and surveillance.

Gateways Community Services follows the regulations set by the Federal Occupational Safety & Health Administration (OSHA), as well as the state of New Hampshire and city of Nashua Public Health guidelines for protecting and improving the health of communities.

All staff must follow established hiring, orientation, and training practices, which include but are not limited to training on Universal Precautions/Bloodborne Pathogens and Infection Control which will provide emphasis to better understand the reporting of incidents, accidents, and any contagious disease to Gateways Community Services Human Resources Department.

Gateways Community Services will provide ongoing training and awareness via email, staff meetings, and cooperation with the City of Nashua Public Health Department Health Education and Prevention services. A protocol will be established for communicating with the local public health authorities.

This policy is without prejudice to the employer's right to take whatever actions it deems necessary for the protection of employees, individuals, and the public from exposure.

## Workplace Guidelines

### **Social Media**

Participating in social media can be a fun way to share your life and opinions with family, friends, and co-workers. However, use of social media (including personal, professional websites-and bulletin boards; social networks including but not limited to Facebook, LinkedIn, Twitter, Instagram, and Snapchat; video sharing sites such as YouTube and TikTok; and e-mail) presents certain risks and carries responsibilities.

Gateways Community Services recognizes social medial platforms as a form of communication and relationship building among individuals and not as a form of traditional agency communications.

It is important that those who choose to participate and/or initiate online communications understand what is recommended, expected, and required when they discuss company related topics, whether at work or in their own time.

You agree that Gateways shall not be liable, under any circumstances, for any errors, omissions, loss, or damages claimed or incurred due to any of your internet postings. Gateways reserves the right to suspend, modify, or withdraw this Internet Postings Policy, and you are responsible for regularly reviewing the terms of this Internet Postings Policy.

Please be aware that violation of this policy may result in disciplinary action up to and including termination.

Do not cite or reference consumers, partners, or suppliers without their written approval/marketing communications release form. When you do make a reference, where possible link back to the source. Ask permission before posting someone's picture in a social network or publishing in a blog a conversation that may considered to be private.

Contact the Communications Department if you get media inquiries through online postings. Remember that blog information, just like email, can be used as a quotable source by media.

You may not use Gateways company logo, trademark or graphics in a way that suggests you are representing the company. For example, you may not create a social media page with the company page with Gateways logo placed in a way that might suggest to readers that Gateways is sponsoring the page.

Do not knowingly make false statements about Gateways services, or the services of vendors or other agencies. Refrain from using social media while on work time unless it is work-related as authorized by your manager.

You may not disclose, or post images or videos involving Gateways business information or any confidential business processes. This may include information regarding the development of systems, processes, member lists and confidential member information. Confidential business information may include internal reports, policies, procedures, health information (PHI) or personal identifying information (PII) belonging to clients, members, other colleagues, or other internal business-related communications.

You may be subject to liability if your posts are found defamatory, harassing, or in violation of any other applicable law. Harassment is any offensive conduct based on the person's race, sex, gender, gender identity or expression, national origin, color, disability, age, sexual orientation, veteran status, marital status, religion, or any other status protected by law. All the above-mentioned postings are prohibited under this policy and will not be tolerated. Any may be subject to disciplinary action up to and including termination.

Employees are encouraged to report violations of this policy. Gateways prohibits retaliation against any employee who reports a possible deviation from this policy or cooperates in an investigation. Any employee who retaliates against a colleague for making a report or participating in an investigation may be subject to disciplinary action up to and including termination.

If you decide to post information in any way relating to our agency, clients, and/or partners. If you are unsure about any posting, please contact your manager or the Communications Department. For instance, if you are writing about a program or service where you have responsibility you may wish to make sure your manager is comfortable with you taking that action.

Discussion forums that are part of the Gateways Community Services agency require approval through IT and the President/CEO and will conform to the approved sustainable technology platform.

The creation of any third-party social media/blog/internet site(s) (e.g.: Facebook) created to spark public dialogue and awareness that will serve as approved representation of Gateways program requires approval through the IT Committee and Communications Department, along with President/CEO. It will be at the discretion of the President/CEO which platform will be adopted, maintained, shutdown or migrated into other platforms. A Practice Statement specific to the Gateways program must be drafted and approved by the President/CEO and will serve as an attachment to this policy.

Only in-house approved company discussions may include the company(s) logo. All blogs must include a legal disclaimer stating that all posts by a guest author and visitors reflect personal thoughts and opinions which are not necessarily those of the company. In-house blogs will be moderated by a designated member of staff and a designated back-up staff to ensure constant up-time and observation.

When Gateways wishes to communicate publicly – whether to our consumers or the public – we have well established practices through traditional communications tools like press releases, annual reports, newsletters, etc.

Only those officially designated by Gateways “spokespersons” have the authorization to speak on behalf of the company. When senior management and Communications Department personnel engage in advocacy for the company(s), and choose to participate in social media, they should clearly identify themselves as such in a non-traditional format – like a blog.

Gateways may request that in-house bloggers avoid certain subjects or withdraw certain posts from an online discussion if it believes that doing so will help ensure compliance with applicable laws. Our agency reserves the right to remove any posted comment on in-house sites that is not appropriate for the topic discussed or uses inappropriate language.

Internet postings, on an in-house blog, should not violate any other applicable policy of Gateways including those set forth in the Employee Handbook.

### In-House Internet Postings Code of Ethics:

- I will tell the truth.
- I will write deliberately and with accuracy.
- I will acknowledge and correct mistakes promptly.
- I will preserve the original post, using notation to show where I have made changes so as to maintain the integrity of my publishing.
- I will never delete a post.
- I will not delete comments unless they are spam or off-topic.
- I will reply to emails and comments when appropriate and do so promptly.
- I will strive for high quality with every post-including basic spellchecking.
- I will stay on topic.
- I will disagree with other opinions respectfully.
- I will link to online references and original source materials directly.
- I will disclose conflicts of interest.
- I will keep private issues and topics private, as discussing private issues would jeopardize my personal work relationships.

### **Disciplinary Action**

Gateways Community Services has a process for disciplinary action including verbal warnings, written warnings, and discharge. Warnings are issued to bring a problem situation to an employee's attention, to allow an employee the opportunity to give his/her view of the situation, to discuss a method for solving the problem, and explain the future behaviors that are expected.

Discipline will take place in private and will be appropriate to the seriousness of the infraction. The normal course of action will be:

1. Verbal warning
2. Written warning with Support Plan
3. Performance Improvement Plan
4. Last Chance Agreement
5. Discharge

Warnings will be placed in the employee's personnel file. The employee will be encouraged to add a written statement if they feel it is pertinent to the situation.

Gateways Community Services reserves the right to terminate an employee when deemed necessary without following the above procedures. In cases of gross misconduct, discharge may be immediate. In cases of immediate discharge, wages will terminate on the date of dismissal and all wages owed, including unused earned time, will be paid within 72 hours.

Gross misconduct includes, but is not limited to:

- Any form of willful destruction or theft of agency property or that of another employee or consumer
- Blatant insubordination
- Being convicted of a felony

- Use or possession of alcohol or illegal drugs during working hours
- Blatant breach of confidentiality
- Blatant refusal to comply with agency policies and procedures after warning
- Falsifying information to obtain employment or misrepresenting employment or medical records
- Blatant falsification of events or situations
- Being involved in any kind of slander or libel against any other staff member and/or client of Gateways
- Bringing weapons of any type into the workplace
- Any other form of misconduct which would require immediate dismissal in order to protect the consumers and employees and the effective operation and integrity of the service provision

### **Performance Management**

Employees are evaluated on their performance several times during their career at Gateways Community Services, below represents the scheduled performance reviews, though one may be written out of this sequence.

- Upon completion of 90 days after hire
- Annually (after 1 year of service)
- Upon promotion or transfer to a different position

Salary increases are not guaranteed and should not be anticipated; resources for annual increases are approved at the Board of Directors level. If an increase in pay should occur, it will be based on the individual performance of the staff members and subject to the approval of the CEO and CFO.

### **Training Compliance**

Family Managed Employees are required to perform agency training through Relias upon hire, due within 30 days.

New hire packets will be provided to Family Managing Supervisor (FMS) and Family Managed Employee (FME) prior to hire, which include both “Family Managed Employee Additional Training Selection Form” and “Individual Specific Training for Family Managed Employees”.

- The Additional Training Selection form must be completed by FMS prior to New Hire Orientation. Human Resources will assign any additional training in Relias.
- The “Individual Specific Training for Family Managed Employees” form must be completed by FMS prior to New Hire Orientation or no later than 30 days from new hire.
- If training is not received within 30 days, the employee will be inactive.
- The FME will be informed of the inactive status by the appropriate party and the letter will be sent to the FME and the FMS as a follow-up.
- FME is not allowed to work under any circumstance if their employment is in inactive status.
- Once the training has been completed, the staff will return to active status.

If suspended FME completes training sign-off, they should turn it into the Human Resources dept at [gatewayshr@gatewayscs.org](mailto:gatewayshr@gatewayscs.org) and let their Service Coordinator know that they have done so.



If an inactive FME does not complete training within 12 months, FME will be terminated from employment. The FME and the FMS will be notified prior to termination and a letter will be sent to the FME and FMS as follow-up.

### **Ethics and Code of Conduct**

Everyone deserves to work in an environment where they are treated with dignity and respect. Gateways Community Services is committed to creating respectful workplaces. It brings out the full potential in each of us, which, in turn, helps us provide quality support and services and achieve our missions. All talents are important—no one's talents should go to waste.

Gateways Community Services is an equal employment employer. We are committed to providing a workplace that is free from discrimination and free from all types of abusive, offensive, or harassing behavior. Any employee who feels harassed or discriminated against should report the incident to his or her manager or to Human Resources.

All Gateways Community Services employees are expected to perform their jobs competently and reliably. Employees should always conduct themselves in a professional, ethical, and responsible manner. We expect cooperation and teamwork among employees that is respectful of consumers, families, co-workers, volunteers, and members of the public. An employee's behavior should reflect the high-quality standards of Gateways Community Services.

All employees of Gateways Community Services are expected to know, understand, and follow the Code of Conduct and policies.

- Consumer's rights shall be honored at all times including not interfering with the consumer's religious, political, or ethnic views and customs.
- Harassment, for any reason, will not be tolerated, including harassment related to sex, color, race, religion, national origin, age, disability, sexual orientation, or gender identity. Gateways Community Services is an equal employment/affirmative action employer. Please refer to the organization's Sexual and Other Harassment Policy.
- Financial misconduct involving the consumer's money, property, or benefits will not be tolerated. Misconduct includes, but is not limited to financial exploitation, borrowing money from the consumer, taking the consumer's property or money, having the consumer purchase items for the employee, forging the consumer's signature, falsifying payment record, claiming payment for hours not worked, or similar acts that are intentionally committed by the employee for his/her financial gain.
- Employees should be at work on time according to the work schedule unless illness or an urgent personal problem prevents the person from being at work. If an employee is unable to be at work, their manager must be properly notified according to Gateways Community Services policies.
- Services and support should be provided according to the consumer's service plan. Employees should be flexible as a consumer's/family's needs change.

- Differences of opinion, whether with a co-worker, consumer, or family member should be handled in a professional manner.
- Office staff should be notified about your whereabouts during the workday, including being in the community with a consumer.
- Employees shall always maintain a presentable appearance while working for Gateways Community Services. Clothing appropriate to an employee's duties should be worn. Attention to good grooming and neatness is mandatory.
- Employees shall not use Gateways Community Services or consumer/family equipment and supplies for personal reasons. All property of the organization, consumer, and family should be treated with respect.
- Employees should submit required information and paperwork in a timely manner, according to policy and practices. No employee shall knowingly submit untruthful or inaccurate information.
- Employees shall not reveal confidential information about consumers, families, Gateways Community Services to unauthorized individuals.
- Employees may not solicit tips, personal gratuities, or gifts from consumers, families, or vendors. Employees may accept gifts of a nominal value (not to exceed \$25.00) such as cookies, flowers, gift cards, or candy if the gift would not influence or reasonably appear to others to be capable of influencing the employee's judgment or provision of services and supports. If the value of the gift is substantial or the employee has questions about acceptance of the gift, they should discuss it with their manager or Human Resources.
- Reporting to work under the influence of alcohol or drugs or the unauthorized introduction, possession, or use of alcohol or drugs while at work is prohibited.
- Violence, fighting, horseplay, verbal threats, violating personal space (for example, "in your face" actions, standing too close, etc.) and other inappropriate conduct are prohibited.
- No employee shall possess firearms (licensed or unlicensed) or other weapons, including knives, while at work.
- Employees are to notify Human Resources within 24 hours of any arrest. Details will be provided in writing to arrest and charge.
- Smoking policies for Gateways Community Services and all community and government buildings shall be observed.
- Every employee shall comply with safety policies and practices.
- Neglect of duty and insubordination shall not be tolerated.
- Conduct either within or outside of work which reflects poorly on the organization.

Violations of this Code of Conduct and the associated policies and practices may result in disciplinary action. The level of discipline will correspond to the gravity of the offense based on the potential effects it would have on Gateways Community Services, consumers, and families.

In addition to expecting employees to perform their job competently and reliably, Gateways Community Services expects employees to conduct themselves in a professional, ethical, and responsible manner that reflects well upon Gateways Community Services that promotes a spirit of cooperation and teamwork among employees and that is respectful of clients, volunteers and members of the public with whom we interact.

Employee responsibilities also include:

- Knowing and upholding the rights of clients at all levels and not interfering with their religious, political or ethnic views and customs.
- Being punctual, dependable, and faithful in attendance as scheduled unless illness or urgent personal problems prevent such attendance and your supervisor is properly notified.
- Advising the office staff of your whereabouts during the workday.
- Prudent use of Gateways Community Service equipment and supplies
- Treating co-workers, clients and their families, and other professionals with dignity and respect at all times.

### **Workplace Conduct Investigations**

Whenever an officer, director, manager, or supervisor of Gateways Community Services receives a complaint or other information indicating a possible violation of law or Gateways Community Services policy, Gateways Community Services will investigate.

#### Situations to be Investigated

The following list, while not all-inclusive, provides examples of the types of situations that Gateways Community Services will investigate:

- Alleged conduct that potentially deprives a Gateways Community Services employee of rights because of race, color, religion, sex, sexual orientation, national origin, age, disability, marital status or other characteristics protected by law.
- Alleged verbal or physical conduct that potentially denigrates or shows hostile feelings toward any individual because of race, color, religion, sex, sexual orientation, gender identity or expression, pregnancy, age, national origin, disability status, genetic information, protected veteran status, or any other characteristic protected by law. This includes conduct that has the purpose or effect of any of the following:
  - Creating an intimidating, hostile or offensive work environment.
  - Unreasonably interfering with an employee's work performance.
  - Affecting an individual's employment opportunity at the company.
- Alleged conduct or intentional behavior that potentially violates Gateways Community Services policy or affects the safety or well-being of fellow employees, visitors, operations, or other Gateways Community Services related activities. Such conduct includes threatening communication, physical injury or potential physical harm to another, aggressive or hostile action, intentional damage to company property, and possession of any weapon, regardless of government licensing.
- Claims relating to unfair labor practices.
- Conduct that violates Gateways Community Services rules, policies or standards of conduct or the law.

Subjects of the investigation may be placed on paid administrative leave during the investigatory process as deemed appropriate by the CEO and/or Sr Human Resources Director. Gateways Community Services will make all reasonable efforts to initiate an investigation into the allegation(s) and conclude the investigation in a timely fashion, as appropriate.

## Dress Code

Gateways Community Services employees, whether working remotely, in the office, in the community with clients, or performing other Agency-related business, are a reflection of our Agency and are expected to abide by this policy. The personal appearance of our employees affects the clients as well as the community's impression of Gateways and its commitment to professionalism and character. All employees' dress should reflect the important nature of the work that we do. Therefore, the Agency expects that all employees will be neat, clean, well-groomed and dressed in a professional manner appropriate for their positions.

Managers are responsible for monitoring and addressing issues related to employees' attire. Anyone whose attire is not appropriate may be asked to change and any lost time incurred because of this may be at the expense of the employee. There may be situations in which personal choices, such as body piercing and unconventional hair styles, become an issue for the client or family we are serving, or are outside the boundaries of what is conventionally considered professional. Managers will address these issues on a case-by-case basis. If employees have any questions about appropriate dress, they should speak with their manager or Human Resources.

### Guidelines for Employees Providing Direct Care Services

Direct Care Employees include those working directly with Clients daily in the following programs: Early Supports and Services, Family Managed Employees in Consumer Directed Services and In-Home Supports, Veterans and Caregivers, Gateways for Seniors, Gateways Autism Center, and the Adult Day Program. Because direct care duties require work in a variety of settings, such as the community, work sites, and client homes, the above list is meant to provide overall guidance. When accompanying a client to meetings, job interviews, etc., professional clothing that is appropriate for the setting is required. Likewise, when accompanying a client to a worksite, it is expected employees will adhere to the worksite's dress code policy.

	Non-Direct Employees	Direct Employees
Fit	Clothing should fit well, not too snugly or too loosely. At no time should undergarments be seen.	
Headwear/Hair	Head must be free of all types of hats/visors/head covers while inside any of the Gateways' buildings unless for medical, cultural, or religious purposes.	Head must be free of all types of hats/visors/head covers while inside any of Gateways' buildings unless for medical, cultural, or religious purposes. Baseball caps are only allowed when required by a client's behavior plan. Long hair must be pulled back or restrained.
Jewelry		Hanging jewelry, included, but not limited to necklaces, earrings, and facial jewelry, is not permitted if it is a safety hazard

Sleeves	Long sleeve, short sleeve and sleeveless shirts/tank tops with at least 2-inch-thick straps are permitted; tube tops and spaghetti straps of any kind are not permitted.	
Skirts/Shorts	Skirts must be longer than 2 inches above the top of the knee. Capri length pants and Bermuda length shorts (ending just above the knee) are allowed.	Skirts and professional shorts must be no more than 2 inches above the top of the knee. Casual shorts are not permitted.
Form-fitting pants	Spandex, sweatpants, exercise pants or other form-fitting clothes normally reserved for exercise purposes are not permitted. Leggings are permitted when paired with a tunic length top that covers the hip and pelvic region.	Spandex, sweatpants, exercise pants or other form-fitting clothes normally reserved for exercise purposes are not permitted unless engaging in a workout activity with a client. Yoga pants and leggings are permitted when paired with a tunic length top that covers the hip and pelvic region
Denim	Professional looking jeans are allowed. Jeans must be free of rips, tears and logos. Waist must be secured with a belt if need be.	Pants, including denim, free of holes/tears/stains can be worn. Pants must sit at the tears and fraying and should fit appropriately.
Shoes	Shoes should be appropriate to the employee's position with a focus on safety (for example, consider wearing boots in the winter and changing into shoes after entering the building). Open-toed shoes/Sandals are permitted but MUST have a back strap. Mules and flip flops are to be worn at your own risk as we have a new Workers Comp carrier who may not cover an injury if it occurs while employees are wearing these items	All shoes must be closed at both the toe and the heel. Sneakers or other closed shoes with a sturdy sole are highly recommended. Open-toed shoes/flip flops/heels/open-backed shoes are not permitted at any time. Rubber soled shoes are required for Autism Center employees. When working in family's homes, we want to be respectful of various cultures and traditions and honor requests to remove our shoes
Provocative Clothing/Undergarments	Sexually provocative clothing is not permitted (clothing that may be considered too revealing, too tight or exposes midriff). There should be no observable lack of undergarment or exposed undergarments, even while reaching overhead	
Logos/Images/Text	Clothing should be free of images or language that might be considered offensive or vulgar, including pictures of music bands or persons whose public image might be considered offensive or vulgar. In addition, clothing may not include any references to	

	smoking, weapons, drugs, alcohol, sex or politics (including candidates for political office).
Tattoos	Tattoos that may be considered offensive must be covered while at work

**Health Insurance Portability & Accountability Act (HIPAA)**

Gateways Community Services complies with the Health Insurance Portability & Accountability Act (HIPAA). The HIPAA regulations safeguard Protected Health Information (PHI). PHI includes an individual's:

- Health (diagnosis)
- Provision of care (services received)
- Payment of services (how payment will be made)
- Information which identifies the individual (name, address, social security, etc.)

PHI may be shared for:

- Treatment (e.g., providers, day program, residential services, etc.)
- Payment (e.g., billing for services, etc.)
- Operations (e.g., such as quality assurance, program oversight, etc.)

In most instances, people do not need consumer consent for these purposes, unless they are sharing sensitive information (e.g., HIV/AIDS information, mental health records, etc.), which is protected by special state laws.

For the purposes of payment and operations only the minimum information necessary should be shared. For purposes of treatment, the concept of minimum necessity should not impede the free flow of information necessary to ensure comprehensive treatment.

Under most other circumstances, it would be necessary to get the consent of the consumer or his/her representative to release their PHI (e.g., marketing, publicity, referrals to nontreatment programs such as recreation, etc.). In these cases, it is very important to explain carefully to consumers what they agree to and to use the Acknowledgement of HIPAA Information Practices form.

Anyone who receives this Notice of HIPAA Information Practice will sign an Acknowledgement of HIPAA Information Practices.

Each person must maintain and safeguard the confidentiality of all information that has been obtained by or disclosed in the course of their employment, special projects, and/or volunteer work. An employee will not disclose confidential information except to the extent permitted by agency policy and procedure and by governing statutes.

Confidential information must always be protected both during and after employment, special projects work, and/or volunteer work with Gateways Community Services. One must use good judgment in protecting confidential information and not discuss such information in hallways or other public places. Furthermore, employees agree to protect the confidentiality of material in written and electronic form and to this end will maintain and manage this information in a way that will not put it at risk for discovery by unauthorized individuals.

Anything containing PHI must be disposed of in a way that makes the information unreadable (e.g., use a confidential shredder, etc.) The following are some examples, but not inclusive, of breaches of confidentiality:

- Leaving information regarding or identifying consumers, open on a desk such as a calendar of appointments, or printed materials left on a copier or in a fax machine
- Discussing a consumer while standing in a hall or within hearing distance of other individuals
- Discussing a consumer with someone who has no professional reason to have the information
- Admitting that a consumer receives services to someone who does not need to know
- Giving out information over the telephone when you are not sure to whom you are speaking
- Giving information about a consumer without a written release
- Sending identifiable information which is not enclosed in an envelope or clearly marked "confidential"
- Leaving file cabinets containing confidential information open or unlocked
- Providing written or verbal communication to someone without a search warrant, release, and/or legal papers.

#### Uses and Disclosures of Protected Health Information Based upon Your Written Authorization

Other uses and disclosures of your protected health information will be made only with your written authorization, unless otherwise permitted or required by law as described in this Notice. You may revoke this authorization, at any time, in writing, except to the extent that we have already relied upon your authorization in making a disclosure.

#### HIPAA Safeguards and Mitigation of Harm

We use appropriate safeguards to prevent the use or disclosure of PHI. We have implemented administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the electronic protected health information that we create, receive, maintain, or transmit on behalf of a Covered Entity. Such safeguards include:

- Maintaining appropriate clearance procedures and providing supervision to assure that our workforce follows appropriate security procedures;
- Providing appropriate training for our staff to assure that our staff complies with our security policies;
- Making use of appropriate encryption when transmitting PHI over the Internet;
- Utilizing appropriate storage, backup, disposal and reuse procedures to protect PHI;
- Utilizing appropriate authentication and access controls to safeguard PHI;
- Utilizing appropriate security incident procedures and providing training to our staff sufficient to detect and analyze security incidents; and
- Maintaining a current contingency plan and emergency access plan in case of an emergency to assure that the PHI we hold on behalf of a Covered Entity is available when needed.

In the event of a use or disclosure of PHI that is in violation of the requirements of the HIPAA Compliance, we will mitigate, to the extent practicable, any harmful effect resulting from the violation. Such mitigation will include:

- Reporting any use or disclosure of PHI and any security incident of which we become aware as the Covered Entity; and
- Documenting such disclosures of PHI and information related to such disclosures would be required for Covered Entity to respond to a request for an accounting of disclosure of PHI in accordance with HIPAA.

### Potential Impact of State Law

The HIPAA Privacy Regulations generally do not “preempt” (or take precedence over) state privacy or other applicable laws that provide individuals greater privacy protections. As a result, to the extent state law applies, the privacy laws of a particular state, or other federal laws, rather than the HIPAA Privacy Regulations, might impose a privacy standard under which we will be required to operate. For example, where such laws have been enacted, we will follow more stringent state privacy laws that relate to uses and disclosures of protected health information concerning HIV, AIDS, mental health, substance abuse/chemical dependency, genetic testing, reproductive rights, etc.

### For More Information or to Report Complaints

If you wish to exercise any of the rights listed in Section II of this Notice, or if you have questions and would like additional information you may contact our Privacy Officer either in writing or by phone:

Senior Human Resources Director  
Gateways Community Services  
144 Canal Street Nashua NH 03064  
(603) 459-2717

### **Attendance in the Workplace**

Punctual and regular attendance is an essential responsibility of each employee at Gateways Community Services. Employees are expected to report to work as scheduled, on time and prepared to start working. Employees also are expected to remain at work for their entire work schedule. Late arrival, early departure or other absences from scheduled hours are disruptive and must be avoided. This policy does not apply to absences covered by the Family and Medical Leave Act (FMLA) or leave provided as a reasonable accommodation under the Americans with Disabilities Act (ADA) or approved personal leave.

### Employee Absence

Absence is defined as the failure of an employee to report for work when he or she is scheduled to work. The two types of absences are defined below:

Excused absence occurs when all the following conditions are met:

- The employee provides to his or her supervisor sufficient notice at least 2 hours in advance of their scheduled shift.
- The absence request is approved in advance by the employee’s supervisor.
- The employee has sufficient accrued earned time off (ETO) to cover the absence.

Employees may obtain a doctor’s or medical note for their absence if requested by their supervisor. Excessive documentation of excused absences is the supervisor’s discretion and may lead to disciplinary procedures.

Employees must use earned time off (ETO) for every absence unless otherwise allowed by company policy (e.g. bereavement, jury duty). Unpaid ETO is allowed at the supervisor’s discretion. Employees in their probationary period (first ninety (90) days of employment) are not allowed to use any of their accrued earned time off.

Unexcused absence occurs when any of the above (excused absence) conditions are not met:

- An unexcused absence counts as one occurrence for the purposes of discipline under this policy.



Employees with three (3) or more consecutive days of excused absences because of illness or injury must provide proof of physician's care prior to returning to work.

Employees must work a minimum of 30 hours per week to continue receiving benefits coverage. If an employee is working 30 hours per week, they must substitute ETO for the missed absence time. This does not include employees who are on approved medical leave.

#### Tardiness and Early Departures

If it is necessary for an employee to be late for work because of an illness or an emergency, the employee must notify his or her supervisor no later than the employee's scheduled starting time on that same day. If the employee is unable to call, he or she must have someone make the call. This notification does excuse the tardiness and notifies the supervisor that a schedule change may be necessary. Employees who must leave work before the end of their scheduled shift must notify their immediate supervisor as soon as possible.

#### No Call No Show

Any employee who fails to report to work for their scheduled shift without communication to their immediate supervisor will be considered a no call no show. In the event of an emergency, employees (or a designee) must contact their immediate supervisor as soon as possible. A no call no show will be reported as an unexcused absence unless communication is received from the employee or employee's designee within a 24-hour period from the start of the employees scheduled shift.

#### Job Abandonment

Employees who fail to report to work and do not have communication with their immediate supervisor for 2 consecutive shifts will be considered to have abandoned the job and voluntarily terminated the employment relationship.

#### Disciplinary Action

Employees with excessive absenteeism, concurrent or reoccurring tardiness or early departures will be subject to disciplinary action up to and including termination of their employment with Gateways Community Services.

Excessive absenteeism is defined as two (2) or more occurrences of unexcused absence in a 30-day period and will result in disciplinary action. Eight (8) occurrences of unexcused absence in a 12-month period will be considered grounds for termination.

#### **Inclement Weather**

A decision to close Canal Street and Chestnut Street buildings will be made by 6:00 a.m. by the CFO.

- The CFO receives a text from the Senior Director of Children's Services informing him the Gateways Autism Center is closed for the day.
- The CFO will have a conversation with the Director of Operations on local weather forecast for the day and to weigh the weather impact on staff.
- The CFO will send a text/email to the CEO relaying closure information.
- The CFO will send a text message to his managers and Senior Team. An answering text back to the CFO is expected ensuring receipt of text.
- Managers will inform their staff by text message.

It is the expectation of Gateways Community Services that all employees who are working remotely or a hybrid schedule work with their managers to ensure they have the tools needed during inclement weather and possible power outages.

#### Power Outage

If an employee is working remotely and there is a loss of power at their remote worksite during inclement weather, the following will apply:

Canal and Chestnut Street buildings are closed due to inclement weather.

- Employees are expected to work with their managers to ensure they have work that can be done (ex. Phone calls, paper planning, etc) without connection to the internet.
- If the employee is not capable of doing any work without connection to the internet, they must use their Earned Time Off for the day.
- Employees are expected to speak with their manager and let them know whether they will be working or if they are using their Earned Time Off.

Canal and Chestnut Street buildings are open during inclement weather.

- Employees are expected to come to one of the buildings to work if they are not able to do any work without connection to the internet at their remote work site.
- Employees who choose not to come into the building and cannot work from their remote work site without internet connection will be required to use Earned Time Off for the day.

#### **Personal Vehicle Use**

Employees who utilize their vehicle as part of their job are required to possess a valid driver's license and carry adequate auto bodily injury and property damage insurance coverage. An employee will not be allowed to use their personal vehicle to transport consumers or travel for company business if they do not have vehicle insurance. All employees are responsible for reporting to Human Resources any accident or occurrence, loss of their driving license or discontinuation of vehicle insurance.

Gateways Community Services provides mileage reimbursement for approved job-related travel/transportation (reference mileage reimbursement page). The purpose of providing mileage reimbursement for job-related travel/transportation is to help offset the costs that are associated with gas, vehicle insurance & automobile maintenance.

It is strongly recommended for an employee that uses a personal vehicle for Gateways Community Services business to contact their individual insurance agency to review the vehicle policy by asking the following questions:

- Does my current policy cover use of incidental business purposes? (travel to meetings a few times per month)
- Does my current policy cover extensive use for business purposes? (your vehicle is used for agency work as much as or more than for personal purposes)
- Does my current policy cover an accident if I am transporting a consumer(s)? (to doctor appointment)

If the insurance agent's response is "no" to any or all of these questions, then you will need to ask what would be needed to be properly covered for these work travel situations.

The Gateways Community Services liability insurance broker, USI, has advised the following:

“Standard insurance policies” often include “use for business purposes.” “Business Use” means that “the use of the auto is required by or customarily involved in the duties of the applicant or any other person customarily operating the auto, in an occupation, profession or business, other than going to or from the principal place or occupation, profession or business”.

- However, if there is an expectation a staff person’s vehicle will be used extensively for travel to programs, meetings, and/or transporting consumers, then staff should check with their individual insurance agencies to determine if they have proper coverage on their vehicle.
- If your agent states that you need to buy a policy for “public or livery conveyance”, they do not understand the nature of your job.
- Your main job responsibility is *not* transporting clients. You do not make a profit by hiring out your vehicle, nor are you charging clients.
- You do not operate any kind of scheduled transportation service. Use of your vehicle is intermittent and varies based on the needs of the client.

The Gateways Community Services’ general liability or property insurance policies do not cover staff personal vehicles. There is no insurance company known that will pick up the physical damage to a vehicle that is not owned and registered to Gateways Community Services. Likewise, personal liability for another vehicle owner cannot be covered by a policy issued in the name of Gateways Community Services.

### **Sleeping Time/Overnight Care**

On Duty Less Than 24 Hours (Section § 785.21)

An employee who is required to be on duty for less than 24 hours is working even though they are permitted to sleep or engage in other personal activities when not busy. If an employee is required to be on duty for fewer than 24 hours, all of the duty time is probably hours worked, even though the employee is permitted to sleep or engage in other personal activities when not busy. For example: A college student is employed to work in a nursing home from 6 p.m. to 8 a.m. He or she must help the clients to bed and help them get up in the morning. Between the hours of 9 p.m. and 6 a.m. the employee is allowed to study, watch television, sleep, etc. but must be available to handle emergencies or help the clients when they need to get up during the night. All of the time is hours worked.

On Duty 24 Hours or More (Section § 785.22)

Where an employee is required to be on duty for 24 hours or more, Gateways Community Services will exclude bona fide meal periods and a bona fide regularly scheduled sleeping period of not more than 8 hours from hours worked, provided adequate sleeping facilities and the employee can usually enjoy an uninterrupted night’s sleep. If sleeping period is of more than 8 hours, only 8 hours will be credited.

### **Fraud and Abuse Prevention and Detection**

Gateways Community Services is dedicated to conducting business in an ethical and legal manner. If fraudulent behavior is minimized, the risk of scarce resources being diverted from appropriate use in providing Gateways services to the public will be significantly reduced. Gateways, its officers, contractors, agents, and employees will comply with all relevant federal and state laws and regulations related to billing and coding. No Gateways staff has the authority to direct, participate in, approve, or tolerate any violation of any of the laws described in this policy.

## Policy

Gateways will thoroughly and quickly investigate any reported cases of suspected fraud to determine if disciplinary, financial recovery, and/or criminal action should be taken. All reports of suspected fraud will be handled under the strictest confidentiality. Gateways recognizes the need to continually update standards and procedures and to communicate these changes to employees, contractors, and agents to keep them informed regarding Gateways' operations. We are committed to the following efforts:

- Minimize billing mistakes
- Increase speed and optimize receipt of claim payments
- Reduce change of Office of Inspector General or Centers for Medicare & Medicaid Services (CMS) audit, or audits from external funding sources
- Avoid conflicts with self-referral and anti-kickback and other statutes.

Set forth below are summaries of certain laws that provide liability for false claims and statements. These summaries are not intended to identify all applicable laws; but serve to outline some of the major statutory provisions.

### **Federal Civil False Claims Act (FCA); 31 U.S.C. §§ 3379-3733**

Congress enacted the federal civil False Claims Act in 1982. The Act is designed to enhance the government's ability to identify and recover losses due to fraud.

## Prohibitions

The federal civil False Claims Act makes it a crime for any person or organization to knowingly make a false record or file a false claim with the federal government (Medicare, Medicaid) for payment.

"Knowingly" means.

- Having actual knowledge of the information.
- Acting in deliberate ignorance of the truth or falsity of the information; or
- Acting in reckless disregard for whether the information is true or false. Specific intent to defraud is not required for there to be a violation of the law.

The False Claims Act is enforced by the filing and prosecution of a civil complaint. Under the Act, civil actions must be brought within six years after a violation or, if brought by the government, within three years of the date when material facts are known or should have been known to the government, but in no event more than ten years after the date on which the violation was committed.

## Penalties

A person or entity found to have violated the civil False Claims Act is subject to a civil money penalty of not less than \$5,500 and not more than \$11,000, plus three times the number of damages the federal government sustained.

## Qui Tam and Whistleblower Protection Provisions

The U.S. False Claims Act authorizes the U.S. Attorney General to bring legal actions alleging violations of the statute. The statute also allows private citizens to file a lawsuit in the name of the United States for false or fraudulent claims submitted by individuals or companies that do business with, or are

reimbursed by, the United States (Medicare, Medicaid). Commonly known as a qui tam action, a lawsuit brought under the Act by a private citizen begins with the filing of a civil complaint in federal court.

As an incentive to bring these cases, the law provides that whistleblowers who file a qui tam action may receive a percentage of the money recouped as a reward. This reward may be reduced, however, if for example the court finds the whistleblower planned and initiated the violation. The act also provides that “whistleblowers” that prosecute clearly frivolous qui tam claims can be held liable to a defendant for its attorneys’ fees and costs.

Whistleblowers are given certain protections under the Act from retaliation, such as being discharged, demoted, or harassed, for bringing an action under the law.

#### The Program Fraud Civil Remedies Act of 1986

The Program Fraud Civil Remedies Act of 1986 (PFCRA) authorizes federal agencies to investigate and assess penalties for false claims to certain federal agencies, including the Department of Health and Human Services. PFCRA was enacted as a means to address lower dollar frauds, and generally applies to claims of \$150,000 or less.

Penalties: A person or entity found to have violated the PFCRA is subject to a civil money penalty of up to \$5,000 per false claim and up to twice the amount claimed.

#### New Hampshire False Claims Laws

NH RSA 167:61-b states that any person or provider shall be liable to the state for a civil penalty of not less than \$5,000 and not more than \$10,000 plus 3 times the amount of damages that the state sustains because of the act of knowingly making a statement to get a false or fraudulent claim paid or approved, or knowingly making a false record or statement to conceal, avoid, or decrease an obligation to pay. Also liable is any beneficiary of an inadvertent submission of a false claim who subsequently discovers the falsity of the claim and fails to disclose this within a reasonable time after discovery of the false claim.

#### Administrative Remedies for False Claims (Title 31 U.S.C. Chapter 38. §§3801-3812)

This federal statute allows for administrative recoveries by federal agencies including the Department of Health and Human Services, which operates the Medicare and Medicaid Programs. The law prohibits the submission of a claim or written statement that the person knows or has reason to know is false, contains false information or omits material information. Gateways, receiving the claim, may impose a monetary penalty of up to \$5,000 per claim and damages of twice the amount of the original claim. Unlike the False Claims Act, a violation of the law (Title 31 U.S.C. Chapter 38. §§3801-3812) occurs when a false claim is submitted, not when it is paid. Also, unlike the False Claims Act, the determination of whether a claim is false, and imposition of fines and penalties is made by Gateways and not by prosecution in the federal court system.

## Time Off/Leave of Absence

### **Family Medical Leave Act**

The Family Medical Leave Act (FMLA) provides certain employees with up to 12 weeks of unpaid, job-protected leave per year. It also requires that their group health benefits be maintained during the leave.

FMLA is designed to help employees balance their work and family responsibilities by allowing them to take reasonable unpaid leave for certain family and medical reasons. It also seeks to accommodate the legitimate interests of employers and promote equal employment opportunity for men and women.

FMLA applies to all public agencies, all public and private elementary and secondary schools, and companies with 50 or more employees. These employers must provide an eligible employee with up to 12 weeks of unpaid leave each year for any of the following reasons:

- For the birth and care of the newborn child of an employee;
- For placement with the employee of a child for adoption or foster care;
- To care for an immediate family member (i.e., spouse, child, or parent) with a serious health condition; or
- To take medical leave when the employee is unable to work because of a serious health condition.

Employees are eligible for leave if they have worked for their employer at least 12 months, at least 1,250 hours over the past 12 months, and work at a location where the company employs 50 or more employees within 75 miles. Whether an employee has worked the minimum 1,250 hours of service is determined according to FLSA principles for determining compensable hours or work.

Time taken off work due to pregnancy complications can be counted against the 12 weeks of family and medical leave.

Gateways Community Services requires medical certification to support a claim for leave for an employee's own serious illness or to care for a seriously ill child, spouse, or parent. For the employee's own medical leave, the certification must include a statement that the employee is unable to perform the functions of his or her position. For leave to care for a seriously ill child, spouse, or parent, the certification must include an estimate of the amount of time the employee is needed to provide care. At its discretion, Gateways Community Services reserves the right to request a second medical opinion and periodic recertification at our expense. If the first and second opinions differ, at our expense, may require the binding opinion of a third health care provider, approved jointly by the company and the employee.

If medically necessary for a serious health condition of the employee or their spouse, child, or parent, leave may be taken on an intermittent or reduced leave schedule. However, if leave is requested on this basis, the company may require the employee to transfer temporarily to an alternative position which will better accommodate recurring periods of absence or a part-time schedule, provided that the position has equivalent pay and benefits.

When the need for leave is foreseeable, such as the birth or adoption of a child, or planned medical treatment, the employee must provide reasonable prior notice, and make efforts to schedule leave so as

not to disrupt company operations. In cases of illness, the employee will be required to report periodically on their leave status and intention to return to work. To request a FMLA, the employee must contact Human Resources to advise them of the circumstances and time being requested.

Employees will not accrue Earned Time Off during FMLA, nor will they be paid for holidays during this leave.

### **Military Family Leave**

#### Qualifying Exigency Leave

If your spouse, parent, son or daughter is a military member who is deployed or has been notified of an impending deployment to a foreign country, and you work for a covered employer and are an eligible employee, you may be entitled to qualifying exigency leave. Qualifying exigency leave allows you to take up to a total of 12 workweeks of FMLA leave for qualifying exigencies, such as making different day care arrangements for the military member's children or attending official military ceremonies as your family member prepares to deploy.

- To attend post-deployment activities for up to 90 days following the termination of the military member's covered active duty, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military, and to address issues arising from the death of a military member, including attending funeral services for the military member.
- Any other event that you and your employer agree is a qualifying exigency and agree to the timing and duration of the leave.
- To address certain activities related to the care of the military member's parent who is incapable of self-care. These could include arranging for alternative parental care; providing care on a non-routine, urgent, immediate need basis; admitting or transferring the parent to a new care facility; and attending certain meetings at a care facility or with hospice staff.

#### Military Caregiver Leave

If you are the spouse, parent, son, daughter, or next-of-kin of a covered service member, you work for a covered employer, and are an eligible employee, you may be entitled to military caregiver leave. Military caregiver leave allows you to take up to a total of 26 workweeks of unpaid leave during a single 12-month period to take care of your military relative if he or she has a qualifying serious injury or illness.

### **Uniformed Services Employment and Reemployment Rights Act**

The U.S. Department of Labor's Veterans' Employment and Training Service (VETS) administers the Uniformed Services Employment and Reemployment Rights Act (USERRA). Subject to the rules and exceptions discussed below, USERRA guarantees an employee returning from military service or training the right to be reemployed at his or her former job (or as nearly comparable a job as possible) with the same benefits.

#### Employment and Reemployment Rights

The Uniformed Services Employment and Reemployment Rights Act of 1994, enacted October 13, 1994 (Title 38 U.S. Code, Chapter 43, Sections 4301-4335, Public Law 103-353), as amended, provides for the employment and reemployment rights for all uniformed service members.

### Who's Eligible for Reemployment?

"Service in the Uniformed Services" and "Uniformed Services" Defined (38 U.S.C. Section 4303, 13 & 16)

Reemployment rights extend to persons who have been absent from a position of employment because of "service in the uniformed services." "Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service, including:

- Active duty and active duty for training
- Initial active duty for training
- Inactive duty training
- Full-time National Guard duty
- Absence from work for an examination to determine a person's fitness for any of the above types of duty
- Funeral honors duty performed by National Guard or Reserve members
- Duty performed by intermittent employees of the National Disaster Medical System (NDMS), which is part of the Department of Health and Human Services, when activated for a public health emergency, and approved training to prepare for such service (added by Pub. L. 107-188, June 2002). See Title 42, U.S. Code, Section 300hh-11(d).

The "uniformed services" consist of the following [20 CFR 1002.5 (o)]:

- Army, Navy, Marine Corps, Air Force and Coast Guard
- Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve and Coast Guard Reserve
- Army National Guard and Air National Guard
- Commissioned Corps of the Public Health Service
- Any other category of persons designated by the President in time of war or emergency

The law requires employees to provide their employers with advance notice of military service, with some exceptions. Notice may be either written or oral. It may be provided by the employee or by an appropriate officer of the branch of the military in which the employee will be serving. However, no notice is required if:

Military necessity prevents the giving of notice; or The giving of notice is otherwise impossible or unreasonable.

### **New Hampshire Pregnancy Leave**

Gateways will grant this time (of pregnancy or thereafter) to workers who can't work are temporarily disabled due to pregnancy. Gateways will accommodate workers who need to work a reduced shift or have on the job accommodations due to their disability.

### **New Hampshire Paid Family Medical Leave**

Gateways does not currently participate in New Hampshire Paid Family Medical Leave; this is voluntary leave in the state. If an employee enrolls outside of Gateways, it is our duty to work with you to provide payroll deductions.



### **Voting Leave**

Gateways Community Services encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees can find time to vote either before or after their regular work schedule. Flexibility in the work hours will be allowed to accommodate your right to vote. Notify your supervisor prior to Election Day if you require any such accommodation.

With manager approval, any Gateways employee who wants to be assigned as a poll worker will be able to do so and be paid by Gateways for the day based on their regularly scheduled hours of work for that day. This applies to general, primary, midterm and any special elections in the employee's state of residence. The employee would need to submit proof of this poll obligation in a timely manner, to the HR Director or designee for the compensable time to be added to their timecard.

### **Jury Duty**

Gateways Community Services or the employee may ask to be excused from jury duty if, in Gateways Community Services' judgment, the employee's absence would create serious operational difficulties. Gateways will pay the difference between an employee's base pay and the court reimbursement, provided that the employee supplies certification of having served as a juror.

The employee will continue to receive any benefits for the full term of the jury duty absence. The employee will continue to be responsible for payment for their portion of the monthly premium for medical, dental, and voluntary benefits. Earned leave time will continue to accrue during jury duty leave time.

### **Victims of Crimes**

For purposes of this policy, a "victim" is any person who suffers direct or threatened physical, emotional, psychological, or financial harm because of the commission or attempted commission of the crime.

Employees may also qualify for leave under this policy if they are part of the immediate family of a homicide victim or part of the immediate family of a child under the age of 18 or an incapacitated adult who is the victim of a crime. For purposes of this policy, "immediate family" means father, mother, stepparent, child, stepchild, sibling, spouse/civil union partner, grandparent or legal guardian of the victim, or a person who is otherwise in an intimate relationship with and residing in the same household as the victim.

An employee needing time off under this policy should notify their supervisor and/or human resources as soon as possible to allow the department to arrange for the time off. The employee must submit copies of the notices of each scheduled hearing, conference, or meeting that is provided to the employee by the court or agency involved in the prosecution of the criminal to document the need for the leave and the amount of time required. Failure to do so may result in denial of the leave of absence. Any such notices or records will be maintained in confidence and will disclose them only on a need-to-know basis.

Requests falling within the definitions of this policy will typically be granted unless the leave of absence causes an undue hardship for our business. An "undue hardship" for purposes of this policy means significant difficulty and expense. In determining whether an undue hardship may exist, the size of the operation, the employee's position and role within the organization, and the need for the employee to be at work will be considered. Leave requests that are granted will be only for the period required for

court or other legal or investigative proceedings, including necessary travel time. Employees must use any accrued earned time during leave under this policy and then may take any remaining time as unpaid. Employees enrolled in company benefits will be required to reimburse the Gateways Community Services monthly for your portion of premiums for health and/or dental coverage and any other monthly premiums for voluntary plans you are participating in.

Gateways Community Services will not discharge, threaten, or discriminate against an employee for taking leave under this policy and employees taking leave under this policy will not lose any seniority during this leave of absence in compliance with NH State Law.

### **Bereavement**

Because we understand the definition of family is different for everyone, our bereavement policy is flexible. If you find yourself in the unfortunate situation where an immediate family member passes away, you can take bereavement time to attend services at a maximum of 5 days.

- Up to five days of paid bereavement time will be provided to employees for immediate family members. The immediate family is defined as: employee's spouse, civil union partner/domestic partner, child, mother, father, stepparents, siblings.
- Up to three days of bereavement time will be provided for other family members. Other family members are defined as, but not limited to: grandparents, mother-in-law, father-in-law, grandchild, aunt, uncle, cousin.

Paid time off under this policy is given over and above any time allowable under our Earned Time policy and is not considered time worked for the purpose of computing overtime. Paid time off may be used for bereavement leave not included above. Gateways reserves the right to request a copy of appropriate documentation.

Employees should make their supervisor aware of their situation. In turn, the supervisor should notify Human Resources of the reason and length of the employee's absence. Proof of death and relationship to the deceased may be required.

Bereavement time will be prorated based on the employee's base hours. Bereavement pay is calculated based on the base rate at the time of absence and will not include any special forms of compensation, such as incentives or shift differentials.

Supervisors must ensure that bereavement time is noted on the employee's time sheet.

\*Family Managed Employees may differ. Payroll services employees are not eligible.

### **Short Term/Long Term Disability**

Eligibility for STD applies after meeting the definition of "disability" as determined by current insurance carrier and the elimination period of 14 consecutive calendar days. Earned time hours accrued will be used to cover this period of time and/or FMLA guidelines.

STD would begin on the 15th consecutive calendar day of disability at 66 2/3% of your normal gross weekly earnings. FICA will be deducted from your STD payments. If an employee is eligible for unpaid Family Medical Leave (FMLA). FMLA will run concurrently with STD/LTD leave and may extend up to a

total of 12 weeks; Once STD/LTD ends, you will be required to use any earned time hours you may have for the remaining FMLA leave.

An employee does not accrue earned time or get paid for holidays during your STD/LTD leave time. If enrolled in benefits that generate an employee premium, you will be required to reimburse Gateways Community Services on a monthly basis for the employee portion of premiums for health and/or dental coverage and any other monthly premiums for voluntary plans you are participating in.

Appropriate forms for STD/LTD will be reviewed and required to be completed by the employee and the employee's physician. Eligibility for Long Term Disability will be reviewed by the established insurance carrier during the period of short-term disability (after first 26 weeks).

### **Workers Compensation**

Employees who are hurt on the job, during any Gateways event, or on the clock (being paid by the company) may be covered under Workers Compensation if approved by the insurance provider. All accidents/injuries are reported to the insurance provider who will make determination of the claim.

## Employee Benefits

### Holidays

Gateways Community Services' Family Managed Employees, Respite Workers, and Personal Care Service Providers are provided with seven paid holidays. The schedule is subject to change.

- New Year's Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Thanksgiving Day
- Christmas Day

To receive holiday pay, employees must be scheduled to work 20 or more hours per week and work their scheduled hours prior to and after the holiday, unless the employee is on an approved earned time leave. To receive holiday pay, the employees scheduled hours must fall on the "observed holiday" date. New employees must be employed one full week (5 workdays) prior to the week in which the holiday falls to be paid for the holiday.

Holidays are pro-rated based on an employee's budgeted amount of weekly hours. For example, a 40-hour per week employee will receive 8 hours of holiday pay. A 32-hour per week employee will receive 6.4 hours of holiday pay. There will be no holiday pay for holidays which occur during periods of unpaid leave, FMLA, or disability leave. Payroll Service employees, companions, temporary or seasonal employees, and other employees who work less than 20 hours per week are not eligible for holiday pay. \*Family Managed Employees may differ. Payroll services employees are not eligible.

### Earned Time Off

Earned time is leave time that is accrued per pay period and based on the amount of time employed and the number of work hours budgeted per week. Usage of earned time hours cannot exceed weekly budgeted hours. If benefit-eligible employees (those scheduled for 30 or more hours in a work week) have not satisfied their weekly budgeted hours with hours worked, then we ask that they supplement their timecard with earned time hours (if available) to satisfy their weekly budgeted hours, as numerous benefits are based off these budgeted hours. Earned time hours can only be used after the initial ninety-day introductory-review period has been completed.

Part time employees working 20 hours or more per week, accrue earned time on a prorated basis. The percentage of earned time is calculated by dividing the hours worked per week by 40. Temporary, seasonal, companion or payroll services employees and those employees working less than 20 hours per week are not entitled to earned leave time benefits.

Accrual of earned time is based on a calendar year, January 1 through December 31. The maximum amount of earned time hours allowed to carry over from one calendar year to the next for a full-time employee, who works 40 hours per week, is 20 days (160 hours). For eligible employees working less than 40 hours per week, the allowed carryover amount of earned time hours will be pro-rated based on their percentage of earned time accrual rate.

All planned earned time must be approved in advance, whenever possible, by the employee's supervisor. Use of more than two weeks of earned leave time, taken consecutively for vacation or personal purposes requires the approval of the employee's supervisor and human resources. Employees do not accrue earned leave time while out on an approved leave of absence or out on disability.

Prior to taking time off, employees are asked to complete their time sheet to cover any periods they will miss during leave time, and to make arrangements with the Payroll Department concerning their paycheck. If not enrolled in direct deposit, or if arrangements have not been made, paychecks will be mailed.

Once an employee provides their notice of resignation, they cannot use their Earned time during their resignation period. Extenuating circumstances are reviewed on a case-by-case basis and usually require a doctor's note. Employees who voluntarily resign with the proper notification as stated in these policies will be paid for unused earned time during the next payroll cycle. Employees who are involuntarily discharged will be paid for unused earned time within 72 hours of discharge.

Individuals previously employed by Gateways and seeking re-employment will be considered as a new hire if termination of previous employment exceeds more than 1 year (12 months). The rehire date will be the date that earned time accrual is based upon.

If, during the course of employment with Gateways Community Services, an employee changes status from per diem/part-time to full-time employee, or from per diem/part-time to part-time regular, so that they are newly eligible to accrue earned time, the employee's full-time or part-time regular date of hire will be used for purposes of earned time accrual.

\*Payroll services employees are not eligible.

**Earned Time Accrual Rates**

Anniversary	Annual		Per Payroll
	Days	Hours	Hours
During 1st Year	15	120	4.62
After 1st Anniversary	15	120	4.62
After 2nd Anniversary	15	120	4.62
After 3rd Anniversary	20	160	6.15

After 4th Anniversary	20	160	6.15
After 5th Anniversary	22	176	6.77
After 6th Anniversary	22	176	6.77
After 7th Anniversary	22	176	6.77
After 8th Anniversary	22	176	6.77
After 9th Anniversary	22	176	6.77
After 10th Anniversary	25	200	7.69
After 15th Anniversary	30	240	9.2

#### Group Insurance Plans

Group Plan	Covered Employees	Coverage Starts
Medical	Full Time/Regular Part Time	1 <sup>st</sup> of the month following 30 days
Dental	Full Time/Regular Part Time	1 <sup>st</sup> of the month following 90 days
Vision (Hardware)	Full Time	1 <sup>st</sup> of the month following 30 days
Short/Long Term Disability	Full Time	1st of the month following 30 days
403B Retirement Savings	Full Time/Regular Part Time/Part Time	Must meet age and hours requirement. Company match after 1 year of employment
Flexible Spending Account (FSA)	Full Time/Regular Part Time	1st of the month following 30 days
Short/Long Term Disability/AD&D	Full Time	1 <sup>st</sup> of the month following 90 days
Employer Paid Term Life Insurance	Full Time	1st of the month following 90 days
Voluntary Life and/or AD&D Insurance	Full Time	1st of the month following 90 days
Employee Assistance Program	Full Time/Regular Part Time/Part Time	Upon Hire

If you are rehired within one year of termination, you will be eligible to enroll on the first of the month following your date of hire. If you move from part time to full-time status, you are eligible to enroll on the first of the month following 30 days after the date of change if you have met the eligibility requirements for the plan year.

If you have a qualifying life event, you must provide proof to the Human Resources department within 20 days of the event to ensure qualifying plans to be set up in a 30 day period from the date of the event.

\*Payroll services employees are not eligible.

### **Tuition Reimbursement**

Employees are encouraged to pursue higher education. Gateways Community Services will provide tuition reimbursement to staff following the guidelines in this policy.

Gateways Community Services will provide tuition reimbursement following the below guidelines:

- Dependent upon availability of funds
- Individual must be a full-time, regular employee (35 hours or more per week)
- Individuals must be employed with Gateways Community Services for one year or more.
- Must maintain and show evidence of a “C” or better for undergraduate work or a “B” or better for graduate work.
- Must submit “Tuition Reimbursement Request Form” along with evidence of course work, grades and tuition payment made to educational institution.
- Decisions for reimbursement will occur twice throughout the year; once before January and once after January of each fiscal year.
- Tuition will be at a maximum of \$3,000.00 per person, per fiscal year

NOTE: As this practice is dependent upon availability of funds, staff should not plan on an “automatic” reimbursement upon request.

\*Payroll services employees are not eligible.



I \_\_\_\_\_ acknowledge that I have received and reviewed Gateways Community Services Employee Handbook and understand that I am liable for abiding by Gateways Community Services policies and procedures.

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

\_\_\_\_\_  
Date