



Exceptional People.
Extraordinary Care.

Employee Handbook
2023-2024

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Arkansas Family Supports, Inc.
Employee Handbook
ACKNOWLEDGEMENT FORM
FOR 2023-2024

My signature below acknowledges that:

1. I have read and understand the AFS Employee Handbook and the policies that guide employees which were provided to me in the AFS New Hire Training or upon receipt.
2. Any questions that I have, or clarification needed regarding the AFS Employee Handbook will be directed to my immediate supervisor, or to the Executive Director or Associate Executive Director.
3. I have received a digital and/or hard copy of the AFS Employee Handbook. I have had the opportunity to discuss the contents of the AFS Employee Handbook during the AFS Agency New Hire Training or upon receipt and ask questions regarding the material and content.
4. I agree to abide by AFS Employee Handbook in conducting my daily work with AFS.

Employee Signature

Date

Employee Printed Name

Date

(Employees will receive a digital and/or hard copy of the Acknowledgment Form and the original will be placed in their personnel file)

INTRODUCTION

Congratulations upon your employment with Arkansas Family Supports, Inc. (AFS). Welcome to our TEAM! You have been carefully screened and selected to work with individuals with intellectual disabilities and/or developmental disabilities (IDD), “member” or in an administrative role supporting our Direct Support Professional team. The Employee Handbook includes policies that are your guide to terms of employment with AFS and all related personnel issues. If you ever need any assistance with personnel related issues, please feel free to contact either of the following: Your immediate supervisor, or Jeff Lambert, AFS Executive Director or Roy Thompson, AFS Associate Executive Director at 479.763.0314. As an employee of AFS, you are our most important resource in carrying out our mission and vision.

GENERAL STATEMENTS

The establishment of a work environment where you can contribute most effectively is the responsibility of every person who plans or directs the work of others. Managers and supervisors are expected to provide progressive and constructive leadership and to constantly strive and maintain sound management and employee relationships.

It is equally important for you to understand what is expected of you, to whom you are responsible, and how your work and the work of other employees interrelate for the benefit of all. You must always be aware of the importance of providing courteous, tactful, and efficient service in a professional and business-like manner, ensuring, and internalizing that the health and safety of our members is our priority as a Waiver Services Provider.

Our employee relations will be guided by the following principles:

1. You will be informed of plans and policies affecting you and your work, because a well-informed workforce is more productive.
2. You will be placed in jobs for which you are best suited.
3. The appraisal of work performance will be made fairly and objectively, and such appraisals will be discussed with you at the end of your 90-day Introductory Period and once annually.
4. A safe working environment will be provided.
5. We maintain an open-door policy and you are encouraged, and provided means, to express yourself concerning improvement of work methods and conditions.
6. Sound management and employee relations are not strictly the responsibility of management. We realize our responsibility to you and, in return, expect you to conscientiously discharge your assigned duties in the most effective manner possible.

7. You will be provided with a functional job description which reflects the primary duties and responsibilities of your position.

MISSION STATEMENT

AFS, Inc. provides the highest quality community-based Waiver Services to support members in achieving greater independence.

VISION STATEMENT

AFS, Inc. shall be the Waiver Services provider of choice for members within our service area.

CODE OF ETHICS

Arkansas Family Supports, Inc. is a private non-profit, community-based corporation governed by a volunteer Board of Directors and operating for public purposes with public support. To promote a foundation of public trust, AFS, its staff members, board of directors' members and service providers will operate with the highest ethical and business standards. The AFS Code of Ethics is based on our mission and vision statements and guided by our fundamental values of quality, dignity, and choice.

AFS/Employees will:

1. **Operate in a manner that upholds AFS's integrity**, promotes its mission, adheres to bylaws, and merits the trust and support of the public.
2. **Treat all people with dignity and respect.**
3. **Safeguard public confidence** by being honest, fair, truthful, loyal, caring, and respectful in our actions and as we provide quality services.
4. **Encourage communities to accept** individuals with intellectual and/or developmental disabilities (IDD) through personal interaction, participation in community affairs, and by acting as concerned and responsible neighbors.
5. **Present a progressive image** to the public by respecting and assisting individuals with IDD developmental disabilities with the respect and dignity we give other people.
6. **Promote principles of self-determination** and value choices made by the individuals we serve and their families. Assist individuals with IDD and their families in realizing their goals. Provide individuals and families with supports that enables them to obtain a heightened quality of life.
7. **Keep individuals' and families' best interests as a high priority.**
8. **Promote honest and forthright communication.**
9. **Provide and promote conscientious, timely customer service.**
10. **Avoid discrimination.** AFS is an equal opportunity employer and committed to the principle of diversity.
11. **Preserve confidentiality** to ensure that all information, which is privileged, confidential or nonpublic, is disclosed only appropriately.
 - Avoid discussing confidential matters outside of AFS.

- Exchange of sensitive information regarding members served and their families will be done in a respectful manner.
 - HIPAA will be strictly adhered to by all employees.
12. **Avoid conflicts of interest** by taking no actions that could bring personal benefit at the expense of AFS and avoiding even the appearance of a conflict of interest.
- Avoid any relationship, influence or activity that might impair our ability to make fair and credible decisions in the workplace.
 - Avoid creating an environment of favoritism, which impairs or influences our ability to promote positive team dynamics.
 - Avoid activities that conflict with fiduciary, ethical and legal obligations to AFS and the members we serve. Staff will decline personal gifts and/or gratuities or favorable treatment from customers, vendors, members served, family members of members served, fellow employees, for services associated with AFS.
 - Staff will not seek nor accept loans from members in our services or their family members. Staff will not co-mingle ANY financial arrangements, credit applications, Rent-A-Center purchases, etc. with ANY individual served. Staff will not sell any item of any value to members, family members of members served, nor shall members served, or their family members sell any item of value to other persons served or staff.
 - Staff will not purchase anything for themselves with members' monies. This includes food, drink, and fuel.
 - In situations where we are aware of a possible conflict of interest, full disclosure of the facts must take place.
13. **Practice accountability** by conducting business with high professional standards. AFS is responsible to its stakeholders, donors, and others who have placed faith in us.
- Use AFS resources in accord with the intentions of funders.
 - Establish and maintain strong fiscal and management controls.
 - When working with associated agencies, provide support, technical assistance, and encourage growth in keeping with high standards of the industry while allowing latitude and creativity in managing independent affairs.
 - If fundraising, practice fundraising activities that are consistent with AFS's mission, compatible with AFS's capacity and respectful of donors' interests.
14. **Understand and respect applicable laws, rules, and regulations**, going beyond the letter of the law to protect and/or enhance AFS's ability to accomplish its mission.
- Maintain a dialogue with regulatory agencies on the application and interpretation of existing laws.
 - Advocate for changes in policies that are not in the best interest of the people we serve.

15. Provide stakeholders with information on the rights of people with IDD, an administrative means for dissent and grievances, assurance of due process, and safeguards against reprisal. **Strive for personal and professional growth** to improve effectiveness and provide balance in life in an environment of learning. Carefully consider the public perception of my personal and professional actions, and the effect my actions could have, both positively and negatively, on AFS's reputation in the community and elsewhere. **Adhere to the DSP Code of Ethics. See Appendix A.**

Service Provider

AFS will conduct business with high professional standards, providing and promoting conscientious customer service as well as maintaining confidentiality.

Provide technical assistance while allowing latitude and creativity in management.

- Technical assistance and support
- Access to knowledgeable staff
- Other supports as needed.

16. **Promote honest and forthright communication.**

17. **Promote an environment that holds individuals and employees of AFS accountable** for their conduct utilizing appropriate controls and procedures.

18. **Promote principles of self-determination** whereby input and preferences of members and families are valued.

19. **Provide employees and persons served with an administrative means for dissent**, assurance of due process and safeguards against reprisal.

20. **Demonstrate and promote integrity** to guard zealously against conflict of interest or its appearance.

Human Resources:

- AFS prohibits discrimination in any work-related decision on the basis of race, color, national origin, religion, sex, sexual orientation, physical or mental disability, ancestry, marital status, age, or citizenship. AFS is committed to providing equal employment opportunity in a work environment where each employee is treated with fairness, dignity, and respect.
- AFS does not tolerate any form of workplace harassment.
- AFS does not tolerate harassment or discrimination by anyone based on diverse characteristics or culture backgrounds of those who work for AFS pursuant to AFS's EEOC policy.
- AFS does not tolerate any form of sexual harassment.
- AFS does not tolerate any form of workplace violence.
- AFS will follow the Pregnant Workers Fairness Act. Effective June 26, 2023.

Violations of Ethical Code of Conduct

Any employee, member, family member, legal guardian or stakeholder may report anonymously a perceived violation of the Corporate Compliance Policy, Ethical Code of Conduct, DSP Code of Ethics or perceived, alleged occurrence of waste, fraud or abuse in writing, via the Arkansas Family Supports, Inc. mobile app, and on the Arkansas Family Supports, Inc. website under the Anonymously Report Waste Fraud and Abuse red tab or in writing to Laura Lewis, Corporate Compliance Office. Employees may also call the toll-free Waste Fraud and Abuse toll free hot line at 1.833.AFS. CALL (1.833.237. 2255). For alleged abuse of a member, the reporting should be immediate, for other violations or alleged waste or fraud, report within 5 business days of the alleged violation to Laura Lewis, Corporate Compliance Officer. The Corporate Compliance Officer will begin an immediate investigation of the allegation and report the findings of the investigation through a written report within 5 business days of the receipt of the allegation to the AFS Executive Director. Alleged member abuse will be investigated with required reporting within 24 hours of alleged member abuse. The AFS Executive Director will review the findings and render a final decision to the complainant within 5 business days of their receipt of the Corporate Compliance Officer report. If the individual reporting is not satisfied with the decision of the Executive Director, the individual may submit a report in writing to the President of the Board of Directors within 5 business days of the complainant's documented receipt of the decision. The Board will review and investigate the complaint and render a decision in writing to the complainant within 30 business days.

AFS will not condone nor tolerate any intimidation, retaliation, or discriminatory action against an employee who reports in good faith, in accordance and pursuant to the Whistleblower Protection Enhancement Act of 2012. Violation of the Ethical Code of Conduct, and/or DSP Code of Ethics may result in disciplinary action up to and including termination.

Diversity, Equity, and Inclusion (DEI)

Arkansas Family Supports is committed to creating and maintaining a workplace culture that values and promotes diversity, equal employment opportunities for all individuals and inclusion to foster a workplace free from harassment, bullying and hostility. This includes:

Applying principles of equity to achieve equal employment opportunities for qualified individuals of all backgrounds and walks of life. Taking efforts to attract, recruit, hire and retain underrepresented and diverse employees.

Promote respectfulness, cultural awareness, and inclusivity by:

Fostering a collaborative work environment in which all employees can contribute, share ideas, and participate.

Empowering and providing a safe space for employees to express themselves and exchange ideas; and

Encouraging employees to be open to adopting new ideas and perspectives.

EQUAL EMPLOYMENT OPPORTUNITY AFFIRMATIVE ACTION STATEMENT

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Equal Employment Opportunity Policy

AFS provides equal employment opportunities to all employees and applicants for employment and prohibits discrimination and harassment of any type without regard to race, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, sexual orientation, gender identity or expression, or any other characteristic protected by federal, state or local laws. This policy applies to all terms and conditions of employment, including recruiting, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, and training.

EMPLOYMENT AT WILL

The employee understands and agrees that if employed, and as a condition of their employment, the employment will be “at will.” That is, either the employee or AFS may end the employment relationship at any time with or without cause. The employee further understands that no representative of AFS has authority to enter into any agreement with the employee for employment for any specific period of time or make any agreement with the employee contrary to the foregoing. The employee understands that nothing contained in an employment application or in the granting of an interview is intended to create an employment contract between AFS and the employee for either employment or for the provision of any benefit. Finally, the employee understands that none of the benefits or policies in any manual issued to the employee by AFS are intended by reason of their publication to confer any rights or privileges to said benefits or policies, or to remove the employee’s status as an “at will” employee. The employee understands that all statements or provisions in the manual are procedural or are guidelines and AFS has the right to change any policy, benefit, or procedure at any time without notice.

PREGNANT WORKERS FAIRNESS ACT (PWFA)

The Pregnant Workers Fairness Act (PWFA) is a new law (06.27.23) that requires covered employers to provide “reasonable accommodations” to a worker’s known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an “undue hardship.” The PWFA applies only to accommodations.

EMPLOYMENT PROCEDURE

Our employment objective is to select personnel who meet high standards of character, personality, education, and occupational qualifications, coupled with growth potential.

Hiring and promotional procedures are nondiscriminatory by reason of race, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, sexual orientation,

gender identity or expression. All candidates for employment at AFS must be 18 years of age or older and hold a High School Diploma or General Education Degree (GED). In some circumstances, CNA certification and/or experience may be substituted for High School Diploma or GED requirement at the Executive Director's discretion. Candidates will be interviewed by the DSP Supervisor and/or Management and/or Executive Management and make the final decision for hiring.

AFS relies on the accuracy of information contained in the employment application and the accuracy of other data presented throughout the hiring process. Any misrepresentation and/or falsification may result in exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

Prior to employment, a completed job application must be submitted which includes:

1. criminal conviction statement and authorization to conduct a criminal record check.
2. declaration of truth statement
3. release of information forms, signed and dated, authorizing AFS to verify employment references and conduct primary source verification of credentials.

All applicants/employees must submit to an Arkansas State Criminal Record check prior to employment. Employees residing outside the state of Arkansas anytime during the past five (5) years must submit fingerprints and complete a Federal Criminal Record (FBI) check. Adverse criminal record check findings will be submitted to the licensing entity for review. Adverse findings may render the person ineligible for employment. All employees must successfully pass a pre-employment drug test prior to employment. All employees will be required to have a Child and Adult Abuse Registry check submitted prior to employment. If the report indicates abuse or neglect, the Executive Director and/or his/her designee will pursue the matter further to determine whether the employee, including those hired because of family or legal guardian choice, or to provide direct care, will remain eligible for the hire. Applicants for all positions will provide information on previous employment history and references will be checked prior to employment. Persons expected to operate personal vehicles for the company must have a current valid driver's license and complete a successful review of their current driving record. All applicants/employees must supply/provide proof of vehicle insurance with the employee's name on the policy.

EMPLOYMENT SELECTION, APPOINTMENTS AND REASSIGNMENTS

All AFS job positions will be posted on indeed.com, until filled, unless there is an obvious successor to the position or executive management has directly recruited to fill a position, or a staffing agency is used to fill a position. Selection and appointment of employees will be made on the basis of merit and member served or legal responsible party (legal guardian(s)) acceptance of staff. Educational and job-related experience requirements are to be established, and all candidates will meet these or have an equivalent before appointment to a position. Applications for vacant positions will be received and the candidates will be assessed according to their qualifications.

An occasion may arise whereby you may be re-assigned to a lower-rated job. The re-assignment may occur because of the following reasons:

1. The employee is unable to perform the duties of the present job and is reassigned to an available job in a position of less responsibility or technical skills.
2. The employee requests a reassignment to a position of less responsibility or technical skills.
3. The employee's job is abolished or reclassified to a position of less responsibility or technical skills.
4. AFS operating budget considerations.

JOB DESCRIPTIONS

Job descriptions of each position in AFS are maintained in the employee personnel file. Employees will be provided with copies of their job description upon hire. Job Descriptions may be updated as job duties and responsibilities change and are reviewed at the time of the employee's annual evaluation.

INTRODUCTORY PERIOD

All employees upon hire and in new positions are subject to a 90-day Introductory Period. This 90-day Introductory Period is in place to coach and evaluate new employees and employees placed in a new position, or employees experiencing performance issues as new hires or in new positions. New or existing employees will receive extra supervision and coaching, either to learn a new job or to turn around/solve a performance problem. The Introductory Period also allows AFS, Inc. to terminate an employee who is not doing well at their job or is otherwise deemed not suitable for a particular position or any position within AFS, Inc.

EMPLOYMENT STATUS

FULL-TIME: Employees are eligible for paid benefits if your assignment has classified you as a full-time employee working at a minimum of 30 hours per week consistently or more, (or 130 hours per month).

PART-TIME: Part time employees are not eligible for paid benefits if your assignment has classified you as a part-time employee working less than 30 hours per week, or under 130 hours per month).

In addition to one of the above-mentioned classifications, employees are classified as one of the following:

Non-Exempt: Non-exempt employees include all employees who are covered by the overtime provisions of the Federal Fair Labor Standards Act or any applicable state laws. Employees in this category are entitled to overtime pay for hours worked in excess of 40 hours in one week.

Exempt: All supervisory level staff employees and designated administrative and professional staff are exempt from the overtime if provisions of the Federal Fair Labor Standards Act and any applicable state laws are met. These “exempt” employees do not receive monetary compensation for hours worked in excess of 40 hours in one week.

PERSONNEL RECORDS

At the time of your employment, a personnel file is established. Personnel files are kept confidential, stored securely and are the exclusive property of AFS. A personnel file constitutes a permanent record, is securely maintained by AFS human resources staff, and contains the following information, where applicable:

copy of valid driver’s license, documents related to proof of employment eligibility.
employment application, (I-9), signed Job Description and related agreements, tax forms, insurance enrollment forms, documents related to meeting job qualifications.
performance evaluation forms, change of employment status forms, changes in name, address, telephone number, employee written progressive discipline, commendations and certificates indicating satisfactory completion of educational courses or seminars, Hepatitis B Vaccination, if chosen by employee, proof of successful pre-employment drug screen, appropriate background checks, proof of current valid motor vehicle insurance, references, and criminal background checks and other related documents.

All AFS Personnel Files are stored in a secure/locked/location. All related medical information and I-9s will be maintained in separate, secure, confidential files. Access to personnel files is restricted to the employee who seeks to view their personnel file, the Executive Director, his or her designee, some members of management, licensing entities, auditors, PASSE funding entities, and all government regulatory bodies. All AFS Personnel files include a permanent access sheet in the file, which specifies date/signature of those who are examining the content of the personnel file with stated reason for the examination.

Training records are kept and maintained separately by the Staff Development/Compliance Coordinator. Each training file includes a permanent access sheet in the file and is securely maintained and stored.

The employee must notify their immediate supervisor of any personal or pertinent information needed to maintain the personnel files. A Personnel Change Form (PCF) is available at both AFS, Inc. locations and can be accessed via the AFS, Inc. mobile app and completed via JotForm. Employees should provide prompt written notice to their immediate supervisor of any change in home address, telephone number, emergency contact information, marital status, legal name, or tax exemption status. Such changes can be submitted through the agency’s Personnel Change Form, (PCF), hard copy or JotForm. Such information is kept secure and confidential and will be maintained in strictest confidence by AFS.

Documentation of completion of educational courses which add to your basic qualifications may be submitted to human resources for placement in the personnel file. Professional licenses,

credentials, including higher education degrees will be submitted to AFS directly from the educational institution or issuing entity.

HIRE DATE

The date of hire is the date you complete your intake including completion of the hiring document, I-9. As long as the employee remains in an active status with AFS, this date will not change.

PERFORMANCE EVALUATIONS

Performance evaluations are a tool for both the employee and supervisor to determine individual work performance based upon the job duties and responsibilities as defined in the job description, working relationship with others, and your overall contribution to the effective performance of your department's function. This is accomplished using the Employee Performance Evaluation form and provides the following:

1. objective means of appraising abilities and performance
2. recognition of good work
3. identification of areas to make progress and improvements within departments and AFS.
4. a record of evaluation of job performance
5. warnings when improvements are needed.
6. goals and measurable objectives for the upcoming period, if indicated.

The performance evaluation does not limit the option of your supervisor to continuously evaluate an employee. Whenever appropriate, the supervisor should discuss with the employee the improvements in job performance or failure to achieve expected standards of job performance.

The employee's performance will be evaluated at 90 days of employment and annually. The employee may also receive special performance reviews in addition to annual reviews based upon the following conditions:

1. when job performance is below requirements
2. when the employee changes positions and supervisors, and an evaluation has not been completed during the preceding six months.

Normally, the supervisor will complete the Employee Performance Evaluation Form. The supervisor will discuss the performance with the employee. The employee is encouraged to discuss the evaluation and may make written comments on the evaluation form prior to signing. The completed evaluation forms are retained securely and confidentially in the personnel file.

EMPLOYEE NEW HIRE TRAINING/ORIENTATION

ALL new employees **MUST** attend an employee new hire training/orientation as scheduled by AFS Direct Support Professional Supervisors or other members of management. The purpose of

the training/orientation is to provide the new employee with valuable information about AFS, its operation, the services provided and required laws and regulations pertaining to the employee and AFS operations. The employee will be provided with a copy of the AFS Employee Handbook and an overview of this manual, which includes personnel policies, and the various benefits available to employees.

In addition to New Hire Training/Orientation, new employees **MUST** attend or have current, First Aid/CPR. DSP new hires must complete on the job training, medication training, etc. and must have New Member training PRIOR to working with a new member. The purpose of this training/orientation is to provide information regarding DHHS, federal and state laws, various disabilities, normalization, diversity, and other required information. All employees must be trained or be current in First Aid and CPR within **30 days of hire.**

Any Employee failing to participate, and complete required training will be subject to disciplinary action up to and including termination. **Employees who do not have current First Aid/CPR and fail to complete initial CPR/First Aid or renewal within 30 days of employment, WILL NOT BE PERMITTED TO WORK until CPR/First Aid certification is current. Progressive discipline will be utilized, up to and including termination.**

TRAINING

All staff will be required to attend in-service training when it is scheduled or announced and available through JotForm. Training will be to advise staff of any new rules or regulations and any changes that are required to be made. Training can also be held to educate staff about new methods or procedures regarding the members that we serve. Training can also be held to retrain, revisit, reemphasize aspects of their respective positions, job duties and responsibilities.

The employee may choose to enroll, at the discretion of the supervisor, in other classes offered by AFS. These classes are designed to help you increase your ability and accuracy in performing your job. AFS may request employees attend specific local, state, national or international seminars, courses, conferences, etc., for the benefit of the employee and AFS. In such cases, AFS will pay enrollment fees, travel expenses, and related reasonable costs.

All verification certificates for training provided outside of AFS must be forwarded to AFS Staff Development Coordinator if such training is being utilized by the employee for the renewal of individual licensure and certification requirements.

QUARTERLY STAFF MEETINGS (DSPs MEETING WITH DSP SUPERVISOR)

Your supervisor will hold a mandatory face to face quarterly staff meetings to provide feedback, including positive feedback, discuss any problems, opportunities, one on one training, items of a specific nature, safety, and personnel issues. These meetings provide a chance for the employee/employer to address workplace issues, make suggestions, and discuss how certain tasks and duties are to be carried out.

The employee should consider these meetings as part of their job, and not as an interruption to their job. Your value to us and benefit in supporting members increases with your involvement and participation in your job and these meetings and training.

TERMINATIONS OR SEPARATIONS

Unless a shorter period is mutually agreed to, two weeks' notice is requested prior to the employee leaving the job. If the employee knows of the impending termination prior to two weeks in advance, the supervisor must be advised in writing, with date of notice, anticipated last day worked and signed by the employee. In either case, written notification signed and dated should be given on the earliest possible date. AFS will be given the opportunity to advertise for the available job position, ensure services are provided without interruption, and find a qualified person to assume the position. In the event the pending termination is the result of a transfer to another position within AFS, the hiring supervisor should coordinate the transfer with the previous supervisor to ensure another qualified person is selected to assume the job duties and to prevent any interruption in services. Internal transfers and promotions should not leave a member without staffing.

When employment is terminated with AFS, by law, the employee is given the option to convert their group health, dental and vision insurance to an individual policy via COBRA. The employee may be asked to complete an exit interview with the supervisor or executive management staff. During this interview, those items that need to be accomplished prior to leaving the position will be explained. All AFS property, such as keys, equipment, manuals, etc., should be returned to your supervisor or Human Resources prior to the receipt of the final paycheck. The final paycheck will be released on the next payroll cycle after termination and after all AFS property is returned in satisfactory condition. If upon termination, any AFS data or files stored on electronic equipment is taken or destroyed, a report will be made to the proper authorities for prosecution.

REHIRE/REINSTATEMENT POLICY

Employees failing to provide two weeks' notice before leaving AFS are ineligible for rehire, unless a providential or medical hindrance prevents the provision of a two-week notice. Such exceptions should be documented and forwarded to the employee's supervisor upon leaving AFS employment.

Employees terminated for cause may be ineligible for rehire throughout AFS, Inc.

Employees who resign (but are eligible for re-hire) may re-apply for open positions at any time, with the understanding that they will be re hired for advertised open positions and that AFS cannot guarantee job placement to their previous position, schedule, rate of pay, hours, PTO accrual, benefits, etc.

Employees who resign (and are eligible for rehire) may be *reinstated* for open positions within thirty (30) days of resignation (with member/legal guardian staff acceptance if DSP) without going through the entire AFS on boarding process. Exceptions include but are not limited to the

following: completion of some employment hiring documents, hiring requirements, criminal background checks, adult and child maltreatment background checks, pre-employment drug screen, motor vehicle record check and others may require updating, all training and certification requirements of the position remain, such as current CPR/First Aid certification.

Terminated employees leaving AFS in good standing may reapply or be considered for available job positions within AFS. Requests for re-hire, reinstatement of former employees must be submitted for approval by the Executive Director. Job selection, however, will be competitive and based on the applicant's ability to meet or exceed the minimum job qualifications. Prior work experience and history of employment within AFS will be considered.

OUTSIDE/SECONDARY EMPLOYMENT

AFS recognizes that the employee may desire to be employed by other employers or self-employed. While it is not the desire of AFS to interfere with opportunities for outside employment or self-employment, AFS requests that the employee not accept employment or engage in self-employment that will interfere with the satisfactory performance of your assigned duties with AFS. Employees shall not accept nor perform secondary employment, self-employment during regularly scheduled work hours with AFS. To ensure no conflict of interest exists, employees are required to complete the secondary employment form and submit the form to the immediate supervisor explaining the secondary employment, self-employment, *prior* to accepting employment. The secondary or self-employment must have approval from the immediate supervisor. An employee is prohibited from receiving compensation from another source while simultaneously being compensated for performing job duties for AFS.

POLITICAL ACTIVITY

Employees shall not use their position with AFS or official work time for the purpose of interfering with or affecting the result of an election or nomination for office, locally, statewide, or nationally. **This includes use of the employee's work email address, work email address content pertaining to political issues or activities.** The Hatch Act, as amended, prohibits certain types of political activity on the part of employees whose principal employment is provided in part by a federally funded program.

This does not prohibit or restrict personal involvement in partisan elections, but rather is a policy prohibiting official involvement by the employment as a representative or employee of AFS.

VISITORS TO THE WORKPLACE

Employees shall not have visitors for an extended amount of time to the workplace at the administrative offices nor the persons' served home or other locale in the community. The exception to this policy applies only to inside/outside Waiver homes where family members reside.

FRATERNIZATION

AFS understands that relationships may form because of working together. Employees are encouraged to socialize and develop professional relationships in the workplace provided that these relationships do not interfere with the work performance of either individual or with the effective functioning of the workplace. Anyone employed in a managerial or supervisory role is prohibited from romantic, personal relationships with employees in any manner including digital, online, texting, email, social apps, gaming systems, etc., who report to him or her, as these personal relationships may be perceived as favoritism, misuse of authority, or potentially, sexual harassment. Additionally, for the same reasons and because of the loss of employer flexibility and employee options, no employee may date another employee who is separated by *one or more levels* in the chain of command, supervisory, or managerial or executive management to subordinate. Even if no improper conduct occurs, the relationship may cause gossip, hard feelings, dissatisfaction, and distraction among other employees in the workplace. The relationship may appear to other employees as an inappropriate use of position power. Additionally, any fraternization with any employee who reports to the manager or whose terms and conditions of employment such as pay raises, promotions, and advancement are potentially affected by the manager, is prohibited. The fraternization that is prohibited by this policy includes real world or online dating, romantic involvement, and sexual relations; close friendships are discouraged in any reporting relationship. Romantic relationships between a supervisor/manager and a reporting staff member may affect the careers of both employees with regard to advancement opportunities, choices of jobs, and assignments. They adversely affect the company's flexibility and consequently, may have an impact on our service to the people we serve. Any relationship that interferes with the company culture of teamwork, the harmonious work environment, or the productivity of employees, will be addressed by applying the progressive discipline policy up to and including employment termination. All administrative employees will receive a copy of the Fraternization Policy and will sign acknowledging receipt of the Fraternization Policy. All issues related to fraternization including reporting of fraternization are to be forwarded to Human Resources, Roy Thompson, Associate Executive Director at 479.763.0314 office, in person or in writing. See Appendix E.

NEPOTISM

Employees of AFS shall avoid any actions that might be construed as nepotism and shall refrain from any activity that would constitute a conflict of interest while serving as an employee of AFS. An individual may not serve as the immediate supervisor of a family member. For the purpose of this section, “family” is defined as grandparents, parents, spouse, children, brothers, sisters, grandchildren, mothers-in-law, fathers-in-law, brothers-in-law, sisters-in-law, daughters-in-law or sons-in-law, aunts, and uncles.

In the event a conflict to this policy is created or exists, one or both affected employees may be reassigned to another position. If another position is not available, one staff person may be asked to resign to prevent a conflict with this policy.

Questions regarding the nepotism policy and potential conflicts should be directed to Human Resources at 479.763.0314.

PAY DAYS

AFS observes a bi-weekly pay period. Employees are paid every other Friday. Administrative, year-round staff and waiver staff will receive 26 pay checks each year.

PAYROLL DRAW

In AFS's ongoing efforts to attract and retain the best candidates to fill our DSP positions, direct care employees, DSPs, will be provided on a discretionary basis, a **one-time** payroll draw of one half or 50 percent of the dollar amount, against the sign on bonus current total amount, after their first week of employment. Employees may submit a one-time request for a Payroll Draw, the first business day after their first week of employment. This payroll draw has been implemented to assist new hires as they begin a new job and the period before they receive their first payroll check. Requests for a payroll draw must be made to the DSP's immediate supervisor and approved by the Executive Director. The payroll draw will be issued by payroll once approved and will be direct deposited. The payroll draw will only be provided once.

PAYROLL DEDUCTIONS

Certain mandated deductions are withheld from employee paychecks as required by law, including social security taxes (FICA), Medicare, federal withholding taxes, and state withholding taxes. Employees must provide the information necessary to ensure proper deductions.

Employees may also authorize voluntary deductions from the paycheck, such as, medical, dental, vision and supplemental insurance premiums and other deductions as allowed by AFS. The appropriate authorization must be completed. The appropriate forms and information regarding distributions may be obtained from your supervisor.

OVERTIME

All employees must seek prior approval from their supervisor before working overtime.

Any time worked over 40 hours within a work week is considered overtime. AFS expects that operations are planned well enough that overtime is kept to a minimum. However, there will be occasions when it may be necessary for the employee to work overtime due to special projects, deadlines, staff shortages, staff illness, power failure, etc., to provide essential services to consumers.

When the Supervisor authorizes overtime, the time should be recorded as overtime and compensation will be at the rate of time and one half the employees' normal rate of pay for time actually worked over 40 hours in one week. Employees may not be "on the clock" for any reason before or after scheduled work hours unless the additional time has been approved in advance by their supervisor. Exempt employees are not paid overtime.

WORK SCHEDULE

Working hours will be scheduled by the DSP Supervisor, On Call Supervisor or other member of management when needed. Complete eye to eye supervision of individuals with disabilities, members, must be maintained at all times, according to the person's served PCSP (Person Centered Plan of Service) and approved by PASSE. At no time shall an employee leave his/her assigned position for a break without first verifying that member under his/her supervision are supervised by another AFS employee. **Leaving assigned member(s) unattended is grounds for dismissal. Walking off the job, without notifying the immediate supervisor is grounds for immediate dismissal.**

A work week is a period of 168 hours during seven consecutive 24-hour periods. For purposes of minimum wage and overtime payment calculations, each work week stands alone; there can be no averaging of two or more work weeks.

The official work week begins at 12:00 a.m. on Saturday and ends at 11:59 p.m. on Friday.

The employee is expected to be at their work location promptly at the beginning of their shift and is not expected to leave until their shift has been completed. **If you are running late, you must notify your supervisor. If you have a bona fide emergency and need to leave early from your work shift, notify your supervisor. In the event of a bona fide emergency, your departure from your work shift will be based on staffing availability. You will not be able to leave your shift until such a time a replacement has been sent to relieve you prior to leaving your shift. Leaving your shift and member served before staff is on site to replace you is grounds for immediate termination for job abandonment. There may be an exception in which people served reside in family home and natural supports are present.**

ABSENCES

Staff attendance is essential and critical for the success of our members served and the success of the services offered at AFS. An *attendance incident* is described as any time missed during a scheduled day: arriving late, leaving early, taking off any time during the day, or missing the entire day without scheduled PTO. *Excessive absenteeism* is defined as four (4) or more *unexcused* absences within a calendar year. For the first excessive absenteeism episode, the employee will receive a verbal warning (documented). The second time they are absent, the employee will receive written progressive discipline. The third absence, the employee will receive their final written warning and be suspended without pay for three working days. The fourth absence, the employee will be terminated for excessive absenteeism.

In the event an employee is ill, has an accident that is not work related, or is otherwise unable to report to work as scheduled, he/she will notify their supervisor. A two-hour notification is preferred. Failure to notify the supervisor of an absence in advance may constitute grounds for immediate dismissal. Staff members with a communicable disease are prohibited from contact with members, coworkers, staff, until a physician's release has been provided to the supervisor.

MILITARY LEAVE, JURY DUTY, CIVIC RESPONSIBILITIES

Time off for military leave, jury duty or other required civic responsibilities will be treated as an excused leave of absence. Please notify the Executive Director and/or his/her designee as soon as possible to ensure adequate staffing can be arranged during your absence. Employees chosen to serve on jury duty will be excused with pay and must provide AFS, Inc. with a certificate verifying service. Time off for employees absent for military leave or to conduct required civic responsibilities will be charged to PTO or leave without pay. If you serve on jury duty, you will be paid your regular work hours and rate of pay in lieu of Jury Duty Pay. Your jury duty pay(check), must be forwarded to AFS, Inc. if you do not want to forfeit your regular work hours rate of pay. You cannot be paid Jury Duty on top of your regular work hours and rate of pay.

FAMILY AND MEDICAL LEAVE ACT

AFS complies with the Family and Medical Leave Act of 1993. Eligible employees may take up to 12 weeks of unpaid family leave during a 12-month period (effective the first day family medical leave is taken). AFS utilizes the twelve-month rolling period: if an employee is off beginning August 1 for 12 weeks FMLA, they will not be eligible for additional FMLA until August 1 of the following year. Eligible employees may utilize FMLA for the following circumstances:

1. to care for the employee's newborn son or daughter
2. placement of a son or daughter with the employee for adoption or foster care
(Leave for the birth, adoption, or foster care placement of a child must be taken within 12 months of the date of that birth, adoption, or foster care placement.)
3. to care for the employee's spouse, son, daughter, or parent if such individual has a serious health condition.
4. because of the employee's serious health condition that makes the employee unable to perform the duties of his/her job.

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves a) inpatient care and any corresponding period of incapacity or subsequent treatment, or b) continuing treatment by a health care provider. Except pregnancy or chronic conditions, the period of incapacity must be more than (3) three days to receive multiple treatments either for restorative surgery or for a condition likely to result in incapacity of more than (3) three days absent medical intervention such as cancer, severe arthritis, or kidney disease).

The health condition must also involve a certain level of treatment: being seen two or more times by a health care provider or one treatment that results in a regimen of continued supervised treatment including prescription medication or therapy with specialized therapy equipment. The regimen of treatment must be more than the taking of over-the-counter medications, bed rest, drinking fluids, exercise, or other activities than can be initiated without a visit to a health care provider. The definition of health care provider includes "clinical social workers" and any provider recognized by the group health plan for claims purposes.

FMLA ELIGIBILITY

To be eligible for family leave, the employee must meet the following criteria:

1. The employee must have been employed with the company for 12 months.
2. The employee must have worked at least 1,250 hours during the 12 months prior to the start of FMLA leave.
3. The employer is a covered employer and employs 50 or more employees within a 75-mile radius of the employee's worksite.

All requests for Family Medical Leave (FMLA) must be forwarded to the employee's supervisor for review, and then sent to human resources for eligibility verification and FMLA employee notices. Please see the "Your Employee Rights Under the Family and Medical Leave Act" poster from the Wage and Hour Division United States Department of Labor, (appendix F). All employees will receive a copy of this poster upon intake. If you need this poster in Spanish, please contact Human Resources.

METHOD OF TAKING LEAVE

An employee may take leave on an intermittent basis or a reduced leave schedule for cases involving serious illness/injury, when medically necessary. Leave of absence must be approved by the Executive Director and/or his/her designee. However, when intermittent or reduced leave is exhausted, AFS has the right to temporarily transfer the employee to an available alternative position that has equivalent pay and benefits to the employee's current position and that better accommodates the recurring periods of leave.

SUBSTITUTION OF PAID LEAVE

When taking family leave for any reason, AFS requires that employees exhaust PTO leave time before receiving the remainder of the leave as unpaid. For cases involving the employees' serious illness/injury, employees must also exhaust their available short-term disability before receiving the remainder of the leave period as unpaid. PTO time, Holiday time, Worker's Compensation and short-term disability "leave" serve concurrently with family leave utilization.

It is the policy of AFS, Inc. that the use of any existing leave benefit, including Worker's Compensation and short-term disability, for a purpose that qualifies as FMLA leave is designated FMLA against the employee FMLA leave entitlement.

An employee absent on Worker's Compensation leave who is offered the opportunity to return to "light duty" work, if it is determined an appropriate assignment is available, may do so in order not to lose workers' compensation benefits, and AFS will not designate the time in "light duty" as FMLA.

BENEFITS PROTECTION

Leave will not result in any loss of employment benefits accrued prior to the date on which the leave began. The employee must continue his/her contribution to the group health plan during the leave period for AFS through previous employer arrangement specified in FMLA notices to employee. If the employee fails to make payments for coverage, AFS reserves the right to cancel

the insurance if the employee becomes more than 30 days delinquent and after giving the employee a 15-day notice of intent to cancel.

NOTIFICATION AND CERTIFICATION

The employee must notify their immediate supervisor of the intent to take family leave 30 days prior to the commencement of the leave. Should emergencies require immediate leave without 30-day notification, or a situation occurs requiring the employee to begin leave during the 30-day notification period, the employee must notify their immediate supervisor of the commencement of leave immediately upon the employee's knowledge of the beginning of the leave.

When the leave is taken for serious illness/injury, the employee is required to provide certification for the leave from the health care provider upon commencement of the leave period, periodically during the leave period, and prior to job reinstatement. (See Department of Labor FMLA Certification of Health Care Form.) The type of information required by these certifications can be obtained from human resources.

An employee working a second job or continues self-employment work, while on Family Medical Leave through AFS indicates the employee is not incapacitated and FMLA leave will be denied.

SECOND OPINION

When leave is taken under cases of serious health condition, AFS may pay for the employee to obtain the opinion of a second health care provider designated by the company.

RETURN TO WORK

At the end of the FMLA period, employees must provide a return to work without restrictions and or fitness for duty statement from their attending physician to human resources prior to returning to work.

FMLA leave will be denied or forfeited for any employees found working a second job, including self-employed working while on approved Family Medical Leave through AFS.

MILITARY LEAVE

Eligible employees who are family members of covered military service members are eligible to take up to 26 work weeks of leave in a "single 12-month period" to care for a covered military service member with a serious illness or injury incurred in the line of duty on active duty.

LEAVE OF ABSENCE FOR OTHER PURPOSES

1. Request for leave of absence must be submitted in writing to the Executive Director and/or his/her designee.
2. Approval is at the discretion of the Executive Director and/or his/her designee.

Employees taking approved scheduled leave of absence are assured protection of their employment, although the same job cannot be guaranteed. The employee will not accrue paid time off, PTO, for any unpaid leave of absence and is ineligible for AFS paid benefits if the leave is greater than thirty (30) calendar days and does not meet FMLA requirements. Scheduled leaves of absence shall never exceed 6 months.

Every effort will be made to reinstate the employee to the same job or a similar position.

HEALTH INSURANCE BENEFITS

AFS offers employer sponsored, group health insurance benefits to all full-time employees, employees working 30 hours or more per week. The portion of the employee’s insurance not paid by AFS is deducted pre-tax from the employee’s bi-weekly paycheck. Employees choosing to cover members of his/her family may have the cost of coverage deducted pre-tax from the employee’s bi-weekly paycheck.

Full-time employees will be eligible for health insurance benefits beginning on the 1st of the month following their 60th day of employment. Health insurance benefits are offered and explained to employees by the Human Resources Department upon enrollment and annually thereafter during the open enrollment period. **If the employee chooses not to elect health insurance coverage at this time, the employee must officially decline coverage and may not enroll for health insurance benefits until the next “Open Enrollment” period for the affected insurance begins. “Open Enrollment” periods will be announced by AFS Executive Management and will be fulfilled on line through designated portal provided by AFS and health insurance broker/company partner.**

All applications for health insurance coverage must be received by AFS human resources within two weeks of your health insurance eligibility date. If health insurance is selected, a bi-weekly deduction is taken from the employee paycheck. Health insurance coverage will begin the 1st day of the month after the employee completes 60 days of employment. All employee portion paid premiums of employer sponsored health insurance plan(s) and other ancillary insurance products available will be determined as pre-tax or non-pre-tax deduction from the employee’s bi-weekly paycheck, depending on several factors and communicated in advance to the employee before enrollment. Health insurance rates and coverage are subject to change annually by the current insurance provider.

PAID TIME OFF (PTO) POLICY

Paid Time Off (PTO) benefit time is granted to full-time employees and may be used for vacation, personal, funeral, and sick leave. PTO is designed to give employees time needed away from their everyday work schedule. The Agency values its employees and recognizes the need for time off to balance home and work. Accrual of PTO hours for all employees:

YEARS OF SERVICE	TOTAL MAXIMUM ANNUAL DAYS	TOTAL ANNUAL HOURS	ACCRUAL PER PAY PERIOD
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0-02 years	7 days	56 hours	2.15 hours
03-08 years	9 days	72 hours	2.77 hours
09-15 years	16 days	128 hours	4.92 hours
16+ years	25 days	200 hours	7.69 hours

Employees may accrue no more than 200 hours of PTO. All PTO hours in excess of 200 hours will be forfeited by the employee.

Eligibility & Utilization - For the purposes of this policy, the year is interpreted to start on the employee's date of hire. All full-time employees start earning PTO upon their date of hire.

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

Request for PTO payout must be completed and processed with the PTO, paid time off form. Completed and approved PTO forms must be sent to the immediate supervisor for further processing.

PTO Approval - Paid Time Off must be scheduled in advance and have immediate supervisory approval, except in the case of illness or emergency. Except in the case of illness or emergency the employee may be disciplined for unapproved absence.

PTO must be utilized. Employees cannot submit PTO for pay in lieu of not taking the time off PTO affords employees. AFS, Inc. reserves the right to request specific information for PTO or leave without pay due to a funeral. Specific information may include, name of the deceased, date of death, city of death, the deceased's relationship to the employee, date of funeral, location of funeral.

All PTO must be approved by Supervisor in advance of taking the actual PTO days.

Payment of Accrued PTO Upon Resignation/Termination - Retiring or resigning employees who provide two-weeks' notice, and fulfill that notice through working the two weeks, specified, will be paid for all unused, accrued PTO up to 40 hours. Terminated employees will not be entitled to unused, accrued PTO.

PAID HOLIDAYS

Ten (10) paid holidays are scheduled annually for regular AFS full-time employees. All holidays must be taken on a regularly scheduled workday. The following holidays will be included in the AFS holiday schedule:

- | | |
|-----------------------------|---------------------------------|
| New Year's Day | Thanksgiving Day |
| Martin Luther King, Jr. Day | Day after Thanksgiving |
| Memorial Day | Christmas Eve and Christmas Day |

Independence Day

*Employee's Birthday

Labor Day

Full-time employees are eligible for scheduled holidays thirty (30) calendar days from the date of hire. For AFS office personnel, if the holiday falls on a Saturday, you will be given the Friday before the holiday. If the holiday falls on a Sunday, you will be given the Monday after the holiday.

Since AFS must care for some individuals on a daily or (24) twenty-four hour per day basis or to meet customer needs, it is necessary for DSP employees to work on a designated holiday. For all direct support professionals (DSPs), if the paid holiday falls within your regular scheduled workday, you have thirty (30) calendar days prior or thirty (30) calendar days after the holiday to request time off. When this process is utilized, arrangements will be made to find a mutually agreeable compensatory day for these employees. If you "call in" for a holiday that you are scheduled to work, you may be required to provide a physician's statement, confirming your illness for the date of the holiday or submit in writing a reason for calling in to work and not working the holiday.

An employee's birthday is a recognized "Paid Holiday" per policy. The employee's birthday may be substituted once annually, one day for one day for another holiday of the employee's choice and only for a holiday that is not currently recognized as an AFS paid holiday, for an 8-hour leave. To request this substitute, employees must submit their request through the Personnel Change Form. Only currently recognized State of Arkansas and Federal holidays are eligible for this one day, 8-hour holiday substitution. Only with an employee's birthday date, does the 30 days rule not apply to the holiday, and can only be used once per calendar year.

All holidays not requested and scheduled will be lost after thirty (30) calendar days following the holiday. Holiday time does not accrue. Executive management in consultation with Supervisors of AFS reserve the right to determine which employees will work on a given holiday. Terminated employees will not be entitled to unused, accrued paid holidays.

LIFE INSURANCE BENEFIT

AFS life insurance may be offered and available at the employee's cost through a Supplemental Insurance provider and is considered an ancillary insurance product. If offered, the life insurance benefit will be available to select by the employee during open enrollment of health insurance, annually.

SUPPLEMENTAL INSURANCE BENEFIT

Supplemental (ancillary) insurance products are usually made available to AFS employees, on an annual basis, during health insurance open enrollment period. Employees may select ancillary health insurance products, and for some products if the employee meets evidence of insurability and or other requirement(s) for some supplemental insurance products, as defined by the

insurance carrier, who are full-time and eligible for Agency Health Insurance. In general, AFS does not contribute to the supplemental insurance products; the premium for supplemental insurance products is paid for by the employee and is deducted from their bi-weekly paycheck.

WORKERS' COMPENSATION INSURANCE

Workers' Compensation Insurance is paid by AFS and, under certain conditions, provides compensation for your injury or death during the course of employment. If the employee is injured while at work, report the injury to your supervisor immediately, regardless of the employee's view of injury or extent of injury. The employee should not pay any job-related medical or hospital expenses once the injury is determined to be work, on the job related. Remember that minor injuries may also be covered provided they are reported when the injury occurs. **Employees must complete Employee's Notice of Injury FORM N for the state of Arkansas as soon as possible and submit it to their immediate supervisor. This form is found in the member's home information file or may be attained from your supervisor.**

All work-related injuries must be reported to your supervisor immediately and appropriate paperwork must be completed by the employee and immediate supervisor. Employees requiring immediate medical attention will be sent to an approved medical provider or nearest medical facility if the injury is life threatening. All on-the-job injuries requiring medical attention will be assessed and treated by the facility designated medical provider. All employees requiring medical treatment for the job-related injury must complete and successfully pass a drug screen within a 24-hour period. Failure to pass a drug screen after a work-related injury will result in disciplinary action up to and including termination and possible denial of medical benefits. Failure to submit to a drug test will be grounds for immediate termination. Employees may not seek medical attention for work-related injuries unless approved by human resources, (even outside of AFS business hours, or by the Executive Director if an AFS human resources representative is not reached after hours). If the employee is absent from work due to an on-the-job injury, you will discontinue accruing personal leave benefits when you cease to be on AFS paid leave status on the first day of the month following the seventh day of disability. However, AFS will cover health insurance premiums only in which the employee is currently enrolled, and in the same manner as prior to the injury. You will be encouraged to return to work as soon as possible, either on full-time regular status or modified/light duty status, with full consideration and review of any work-related restrictions. **AFS has a return-to-work policy; light duty work positions are available. See Appendix B.**

Any questions concerning Workers' Compensation and treatment of injuries should be referred to human resources.

CONFIDENTIALITY/HIPAA

AFS will maintain all member served, personnel and related documentation, billing, utilization, clinical, administrative and services related to information, operation of internet-based services in a centralized, secure location supporting the confidential manner in accordance with regulatory agencies and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) requirements.

Only authorized AFS personnel, state licensure accreditation and regulatory enforcement personnel have access to members served, billing, utilizations, clinical, administrative records, personnel records, financial records, and electronically generated documents, which may include text messaging, AFS, Inc. app, JotForm app, fax, and e-mail. AFS maintains all electronic records on a secure external drive. Confidential information that is maintained on-site is kept in a secured location and only authorized AFS personnel have access to these records.

The affairs and records of members served must be held in the strictest confidence. Employees are prohibited from sharing or discussing confidential information about members served, even confirming that a member was or is served by AFS and other confidential member information regarding the member served, other members served, former members served, with co-workers not assigned to working with the same member, friends, relatives, or any other unauthorized individuals without a business need to know the information and approval from their immediate supervisor.

The Executive Director, and in consultation with the Privacy Officer, Program Director, or Compliance Officer must approve any disclosure of confidential information/records. All requests for confidential information, involving litigation or a legal process must be forwarded to the Executive Director and/or his/her designee for review. Any breach of confidentiality will result in disciplinary action up to and including termination.

INFECTIOUS DISEASE CONTROL

AFS will adhere to all applicable DHHS, DDS, PASSE and local, state, and national government regulations related to the prevention or transmission of infectious diseases such as Hepatitis B and HIV or potential other virus based transmissions as directed by DHHS, DDS, PASSE and local, state, and national government regulations.

AFS's Exposure Control Plan/training includes a combination for engineering and work practice controls as well as personal protective equipment requirements and may be viewed/reviewed upon request to the agency's Safety Officer.

AFS will observe the basic rules of exposure control known as "Universal Precautions." You will be provided appropriate training and equipment to accomplish "Universal Precautions." AFS provides Hepatitis B vaccine and vaccination series, free of charge to employees.

SAFETY EQUIPMENT/PERSONAL PROTECTIVE EQUIPMENT

AFS will provide all employees with appropriate safety equipment and personal protective equipment (PPE) as indicated by person served, job duties, and indicated by external entities

when warranted. All AFS employees will complete the Safety Equipment/Personal Protective Equipment Acknowledgment Form. See Appendix C.

USE OF CHEMICALS

A workplace chemical list is maintained at each location. Safety Data Sheets (SDS), (formerly MSDS) are provided on each item used. AFS will provide training and documentation of the list and sheets, and you must acquaint yourself with the safety procedure you can take to protect yourself. AFS adheres to the DDS Policy No. 1077, “Chemical Right to Know”

DRUG-FREE WORKPLACE POLICY

It is the policy of AFS to maintain a workplace that is free from the effects of drug and alcohol abuse.

Employees are prohibited from the use, sale, dispensing, distribution, possession, or manufacturing of illegal drugs and narcotics or alcoholic beverages on company premises or work sites.

Medical Marijuana: Certain jobs are considered “safety sensitive.” Because of this, employees in these positions can be regarded as being positive for marijuana resulting in a violation of this Drug Free Workplace Policy and the Drug and Alcohol Testing Policy thereby subjecting them to disciplinary action up to and including termination even though they have an authorized note from a physician or have authorization from the State allowing for their use of Medical Marijuana. For all other positions, employees are still required to perform the essential functions required of the job and cannot report to work while under the influence of the intoxicating effects of Marijuana (delta 9-tetrahydrocannabinol otherwise known as THC) or any other illegal drug. Marijuana use is still against Federal law. If you have any questions regarding marijuana use, or whether your position is designated as “safety sensitive,” please contact Human Resources. In addition, employees are prohibited from the off-premises use of alcohol and possession, use, or sale of illegal drugs when such activities adversely affect job performance, job safety, or the company’s reputation in the community. The company will not hire, unless state or local law provides otherwise, individuals whose pre-employment drug screen reflects use of such substances that prevents them from performing their jobs or who would constitute a direct threat to the property or safety of others. Successful applicants for employment will receive a conditional offer for employment subject to passing a pre-employment drug test. In the event the candidate for employment has a non-negative pre-employment drug test result, the candidate for employment will be sent to an approved occupational medicine partner for further screening.

For Cause, Reasonable Suspicion: Supervisors, other members of management, should report immediately to human resources any action by an employee who demonstrates an unusual behavior pattern, work habits, or the observation of drugs and/or drug paraphernalia on or about the person. Other behavior commonly associated with drug or alcohol influence, such as a staggered walk, erratic behavior, slurred speech, and/or dilated pupils must be observed and documented. Human resources in consultation with employee’s direct supervisor, any employee witness to the cause or reasonable suspicion signs of behavior, characteristics, and others, and

with consultation with executive management will determine whether the employee should be examined by a physician or clinic and/or tested for drugs and alcohol. Refusal by the employee to submit to a drug/alcohol test for cause or reasonable suspicion will be grounds for immediate dismissal. Employees believed to be under the influence of drugs, narcotics, or alcohol will be required to leave the premises.

New-Hire Testing: The qualified applicant will receive a conditional offer of employment, subject to passing a pre-employment drug screening. The hiring manager, DSP Supervisor, and other members of management, executive management, will arrange a pre-employment drug screening for the qualified applicant. Only after a conditional offer of employment is made can the employee be required to take the pre-employment drug screen. If a non-negative result occurs, as a result of the pre-employment drug screen, the employee will be taken to the third-party medical clinic by the hiring manager as soon as feasible (at least within one hour) in the hiring manager's vehicle for an independent pre-employment drug screen by a third party. If hiring manager's vehicle is not available, another administrative staff's vehicle will be used. Refusal to submit to the third-party pre-employment drug screening will result in withdrawal of the employment offer. All in takes must be completed by 2:30 PM, Monday through Thursday, and completed by 10:00 AM on Fridays, to allow time to transport and fulfil requirements at the third-party occupational location, in the event a non-negative occurs in the initial pre-employment drug screen. Human resources will notify the candidates of testing results over the telephone, voice to voice and the hiring manager for the employee.

Post-Accident/Workplace Injury: AFS employees will be required to undergo drug testing following an accident/workplace injury of any type*. However, drivers involved in a vehicle accident, (regardless of being issued a citation) must undergo a drug test. Testing will be conducted immediately upon the completion of the on-scene investigation. Employees seeking medical treatment following a workplace injury will be required to submit to a drug test. *Subject to after-hours medical provider from ER (emergency room) or other approved medical clinic and within a 24-hour period of the accident/injury occurrence time

Random Testing: True random testing of all employees will be performed on a regular basis. Random Testing is outsourced to a third-party vendor who maintains chain of custody for the specimen provided by employees. A third-party vendor is also responsible for the selection of which employees will be randomly tested through the third party's employee consortium. Employee consortium data is updated at least quarterly to the third-party vendor. Human Resources will notify all employees, and their respective supervisor, selected for random drug testing and notify those employees selected that they must report to the third-party vendor and submit to the drug screen. Human resources will notify the employee's testing results over the telephone, voice to voice and the employee's supervisor.

If any employee who works as a Personal Care Aide through another employer/provider and AFS, Inc. and does not meet the hiring requirements through the Personal Care Services employer, their position with AFS, Inc. may result in termination.

Failure to Submit: Failure to submit to a drug screen will result in termination. Testing positive for drugs or alcohol is a violation of this policy. Employees subject to the Drug-Free

Work Place Act who are convicted of any criminal drug violation occurring in the work place must report such conviction to their supervisor within five days, and management is then to take appropriate action as required by law. Employees will be subject to disciplinary action, up to and including dismissal, for violations of this policy. Such violations include, but are not limited to, refusal to submit to testing as outlined in this policy, possessing illegal or non-prescribed drugs and narcotics or alcoholic beverages at work; being under the influence of such substances while working; using, manufacturing, or selling them on company premises and work sites including persons' served homes. Employees, their possessions, company issued equipment, and containers under their control are subject to search and surveillance at all times while on company premises or while conducting company business.

AFS will, to the extent feasible, provide continuing education for the work force about the ill effects of drug and alcohol abuse.

NEW HIRE/REASONABLE CAUSE/SUSPICION DRUG SCREEN PROCEDURE

1. Employee will be notified to arrive at the AFS Human Resources Office with a driver's license or proper I.D.
2. Drug Screen permission form to be filled out by employee after showing proper I.D.
3. Ensure that unauthorized access into the collection areas is not possible.
4. Employee will be escorted to restroom and instructed to wash hands.
5. Employee will be instructed not to flush or run water until urine sample cup is out of restroom.
6. Employee belongings will not be allowed in the restroom, overcoats, backpacks, purses, or like items and outer garments will be removed before entering restroom.
7. Human Resources staff will always maintain personal control of the specimen during the collection.
8. Urine sample will be brought back to collection area and an 11-panel screen will be completed.
9. Non-negative drug results will be documented. The employee will be transported to a third-party medical clinic by the employee's supervisor or other member of management as soon as feasible, (within one hour) and will provide an additional, urine sample to the third-party medical clinic, while on site there. The employee will be transported to the third-party medical clinic by the hiring manager in the hiring manager's vehicle or other administrative/manager staff's vehicle. If the hiring manager is not available to do this, another administrative/management staff will transport the employee. The third-party clinic maintains a chain of custody of all specimens submitted. This will occur with AFS executive management's approval in consultation with human resources, for confirmation or worker's compensation clinic for confirmation.
10. All New Hire Non-Negative Result, Reasonable Suspicion, Cause and Random Drug Screens are outsourced to third party medical clinic who maintains chain of custody of all specimens submitted.
11. All results of New Hire Non-Negative Result, Reasonable Suspicion, Cause and Random Drug Screens will be delivered to the employee by the third-party medical provider. Human Resources will notify the employee's supervisor of the results, over the telephone, voice to voice once the human resources office is notified in writing by the third-party medical clinic.

DRESS CODE AND PERSONAL APPEARANCE

As a part of AFS's commitment to quality member care and professionalism in the work place, the employee dress code is centered on projecting a professional image to our members, co-workers, visitors, and community. To accomplish this goal, all employees are expected to use good judgment in selecting their work attire, and to dress in a conservative and professional manner. The components of AFS's personal appearance policy are designed to preserve professional image as well as maintain job safety and health.

Employees are expected at all times to present a professional image to members served and their families, prospective members served, and the public. Acceptable personal appearance is an ongoing requirement of employment with AFS. Radical departures from conventional dress or personal grooming and hygiene standards are not permitted.

All employees must comply with the following personal appearance standards:

1. Employees are expected to dress in a manner that is normally acceptable in similar business establishments. Employees should not wear overly revealing outlandish attire that would prove to be distracting or offensive to staff, members served family members, members, or the general public. Inappropriate attire includes but is not limited to: political content, religious content, illegal content, poor taste content as deemed by executive management, clothing, novelty jewelry, badges, buttons, pins, etc.,. Inappropriate attire includes revealing muscle/tank tops, blouses, sleeveless shirts, halter tops, midriff tops, transparent clothing, excessively short skirts, skorts, or shorts and clothing with excessive rips/tears, clothing with obscene or suggestive designs or language, excessively loose or tight clothing, pant legs should not be frayed or drag the ground, or similar items of casual attire that do not present a professional appearance.
2. Staff will be clean, with no offensive body odor and have well-groomed hair. Beards and mustaches will be kept neatly trimmed.
3. Tattoos may be required to be covered if found to be offensive to parents, co-workers, clients, or the general public.
4. Body piercings (other than in the ear lobe area) should not be visible. Please consult with human resources and your supervisor if there are any questions related to piercings. No dangle earrings if providing direct member care.
5. Direct Support Professional (DSP) staff are encouraged to wear closed toe shoes while on duty and at work-related functions.

Employees found to be outside acceptable grooming and attire standards will be sent home to change clothes and a documented, verbal warning will be issued. Additional offenses will result in written progressive disciplinary action up to and including termination.

TOBACCO FREE POLICY

AFS will comply with the Clean Air Act of 2006 – the use of any tobacco related products, whether consumers are present or not, in the AFS offices and property and/or adjacent is

prohibited. Smoking in personal vehicles with consumers is also prohibited. **Additionally, vaping or the use of electronic/e-cigarettes and like devices are prohibited in the AFS office and property and/or adjacent area is prohibited as well as in personal vehicles with consumers. Employees are prohibited from smoking or vaping in person's served homes and/or vehicles.**

HARASSMENT

AFS is committed to providing a work environment that is free of discrimination. In keeping with this commitment, AFS maintains a strict policy prohibiting unlawful harassment, including verbal, physical, sexual, and visual harassment, or any other form of harassment.

If an employee suspects or has been harassed by a co-worker, supervisor, other member of management or executive management, or agent of AFS the employee should promptly report the facts of the incident and the names of the individuals involved to Human Resources. Human Resources will investigate all such claims and take appropriate corrective action and make recommendations to the Executive Director. If you cannot reach human resources, the report may be reported to the agency's HOT LINE at 1.833.237.2255. If the harassment is from Executive Management, (Executive Director or Associate Executive Director) you may report to the Arkansas Family Supports, Inc. Board of Directors' President.

WORKPLACE VIOLENCE POLICY

AFS unequivocally condemns any unlawful act of harassing, intimidating, threatening, or assaulting fellow employees at and away from the workplace. AFS seeks to prevent unlawful workplace incidents of violence by enforcing its behavior and discipline policy and by conducting pre-employment screens, criminal background checks, and drug screens.

OPEN AND CONCEALED WEAPON(S)/HANDGUN(S) POLICY

The carrying of concealed weapon(s)/handgun(s) or any open carry weapon(s)/handgun(s) or storing of a concealed weapon, handgun in employee's car on employer property, is prohibited while at the workplace (even with a concealed weapons permit). The AFS facility is subject to inspection at any time. Any employee found in violation of the Open and Concealed Weapon(s)/Handgun(s) policy will be subject to immediate termination and will be reported to local law enforcement agencies.

OPEN DOOR POLICY

The fair, prompt, and just treatment of all employee problems or complaints is of primary importance to AFS. Open communication is a vital part of a successful AFS. AFS strives to provide an atmosphere conducive to open, free from retaliation and or fear, discussion between supervisors, managers, and employees on workplace issues, topics.

In view of this open-door policy, employees are assured that an employee will not be criticized, penalized, or subjected to retaliation, discrimination as a result of good faith candid discussions with any supervisor, administrative staff, management or executive management or the Executive Director.

Employees not satisfied with the outcome of your discussion may follow the procedures for conflict resolution when appropriate.

CONDUCT POLICY

AFS, Inc. does not violate the law and does not tolerate those who do. If an employee believes that any person employed or associated with AFS has directed him or her to do anything that violates the law or has prohibited the employee from doing anything that the law requires him or her to do, the employee must report the conduct immediately to the Corporate Compliance Officer, via AFS App on JotForm, direct call 479.763.0314, in person or call the HOT LINE at 1.833.237.2255.

WASTE, FRAUD AND ABUSE

AFS, Inc. employs a designated full-time Corporate Compliance Officer for AFS.

It is the policy of AFS to advise our employees, contractors, suppliers, and agents of the steps AFS has in place to prevent and detect waste, fraud, and abuse in government-funded health care programs. Retaliation for any such report of waste, fraud and abuse Is Not Permitted. AFS will not condone nor tolerate any intimidation, retaliation, or discriminatory action against an employee who reports in good faith internally or to the federal or state government concerning activity reasonable believed to be a possible False Claims Act violation. An employee with questions regarding this policy or the Compliance Program should contact the Corporate Compliance Officer via AFS App on JotForm, direct call 479.763.0314, in person or call the HOT LINE at 1.833.237.2255. **All AFS, Inc. employees are protected by the Deficit Reduction Act 6032 which protects employees through whistleblower protection for reporting, preventing, and detecting waste, fraud, and abuse. No employee of AFS, Inc. should file false claims to Medicaid. There are civil and/or criminal penalties for making false claims to Medicaid.**

EMPLOYEE GRIEVANCE/CONFLICT RESOLUTION

AFS recognizes the importance of bringing to light and resolving grievances and/or complaints promptly. If the problem cannot be resolved via our open-door policy, employees should submit in good faith, in written format that is signed and dated, a formal grievance to their immediate supervisor. The Associate Executive Director will review each grievance and seek proper resolution between the employee and the other affected party. All grievances must be filed within five (5) working days *of the incident* in question. The employee grievance policy and procedure may be found in the AFS Employee Handbook) Personnel Policies) or a copy may be obtained by contacting your supervisor, the Executive Director, or the Associate Executive Director. The Executive Director and/or the Associate Executive Director may assist and provide direction to you should you need to file a formal grievance.

Step 1. Employees will submit their grievance in writing within 5 business days of the alleged violation to their immediate supervisor. If the issue involves the employee's supervisor's decision or action, the employee should submit their grievance to Roy Thompson, Associate Executive Director.

Step 2. The Associate Executive Director will review the employee's grievance and report the findings of the investigation in writing within 5 business days of the receipt of the allegation to the employee. If the employee is not satisfied with the decision(s), the employee may submit it writing why they are not in agreement with the decision and the grievance will be reviewed by the AFS Executive Director.

Step 3. The AFS Executive Director will review the findings and render a final decision to the complainant within 5 business days of their receipt of the report. If the individual reporting is not satisfied with the decision of the Executive Director, the individual may submit a report made in writing, to the President of the Board of Directors within 5 business days of the complainant's documented receipt of the decision. The Board will review and investigate the complaint and render a decision in writing to the complainant within 30 business days. (In the event that the reporting employee is not available to be reached or receive the reported findings in steps 2 or 3, due to illness, vacation, PTO or other circumstance, an extension of days may be necessary to insure employee's receipt of findings)

DISCIPLINARY ACTION

AFS has established rules and procedures for the purpose of assuring smooth operations that comply with applicable laws and regulations. It is our intention to work with all employees to develop an effective team and to help each person as an individual. However, when efforts to resolve problems in a positive manner fail, other methods such as disciplinary action must be initiated. All disciplinary actions that include suspension, probation of any amount of time, and/or terminations shall be approved by the Executive Director in consultation with Human Resources and where applicable, agency attorney.

It is the responsibility of the supervisor to initiate action, which may follow this progression:

- Documented Verbal Warnings
- Written Warnings
- Time Off Without Pay (Suspension), with Executive Director's Approval
- Probation of 30, 60 or 90 days, with Executive Director's Approval
- Termination, with Executive Director's Approval

Depending on the nature of the offense and the actions that have been taken previously, some of the preceding steps may be omitted. If an employee receives disciplinary action and feels they have not been treated fairly, they have the right to utilize our open-door policy or the employee conflict resolution/grievance procedures; election of these options does not alter, waive, or supersede the "Employment at Will" relationship.

The following infractions, while not all inclusive, are of such a serious nature that commission of such an offense may be cause for termination (Also see ADDENDUM(S)):

1. Falsifying information to obtain employment, additional pay, insurance benefits, or any other compensation.
2. Any act of dishonesty, falsification of written/verbal information (including electronically and or hard copy submissions of work-related reports, time sheets, work documents, mileage reports, expense reimbursement, allowable travel reimbursement, fraud, waste, embezzlement, or theft.) Use of agency credit card for personal use or personal gain even if the agency card is not issued in your name but is determined to be an expenditure you made.
3. Violating confidentiality regarding individual or office transactions including but not limited to the disclosure of confidential employee or member information, violations of HIPAA, other information which are held in confidence and trust. This includes employee disciplinary actions, employee status, employee identifying information not privy to, employee health status, employee finances, and other employee sensitive information.
4. **Absenteeism, when proper notice and approval (LWOP) have not been granted. Continued abuse of PTO privileges constitutes chronic absenteeism.**
5. Insubordination or willful disobedience of instructions or directions issued by a supervisory employee.
6. Fighting, endangering, or threatening bodily harm to others, persons served, co-workers.
7. Willful neglect of duties. Leaving your job post, or leaving members with other members, assigned to your care unattended.
8. Stealing, misappropriating, or intentionally damaging AFS property, equipment, or the personal property of a fellow employee or member's personal property.
9. Conviction on violations of the criminal code.
10. Intoxication, use or possession of alcoholic beverages or illegal drugs while on AFS premises; refusal to enter a treatment program for drug and alcohol abuse; refusing to take a drug test for random drug screen or reasonable suspicion of drugs/alcohol drug screen.
11. Any unlawful harassment, which includes sexual, physical, online, or terroristic threatening. Any unlawful racial/ethnic jokes or jokes regarding gender, gender identification, sexual orientation, specific traits.
12. Failure to report any incidents of individual suspected or actual abuse/neglect of which you have knowledge. (Mandated Reporter status for all employees)

13. No employee will commit AFS to expenditure of funds without prior approval of the Executive Director or his/her designee.
14. No employee shall use his/her position for private gain for themselves or other parties. Employees should avoid the appearance of any conflict of interest, including financial, private gain. This includes using personal credit cards to pay for registration fees for training events, conferences, to purchase airline tickets, rental car, hotel accommodations, meals, and other allowable reimbursable travel expenses as a result of using their personal credit cards to accrue points, or other accrual system that benefits the employee financially.

Employee's may not benefit in any way personally through financial rewards or private gain for referring or directing AFS, Inc. to financial services, vendor services, sign up bonus programs, web site vendors points, other frequent purchase award point system seeking reimbursement for these purchases. For all such programs, the agency may be able to enroll in these programs directly. No employee should commit the agency's enrollment of a new credit card, banking institution account, etc., that confers a known or unknown benefit to the employee for referring to the entity. Employees may not benefit financially or for private gain, by shaping, or choosing vendors, OHCDs vendors, consultants, contractors. See Conflict of Interest policy.

15. Depositing an individual's funds into a staff member's bank account, permitting an individual with disabilities, member to purchase gifts, food, fuel, clothing, etc. for you, and/or the use of the individual's funds for private gain. **Co-mingling of individual's funds including individual's charging privileges with vendors, credit cards, debit cards, pre-paid credit cards or credit accounts including Pay Pal, Venmo, Cash App, Rent a Center vendors, loan companies, etc.**
16. Relationship of a sexual nature between staff and member either on or off worksites is strictly prohibited and WILL result in immediate dismissal.
17. Abuse of remote work privileges for designated and defined remote schedule for applicable administrative staff. Abuse would include working more days remotely than in the corporate offices in Fort Smith, working from somewhere else other than your home designated work area or normal work in the field with members, legal guardians, employees, etc.
18. Any employee aware of any of the above items being committed and fails to report is subject to immediate dismissal.

If an employee's actions create a health and safety issue, for members, co-workers or management, the employee in question will be immediately placed on unpaid leave by the supervisor, pending completion of investigation and recommendations. The suspended employee will not be allowed admission to any AFS property, except by invitation by executive staff.

SAFETY

AFS strives to provide a safe work environment for all employees and to assist in the prevention of workplace accidents and injuries. Personal safety and accident prevention is the responsibility of all employees at AFS. Employees are required to participate in the Risk Management Program and to attend safety meetings. Employees are required to sign the Safety Equipment/Personal Protective Equipment Acknowledgement Form upon hire as applicable and as needed/warranted. Employees may be asked to serve on the agency's Safety Committee via invitation from their supervisor, the Safety Officer, or the Corporate Compliance Officer.

THINK SAFETY FIRST

Become aware of the hazards in the workplace and use prescribed safety equipment to protect yourself and fellow employees. Properly safeguard AFS's equipment and property.

Be watchful for unsafe conditions, avoid unsafe practices in the workplace, and report any unsafe conditions and unsafe practices to your supervisor immediately. Violation of safety rules and/or participation in unsafe practices shall be grounds for disciplinary action.

Immediately report any on-the-job accident, no matter how slight, to your supervisor. Report any injury not acknowledged by the supervisor directly to the agency's Safety Officer, or Corporate Compliance Officer via 479.763.0314, via in person or in writing to the Compliance Officer, the AFS app JotForm or the HOT LINE at 1.833.AFS.CALL. or 1.883.237.2255.

VEHICLE SAFETY

Basic rules are listed below. AFS will provide training and briefing on vehicle use and safety.

1. All employees who operate a private vehicle in the course of duties, he/she will complete a travel form and provide a copy of their current Driver's License, a certificate showing current liability insurance in your name, for your vehicle to AFS. Vehicles must be mechanically safe. All employees must have an acceptable motor vehicle record upon hire, and upon update of motor vehicle record check annually.
2. Training emphasizing vehicle safety will be provided during AFS New Hire Orientation to all employees involved in the transportation of individuals and once annually.
3. No employee shall allow a person served to drive their personal vehicle, even if the person served has a valid driver's license.

AUTOMOBILE USAGE RULES

As may be indicated in your job description, it might be necessary for you to transport people in your personal vehicle.

If you use your personal vehicle on a regular basis or for company business AFS recommends you contact your vehicle insurance agent and explain to them that you are using/driving your personal vehicle on program business. **You may be subject to Business Use of Your Vehicle classification. Without your policy having the proper classification there might not be any insurance protection for the employee, passengers, or other third parties to an accident.**

Employees must notify their immediate supervisor if there is a lapse in their personal vehicle liability insurance for any reason. Failure to do so will result in progressive discipline, up to and including termination.

INCLEMENT WEATHER POLICY

Severe/Inclement weather preventing employees from reporting to work or remaining at work are conditions over which AFS has no control. When severe weather such as snow, ice or other circumstances occurs, the AFS offices will be closed with an announcement via the agency's mass text messaging system. The Executive Director and/or his/her designee shall make the final determination concerning the closing of any program. Once a determination has been made, the following procedures are initiated.

Waiver services will continue at the discretion of the member/parent/guardian. Due to members receiving individualized Waiver Services, AFS Waiver Services will NEVER CLOSE for any reason as our services are 24/7. AFS Waiver Staff may be required to work based on the discretion of the member/parent/guardian.

The Executive Director and/or his/her designee will determine if administrative staff and program supervisors will report to work. The Inclement Weather Policy may be amended in exceptional cases. Employees will receive periodic reminders of the Inclement Weather Policy via AFS, Inc.'s mass text message system.

ATTENDANCE

Employees are carefully selected for positions at AFS. Punctuality and regular attendance are essential for efficient operations. **Report to work ON TIME. Do not leave your shift early.**

Because of the critical nature of the work, regular attendance by each employee is mandatory. If the employee is unable to report to work as assigned, the employee's supervisor must be notified immediately. Such notice must be given as far in advance of the scheduled work hour as possible. The employee's supervisor may request a doctor's statement in consultation and approval from human resources for employees who are missing work due to illness for three (3) days or more. Failure of any employee to report to work for (2) two consecutive scheduled workdays without informing or notifying their immediate supervisor as to the reason for the absence will be considered a voluntary resignation.

Leaving in the middle of an assigned work shift without notification to and approval of the employee's supervisor may subject the employee to corrective action up to and including termination for job abandonment.

Please be aware that tardiness, regardless of the reason, shall not be excused. **As with absenteeism, tardiness must be reported to the employee's supervisor as soon as it is apparent that the employee will not be able to report to work at the scheduled time. Leaving early for an emergency or other reason must be reported to the employee's supervisor as well for approval. Report to work ON TIME. Do not leave your shift early. If you are late, notify your supervisor. If you leave work early for any reason, seek approval from your supervisor. It is not sufficient to notify your co-worker or the member or the member's family member that you are running late or have a bona fide reason to leave early, you must notify your supervisor. The employee is expected to be at their work location promptly at the beginning of their shift and is not expected to leave until their shift has been completed. If you are running late, you must notify your supervisor. If you have a bona fide emergency and need to leave early from your work shift, notify your supervisor. In the event of a bona fide emergency, your departure from your work shift will be based on staffing availability. You will not be able to leave your shift until such a time a replacement has been sent to relieve you prior to leaving your shift. Leaving your shift and the person served before staff is on site to replace you is grounds for immediate termination for job abandonment.**

BUSINESS EXPENSES

At times work may require that the employee travel on AFS business for brief or extended periods of time. The purpose of this absence may range from running an errand to attending a school or conference in a distant city. Regardless of the reason, if you are on AFS business, the employee will be reimbursed for their expenses in accordance with the Travel Policy in the AFS, Inc. Operations Manual. The expenses include transportation, lodging, meals (breakfast, lunch, and dinner) and other miscellaneous expenses, as approved.

Guidelines for reimbursement of expenses are found in the Travel Policy in the AFS, Inc. Operations Manual. When business expenses are incurred, the employee must complete a Travel Form, and submit it to the Accounting Department, along with all documentation or supporting information. Alcohol and tobacco are not allowable reimbursable expenses.

HOUSEKEEPING

The AFS working environment may well reflect the quality of work we do and the service we give our employees and the people that we serve. Good housekeeping is important because it helps ensure a safe and pleasant place to work. Visitors and employees who come into the AFS office readily associate the appearance of your work area and the facilities with the way we conduct our business. Please keep your work area in a neat and orderly manner.

MOBILE/CELL TELEPHONES

While on duty with your member, personal cell phone use should be limited to emergency use only. Cell phone use is PROHIBITED, (voice, text and all social media applications while driving and working during AFS work schedule whether consumer is present in vehicle or not). Reminder: State law prohibits texting while operating a motor vehicle. The use of personal cell phones and texting is prohibited. Failure to adhere to this policy will result in progressive discipline, up to termination of employment with AFS. Ask friends and relatives to call you at home instead of on the job, except in cases of emergency. AFS is NOT responsible for lost, stolen or damaged cell phones or related equipment (chargers, ear buds, cases, other cell phone accessories, etc.) during your work with AFS. All employees MUST have a working cell phone with text messaging, data, and voice service.

ELECTRONIC MAIL

AFS has a policy that acknowledges and accommodates the communication technology known as Electronic Mail (e-mail). AFS has access to e-mail through the World Wide Web and our in-house computer network, employer distributed cell phones. E-mail is not entitled to any special privacy protection in employment litigation. It is impossible to ever “delete” an e-mail message: the message is stored in a back-up file and is the property of AFS, Inc. Any unlawful harassment conducted via e-mail including visual, sexual, terroristic threatening, racial/ethnic jokes or jokes about gender specific traits is prohibited. Any employee found in violation of this policy will be subject to disciplinary action up to and including termination.

1. Anything written by an employee on the company computer and any business-related files on your home computer, private or agency issued cell phone are considered to be business records and could be obtained by outside legal sources and/or AFS Administrative Staff.
2. heck spelling, punctuation, and grammar.
3. Do not write anything you would not want to be repeated.
4. Do not use e-mail for frivolous messages – it wastes time and system resources.
5. Do not send offensive jokes or unlawful content (sexual, racial, ethnic, harassing etc.). Do not send political or religious content.

7. Do not load and/or download programs, software, or shareware from unauthorized sites or sources without prior approval from our IT vendor. Programs can transmit viruses that can be

spread throughout the network, causing extensive damage. Do not open e-mail from unknown sources. Report suspicious email received to the agency Safety Officer.

SOLICITATION/DISTRIBUTION

No one is permitted to come into AFS premises for the purpose of distributing notices or literature or selling items of any kind to employees or individuals with disabilities, members. Should you be approached by anyone for these purposes, you should immediately report them to the Corporate Compliance Officer, who will review and or investigate.

VISITATION AND LOITERING

Visiting fellow employees on duty causes unnecessary disruption and detracts from the care given to our members and the work of administrative employees who work to support fellow employees and members. Personal visits to employees are to be made when off duty, away from the office and/or individual's served home. You are expected to leave the work site promptly upon completion of your workday. Loitering in the parking lot when off duty is not permitted. As an exception may arise, please contact your supervisor if there is a need for a person to visit you at the workplace.

MEDIA RELATIONS AND SOCIAL MEDIA

Media Relations

In the event of a crisis, key messages must be disseminated from AFS to various key public and media outlets. It is extremely important that all messages provided to key publics are accurate, unified so that contradictory statements do not go public. All media contact is restricted to AFS Executive Director and/or his/her designee.

Social Media

Social media are web and mobile based technologies which are used to turn communication into interactive dialogue among AFS, communities, and individuals and include web-based communities, social-networking sites, video-sharing sites, wikis, blogs, and countless others. Information can become public the moment it is published on the internet. AFS employees should always exercise caution and be mindful of the public nature of the Internet when engaging in conduct online and should be aware that AFS employees, including members of management, can see anything that is posted online. As a result, AFS employees should use discretion when posting, writing, and presenting information and should never post information that could create a hostile work environment at AFS, constitutes unlawful harassment of coworkers of AFS or endanger the employees and members we serve.

The following guidelines were created to assist AFS employees to effectively and responsibly navigate issues associated with the proper use of social media whether during work or off work hours and regardless of whether AFS's equipment is used. All AFS policies that regulate off-duty conduct also apply to social media activity. This includes, but is not limited to, policies

related to unlawful harassment, code of conduct, non-discrimination, and the protection of confidential and proprietary information including the private health information (PHI) of members served and employee's private information.

1. Unless given written consent, AFS employees may not claim to represent or speak for the corporation, either orally or in writing. AFS has designated the Executive Director and/or his/her designee as its spokesperson for all media-related matters and inquiries.
2. All postings to the Internet or social media sites must comply with our policies regarding consumer confidentiality and disclosure of confidential and proprietary information. To preserve the confidentiality of consumer information, which includes the identity of current, former, and prospective clients, AFS employees may not upload, post, or share photographs or other information concerning any AFS consumer for any reason unless written consent is received, publicity release specific to the event by member of AFS management. AFS employees should consult their supervisor before disclosing, posting, or sharing any information that might constitute confidential information or without a signed and dated publicity release by the member or legal guardian.
3. AFS employees may not use AFS computer equipment for any non-work-related activities without permission. The AFS Electronic Media policy applies to social media use at work and includes our policy that personal use of company computers, including personal social media activities, should not interfere with your duties at work. AFS reserves the right to monitor its facilities and equipment to ensure compliance with this restriction.

Social media is in a state of constant change and therefore this list is not all-inclusive. AFS employees should use discretion and good judgment, especially in light of our mission to serve consumers. When in doubt, seek clarification or authorization from the Executive Director and/or his/her designee before engaging in any questionable conduct online.

This policy is not intended to interfere with employees' constitutional and legal rights protected by law, but to create an understanding regarding the confidential nature of AFS's client and business information and to promote employee awareness concerning the dangers of sharing, posting, and utilizing confidential and sensitive information regarding AFS and its employees, clients, and property.

CONFLICT OF INTEREST

A **conflict of interest (COI)** is a situation in which a person or AFS is involved in multiple interests, financial interest, or otherwise, one of which could possibly corrupt the motivation of the individual or AFS.

The presence of a conflict of interest is independent of the occurrence of impropriety. Therefore, a conflict of interest can be discovered and voluntarily defused before any corruption occurs. A widely used definition is: "A conflict of interest is a set of circumstances that creates a risk that professional judgment or actions regarding a primary interest will be unduly influenced by a secondary interest." *Primary interest* refers to the principal goals of the profession or activity,

such as the protection of consumer, the health of patients, the integrity of research, and the duties of public office. *Secondary interest* includes not only financial gain but also such motives as the desire for professional advancement and the wish to do favors for family and friends, but conflict of interest rules usually focus on financial relationships because they are relatively more objective, fungible*, and quantifiable. The secondary interests are not treated as wrong in themselves but become objectionable when they are believed to have greater weight than the primary interests. **The conflict in a conflict of interest exists whether or not a particular individual is actually influenced by the secondary interest. It exists if the circumstances are reasonably believed (on the basis of experience and objective evidence) to create a risk that decisions may be unduly influenced by secondary interests.**

*fungible: of goods contracted for without an individual specimen being specified able to replace or be replaced by another item, mutually interchangeable.

BOARD MEMBER EXCLUSION

No paid employee of AFS may serve as an AFS Board of Directors member or officer. This does not apply to individuals receiving services (paid by agency for work). Executive Director, Associate Executive Director and member representative may serve as non-voting, ex officio board members.

ADDENDUMS

APPENDIX A:

Direct Support Professional Code of Ethics:

1. Person-Centered Supports: My first allegiance is to the person I support; all other activities and functions I perform flow from this allegiance.
2. Promoting Physical and Emotional Well-Being: I am responsible for supporting the emotional, physical, and personal well-being of the individuals receiving support. I will encourage growth and recognize the autonomy of the individuals receiving support while being attentive and energetic in reducing their risk of harm.
3. Integrity and Responsibility: I will support the mission and vitality of my profession to assist people in leading self-directed lives and to foster a spirit of partnership with the people I support, other professionals, and the community.
4. Confidentiality: I will safeguard and respect the confidentiality and privacy of the people I support.
5. Justice, Fairness and Equity: I will promote and practice justice, fairness, and equity for the people I support and the community as a whole. I will affirm the human rights, civil rights and responsibilities of the people I support.

6. Respect: I will respect the human dignity and uniqueness of the people I support. I will recognize each person I support as valuable and help others understand their value.

7. Relationships: I will assist the people I support to develop and maintain relationships.

8. Self-Determination: I will assist the people I support to direct the course of their own lives.

9. Advocacy: I will advocate with the people I support for justice, inclusion, and full community participation.

APPENDIX B:

RETURN TO WORK (RTW) POLICY/LIGHT DUTY WORK AVAILABILITY:

In the event of a work-related injury covered through the agency's worker's compensation coverage, AFS will make every effort to return the employee to work with attending physician's release to light duty work, so the employee avoids missed days of work. AFS Inc. has light duty/return to work positions available. This RTW/Light Duty position should not exceed (45) forty-five days. As an employee of AFS, please inform your attending workers compensation physician that we have RTW/Light Duty positions.

- In consultation with the employee's supervisor, occupational medicine and workers, the agency's workers compensation commercial insurance carrier, if indicated, a light duty job will be developed to provide an accurate, safe, appropriate, Return to Work/Light Duty job description for each employee's assignment that accurately defines the "essential functions of the job." and any physical restrictions that are specified by occupational medicine attending physician.

- The supervisor must be open to returning an injured employee to work if he/she (a) can continue to perform the essential functions of the assigned job with reasonable accommodation, or (b) are qualified to perform another available job with or without reasonable accommodation.

APPENDIX C:

SAFETY EQUIPMENT/PERSONAL PROTECTIVE EQUIPMENT ACKNOWLEDGEMENT FORM

As a Direct Support Professional (DSP) employed by Arkansas Family Supports, Inc., you are our most important resource. Your safety is a top concern for the agency. To that end, we ask that you acknowledge the use of safety equipment and Personal Protective Equipment. I have been provided necessary safety equipment/personal protective equipment (PPE) in which to carry out my job duties. I have been instructed on how to use the safety equipment and PPE. I

agree to use the necessary safety equipment and wear/use the PPE provided to me. Failure to do so will result in progressive discipline.

I agree that I am to use/wear all Safety Equipment/PPE provided while on duty without exception. I further understand it is my responsibility to notify my DSP Supervisor if safety equipment should be missing, replaced and when PPE supplies need to be replaced. Failure to do so will result in progressive discipline.

DSP Signature _____ Date _____

DSP Supervisor Signature _____ Date _____

c: Personnel File

(Employees will receive a hard copy of the Safety Equipment/Personal Protection Equipment Acknowledgement Form and the original will be placed in their personnel file)

APPENDIX D: Arkansas Code of 1987 Annotated Official Edition Title 20, Public Health, and Welfare Subtitle 2. Health and Safety Chapter 38 Criminal Background Checks A.C.A § 20-38-105 (2015)

20-38-105. Disqualification from employment—Denial or revocation—Penalties. See following four (4) pages.

**APPENDIX E:
Fraternization Policy (06/23)**

Arkansas Family Supports, Inc. understands that relationships may form as a result of working together. Employees are encouraged to socialize and develop professional relationships in the workplace provided that these relationships do not interfere with the work performance of either individual or with the effective functioning of the workplace. Anyone employed in a managerial or supervisory role is prohibited from romantic, personal relationships with employees, who report to him or her, as these personal relationships may be perceived as favoritism, misuse of authority, or potentially, sexual harassment.

Additionally, for the same reasons and because of the loss of employer flexibility and employee options, no employee may date another employee who is separated by one or more levels in the chain of command. Even if no improper conduct occurs, the relationship may cause gossip, hard feelings, dissatisfaction, and distraction among other employees in the workplace. The relationship may appear to other employees as an inappropriate use of position power.

Additionally, any fraternization with any employee who reports to the manager or whose terms and conditions of employment such as pay raises, promotions, and advancement are potentially affected by the manager, is prohibited. The fraternization that is prohibited by this policy includes dating, romantic involvement, and sexual relations; close friendships are discouraged in any reporting relationship. Romantic relationships between a supervisor/manager and a reporting staff member may affect the careers of both employees with regard to advancement opportunities, choices of jobs, and assignments. They adversely affect the company's flexibility and consequently, may have an impact on our service to the people we serve.

Any relationship that interferes with the company culture of teamwork, the harmonious work environment, or the productivity of employees, will be addressed by applying the progressive discipline policy up to and including employment termination. Adverse workplace behavior or behavior that affects the workplace that arises because of personal relationships will not be tolerated. Romantic Relationships between a supervisor/manager and a reporting staff member will result in progressive discipline, up to and including termination. All administrative employees will receive a copy of the Fraternalization Policy upon hire/intake and will sign and date acknowledgement of receipt. All issues related to fraternization are to be forwarded to Roy Thompson, Associate Executive Director at rthompson@arkansasfamilysupports.org or 479.763.0314 office.

I have received the Fraternalization Policy and have had the opportunity to discuss with my supervisor or Roy Thompson, Associate Executive Director any questions I may have regarding the Fraternalization Policy. I agree, through receipt of this policy and my signature below to abide and work within the Fraternalization Policy. I understand that failure to adhere to the Fraternalization Policy will result in written progressive discipline up to and including termination.

Employee's Printed Name

Employee's Signature

Date

c: Personnel File

APPENDIX F: "Your Employee Rights Under the Family and Medical Leave Act" poster from the Wage and Hour Division United States Department of Labor,

Your Employee Rights Under the Family and Medical Leave Act

What is FMLA leave?

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with **job-protected leave** for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees.

Eligible employees can take **up to 12 workweeks** of FMLA leave in a 12-month period for:

- The birth, adoption or foster placement of a child with you.
- Your serious mental or physical health condition that makes you unable to work.
- To care for your spouse, child or parent with a serious mental or physical health condition, and
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember.

An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness **may take up to 26 workweeks** of FMLA leave in a single 12-month period to care for the servicemember.

You have the right to use FMLA leave in **one block of time**. When it is medically necessary or otherwise permitted, you may take FMLA leave **intermittently in separate blocks of time, or on a reduced schedule** by working less hours each day or week. Read Fact Sheet #28M(c) for more information.

FMLA leave is **not paid leave**, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave.

Am I eligible to take FMLA leave?

You are an **eligible employee** if **all** of the following apply:

- You work for a covered employer.
- You have worked for your employer at least 12 months.
- You have at least 1,250 hours of service for your employer during the 12 months before your leave, and
- Your employer has at least 50 employees within 75 miles of your work location.

Airline flight crew employees have different "hours of service" requirements.

You work for a **covered employer** if **one** of the following applies:

- You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year.
- You work for an elementary or public or private secondary school, or
- You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel Management.

How do I request FMLA leave?

Generally, to request FMLA leave you **must**:

- Follow your employer's normal policies for requesting leave.
- Give notice at least 30 days before your need for FMLA leave, or
- If advance notice is not possible, give notice as soon as possible.

You **do not have to share a medical diagnosis** but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You **must also inform your employer if FMLA leave was previously taken** or approved for the same reason when requesting additional leave.

Your employer **may request certification** from a health care provider to verify medical leave and may request certification of a qualifying exigency.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress.

What does my employer need to do?

If you are eligible for FMLA leave, your employer **must**:

- Allow you to take job-protected time off work for a qualifying reason.
- Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and
- Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave.

Your employer **cannot interfere with your FMLA rights** or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation.

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your employer **must confirm whether you are eligible** or not eligible for FMLA leave. If your employer determines that you are eligible, your employer **must notify you in writing**:

- About your FMLA rights and responsibilities, and
- How much of your requested leave, if any, will be FMLA-protected leave.

Where can I find more information?

Call **1-866-487-9243** or visit dol.gov/fmla to learn more.

If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court. **Scan the QR code to learn about our WHD complaint process.**



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR



A.C.A. § 20-38-105

Arkansas Code of 1987 Annotated Official Edition
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*** Current through the 2015 Regular Session and First Extraordinary Session. ***

Title 20 Public Health And Welfare
Subtitle 2. Health And Safety
Chapter 38 Criminal Background Checks

A.C.A. § 20-38-105 (2015)

20-38-105. Disqualification from employment -- Denial or revocation -- Penalties.

(a) (1) Except as provided in subsection (d) of this section, the licensing or certifying agency shall issue a determination that a person is disqualified as a service provider, operator, or from employment with a service provider if the person has pleaded guilty or nolo contendere to or has been found guilty of:

(A) Any of the offenses listed in subsection (b) of this section by any court in the State of Arkansas;

(B) Any similar offense by a court in another state; or

(C) Any similar offense by a federal court.

(2) Except as provided in subsection (d) of this section, a service provider shall not knowingly employ a person and the licensing or certifying agency shall not knowingly contract with, license, exempt from licensure, certify, or otherwise authorize a person to be a service provider if the person has pleaded guilty or nolo contendere to or has been found guilty of:

(A) Any of the offenses listed in subsection (b) of this section by any court in the State of Arkansas;

(B) Any similar offense by a court in another state; or

(C) Any similar offense by a federal court.

(b) As used in this section, the following criminal offenses apply to this section whether or not the record of the offense is expunged, pardoned, or otherwise sealed:

(1) Criminal attempt, § 5-3-201, criminal complicity, § 5-3-202, criminal solicitation, § 5-3-301, or criminal conspiracy, § 5-3-401, to commit any of the offenses in this subsection;

- (2)** Capital murder, § 5-10-101;
- (3)** Murder, §§ 5-10-102 and 5-10-103;
- (4)** Manslaughter, § 5-10-104;
- (5)** Negligent homicide, § 5-10-105;
- (6)** Kidnapping, § 5-11-102;
- (7)** False imprisonment, §§ 5-11-103 and 5-11-104;
- (8)** Permanent detention or restraint, § 5-11-106;
- (9)** Robbery, §§ 5-12-102 and 5-12-103;
- (10)** Battery, §§ 5-13-201 -- 5-13-203;
- (11)** Assault, §§ 5-13-204 -- 5-13-207;
- (12)** Coercion, § 5-13-208;
- (13)** Introduction of controlled substance into body of another person, § 5-13-210;
- (14)** Terroristic threatening, § 5-13-301;
- (15)** Terroristic act, § 5-13-310;
- (16)** Any sexual offense, § 5-14-101 et seq.;
- (17)** Voyeurism, § 5-16-102;
- (18)** Death threats concerning a school employee or student, § 5-17-101;
- (19)** Incest, § 5-26-202;
- (20)** Domestic battery, §§ 5-26-303 -- 5-26-306;
- (21)** Interference with visitation, § 5-26-501;
- (22)** Interference with court-ordered custody, § 5-26-502;
- (23)** Endangering the welfare of an incompetent person, §§ 5-27-201 and 5-27-202;
- (24)** Endangering the welfare of a minor, §§ 5-27-205 and 5-27-206;

- (25)** Contributing to the delinquency of a minor, § 5-27-209;
- (26)** Contributing to the delinquency of a juvenile, § 5-27-220;
- (27)** Permitting abuse of a minor, § 5-27-221;
- (28)** Soliciting money or property from incompetents, § 5-27-229;
- (29)** Engaging children in sexually explicit conduct for use in visual or print media, § 5-27-303;
- (30)** Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child, § 5-27-304;
- (31)** Transportation of minors for prohibited sexual conduct, § 5-27-305;
- (32)** Employing or consenting to the use of a child in a sexual performance, § 5-27-402;
- (33)** Producing, directing, or promoting a sexual performance by a child, § 5-27-403;
- (34)** Computer crimes against minors, § 5-27-601 et seq.;
- (35)** Felony abuse of an endangered or impaired person, § 5-28-103;
- (36)** Theft of property, § 5-36-103;
- (37)** Theft of services, § 5-36-104;
- (38)** Theft by receiving, § 5-36-106;
- (39)** Forgery, § 5-37-201;
- (40)** Criminal impersonation, § 5-37-208;
- (41)** Financial identity fraud, § 5-37-227;
- (42)** Arson, § 5-38-301;
- (43)** Burglary, §§ 5-39-201 and 5-39-204;
- (44)** Breaking or entering, § 5-39-202;
- (45)** Resisting arrest, § 5-54-103;
- (46)** Felony interference with a law enforcement officer, § 5-54-104;

- (47) Cruelty to animals, §§ 5-62-103 and 5-62-104;
- (48) Felony violation of the Uniform Controlled Substances Act, §§ 5-64-101 -- 5-64-508;
- (49) Public display of obscenity, § 5-68-205;
- (50) Promoting obscene materials, § 5-68-303;
- (51) Promoting obscene performance, § 5-68-304;
- (52) Obscene performance at a live public show, § 5-68-305;
- (53) Prostitution, § 5-70-102;
- (54) Patronizing a prostitute, § 5-70-103;
- (55) Promotion of prostitution, §§ 5-70-104 -- 5-70-106;
- (56) Stalking, § 5-71-229;
- (57) Criminal use of a prohibited weapon, § 5-73-104;
- (58) Simultaneous possession of drugs and firearms, § 5-74-106; and
- (59) Unlawful discharge of a firearm from a vehicle, § 5-74-107.

(c) (1) The provisions of this subsection shall not be waived by the licensing or certifying agency.

(2) Because of the serious nature of the offenses and the close relationship to the type of work that is to be performed, a conviction or plea of guilty or nolo contendere for any of the offenses listed in this subsection, whether or not the record of the offense is expunged, pardoned, or otherwise sealed, shall result in permanent disqualification from employment with a service provider or licensure, exemption from licensure, certification, or other operating authority as a service provider and is not subject to subsection (d) of this section:

(A) Any of the following offenses by any court in the State of Arkansas:

- (i) Capital murder, § 5-10-101;
- (ii) Murder in the first degree, § 5-10-102;
- (iii) Murder in the second degree, § 5-10-103;
- (iv) Kidnapping, § 5-11-102;

(v) Rape, § 5-14-103;

(vi) Sexual assault in the first degree, § 5-14-124;

(vii) Sexual assault in the second degree, § 5-14-125;

(viii) Endangering the welfare of an incompetent person in the first degree, § 5-27-201;

(ix) Abuse of an endangered or impaired person, § 5-28-103, if it is a felony; and

(x) Arson, § 5-38-301;

(B) Any similar offense by a court in another state; or

(C) Any similar offense by a federal court.

(3) For purposes of licensure as a child care facility, exemption from licensure as a church-exempt child care facility, or employment with a child care facility or church-exempt child care facility, a conviction or plea of guilty or nolo contendere for any offense that involves violence or a sexual act, whether or not the record of the offense is expunged, pardoned, or otherwise sealed, may result in permanent disqualification from licensure as a child care facility, exemption from licensure as a church-exempt child care facility, or employment with a child care facility or church-exempt child care facility and may not be subject to subsection (d) of this section.

(d) (1) This section shall not disqualify a person from employment with a service provider or licensure, exemption from licensure, certification, or other operating authority as a service provider if:

(A) The conviction or plea of guilty or nolo contendere was for a misdemeanor offense;

(B) The date of the conviction or plea of guilty or nolo contendere is at least five (5) years from the date of the request for the criminal history records check; and

(C) The person has no criminal convictions or pleas of guilty or nolo contendere of any type or nature during the five-year period preceding the background check request.

(2) This section shall not disqualify a person from employment with a service provider or licensure, exemption from licensure, certification, or other operating authority as a service provider if:

(A) The conviction or plea of guilty or nolo contendere was for a felony offense;

(B) The date of the conviction or plea of guilty or nolo contendere is at least ten (10) years from the date of the background check request; and

(C) The individual has no criminal convictions or pleas of guilty or nolo contendere during the ten-year period preceding the request for a criminal history records check.

(3) This section does not disqualify a person from employment with a service provider if:

(A) The conviction or plea of guilty or nolo contendere was for any of the nonviolent offenses listed below:

(i) Theft by receiving, § 5-36-106;

(ii) Forgery, § 5-37-201;

(iii) Financial identity fraud, § 5-37-227;

(iv) Resisting arrest, § 5-54-103;

(v) Criminal impersonation in the second degree, § 5-37-208(b);

(vi) Interference with visitation, § 5-26-501;

(vii) Interference with court-ordered custody, § 5-26-502;

(viii) Prostitution, § 5-70-102; and

(ix) Patronizing a prostitute, § 5-70-103;

(B) The service provider wants to employ the person;

(C) The person remains in employment with the same service provider;

(D) The person has completed probation or parole supervision, paid all court ordered fees or fines, including restitution, and fully complied with all court orders pertaining to the conviction or plea;

(E) The person will be employed by:

(i) A long-term care facility licensed by the Office of Long-Term Care;

(ii) An intermediate care or other facility, developmental day treatment clinic services provider, or group home licensed or certified by the Division of Developmental Disabilities Services; or

(iii) A child care facility or a church-exempt child care facility licensed by the Division of Child Care and Early Childhood Education;

(F) Subsequent to employment, the person does not plead guilty or nolo contendere to or is found guilty of any offense in subsection (b) of this section; and

(G) The person does not have a true or founded report of child maltreatment or adult maltreatment in a central registry.

(e) A person shall not be disqualified from employment with a service provider or licensure, exemption from licensure, certification, or other operating authority as a service provider if the person has been found guilty of or has pleaded guilty or nolo contendere to a misdemeanor offense not listed in subsection (b) of this section, a similar misdemeanor offense in another state, or a similar federal misdemeanor offense.

(f) Even if the person would otherwise be disqualified under this section, a person shall not be disqualified from employment with a service provider or licensure, exemption from licensure, certification, or other operating authority as a service provider if the person:

(1) Was not disqualified on August 31, 2009; and

(2) Since August 31, 2009, has not been found guilty of or pleaded guilty or nolo contendere to:

(A) An offense listed in subsection (b) of this section;

(B) A similar offense in another state; or

(C) A similar federal offense.

HISTORY: Acts 2009, No. 762, § 4; 2011, No. 516, §§ 1-3; 2013, No. 990, § 2; 2013, No. 1132, §§ 25, 26.