

HAMILTON CENTER, INC.



EMPLOYEE HANDBOOK

This handbook supersedes all prior versions.

Effective: April 28, 2023

NOTICE

Nothing in this Handbook is intended to create (nor shall be construed as creating) an expressed or implied contract of employment or to guarantee employment for any term or to promise that any specific procedures must be followed. This is not a contract of employment between Hamilton Center, Inc. ("Hamilton Center") and any of its employees.

While Hamilton Center hopes that your employment relationship with it will be a satisfactory one, you may resign your employment at any time for any reason or no reason at all, with or without notice. Similarly, Hamilton Center may terminate the employment relationship at any time for any reason or no reason.

HUMAN RESOURCES DEPARTMENT

Melvin Burks, Chief Executive Officer
812-231-8296

Note: For simplicity, Hamilton Center has used masculine pronouns in these materials. Any such reference is meant to apply equally to males and females.

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HAMILTON CENTER, INC. EMPLOYEE HANDBOOK

I. INTRODUCTION

A. INTRODUCTION TO HAMILTON CENTER, INC.

WELCOME TO HAMILTON CENTER, INC. ("HCI")!

As a leading behavioral health system in central and west central Indiana, Hamilton Center, Inc. offers services to people during their entire lifecycle, birth through older adulthood. Our organization is licensed and accredited and is a managed care provider for the State of Indiana.

Our vision is to advance excellence in behavioral health services through compassion, customer responsiveness, innovation and flexibility. Our mission is to provide quality behavioral health care, wellness, and human development services to our community. The full policy can be viewed at: <http://hcinet.hamiltoncenter.org/PolicyManuals/policy.asp?ID=1>

Starting a new job is exciting, but at times can be overwhelming. This employee handbook has been developed to help you get acquainted with Hamilton Center and answer many of your initial questions.

As an employee of Hamilton Center, the importance of your contribution cannot be overstated. By satisfying Hamilton Center's customers' needs, they will continue to do business with Hamilton Center and will recommend HCI to others. Each employee is an important part of this process. Each employee's work directly influences HCI's reputation.

This employee handbook explains Center personnel policies and benefits, and the specific opportunities and responsibilities that exist for employees within HCI. In an effort to be responsive to the needs of a growing organization, changes or additions to this handbook will be made when necessary. You will be informed when these changes are made.

HCI is glad you have joined its workforce, and hopes each employee will find the work to be both challenging and rewarding.

B. PURPOSE OF THE HANDBOOK

Hamilton Center's personnel policies reflect its belief that its employees are its most valuable asset. This handbook will (1) answer some of the questions employees will have, (2) provide information HCI believes employees should know about their employment, and (3) inform employees of some of the rules, regulations and policies related to their employment.

The matters discussed in this handbook are of great importance, but are not, and are not intended to be, a complete list of all of HCI's rules, regulations and policies. HCI reserves the right to modify its policies, benefits and rules as necessary. Every employee is expected to comply with each of the rules and policies discussed in this handbook as well as any others adopted by Hamilton Center

in the exercise of its right to manage its business. If you have questions about any of the rules and policies, please direct them to the **Human Resources Department**. You should understand that a violation of any of Hamilton Center's rules or policies may result in discipline up to and including discharge.

Hamilton Center is constantly changing in accordance with its external regulatory bodies and its own needs. Hamilton Center expressly reserves the right to change any of its policies, including, but not limited to, those covered in this handbook, at any time. Normally, notification of these changes will be by notice to Division Directors and Program Supervisors or by other appropriate means. Changes will be effective on dates determined by Hamilton Center. An employee may not rely on policies that have been superseded. It is the employee's responsibility to review and become familiar with policy changes communicated by HCI Management via electronic mail. Only the CEO or the CEO's designee, with the approval of the Board of Directors, has any authority to change the provisions of this handbook.

C. EQUAL EMPLOYMENT OPPORTUNITY POLICY – updated 12-04-2015

It is Hamilton Center's policy that, as required by law, equal employment opportunities be available to all persons without regard to race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability, sexual orientation, gender identity, genetic information, military service veteran status or any other category protected under state or local law. This policy applies to employees and applicants and to all phases of employment including but not limited to hiring, promotion, demotion, and treatment during employment, rates of pay or other forms of compensation, and termination of employment.

Hamilton Center complies with the American with Disabilities Act (ADA) and other applicable federal, state and local civil rights laws that prohibit discrimination against a qualified applicant or employee because of his/her disability. This includes complying with reasonable accommodation requests for essential job functions unless the accommodation would create an undue hardship for the organization.

D. DIVERSITY STATEMENT – Revised 05/14/19

To respect and support all employees and to maximize each individual's unique contribution to the organization which leads to discovering new and innovative business solutions to improve service delivery and quality of life of those served.

Our human capital is our most valuable asset. The collective sum of the individual differences, life experiences, knowledge, inventiveness, innovation, self-expression, unique capabilities and talent that our employees invest in their work represents a significant part of not only our culture, but our reputation and company's achievement as well.

We understand our employees' differences in age, color, disability, ethnicity, family or marital status, gender identity or expression, language, national origin, physical and mental ability, political

affiliation, race, religion, sexual orientation, socio-economic status, veteran status, and other characteristics that make our employees unique.

E. ANTI-HARASSMENT/DISCRIMINATION POLICY – updated 7-1-13

Hamilton Center is further committed to providing a workplace free of discrimination or harassment of any employee including unfair treatment because of race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability, sexual orientation, gender identity, genetic information, military service veteran status or any other category protected under state or local law. In addition, denial of a reasonable workplace accommodation that the employee needs because of religious beliefs or disability is prohibited. Retaliation because an employee complains about job discrimination, or assisted with a job discrimination investigation or lawsuit is also prohibited.

Hamilton Center is committed to protecting employees from such harassment or discrimination whether from other employees or non-employees such as consumers, consumers' families and vendors. Specifically included in this policy is a commitment to provide a workplace free of sexual harassment. Sexual harassment may include, but is not limited to:

- ◆ Unsolicited and unwelcome comments or conduct of a sexual nature or that are demeaning to women or men as a group (for example, offensive or vulgar jokes, name-calling, comments about one's body or sex life, stereotyping based on a person's gender, touching, leering, ogling, patting, pinching, indecent exposure, physical gestures, or displaying sexually explicit photographs or objects that might interfere with a reasonable person's work);
- ◆ Unsolicited and unwelcome demands or requests for sexual favors or social or sexual encounters;
- ◆ An explicit or implicit promise of preferential treatment with regard to a person's employment in exchange for sexual favors or sexual activity; and
- ◆ The use of an employee's or applicant's submission to or rejection of sexual conduct as the basis for making, influencing, or affecting an employment decision that has an impact upon the terms and conditions of the individual's employment (for example: hiring, firing, promotion, demotion, compensation, benefits, or working conditions).

Given the nature of this type of conduct and the serious effects such conduct can have on the person harassed and the accused, HCI treats alleged violations of this policy seriously and, to the extent possible, confidentially. Hamilton Center expects all individuals to treat alleged violations in the same responsible manner.

If you believe you or any other employee is being subjected to conduct or comments that violate this policy, you are encouraged and have a responsibility to immediately report these matters to Human Resources. If, for any reason, you do not feel comfortable reporting your concerns to Human Resources, you may report the matter to a person in management.

No action will be taken against any employee because of reported behavior believed to violate this policy. All employees are assured that action will be taken to investigate and resolve complaints and that Hamilton Center is firm in its commitment to maintaining an environment free of discrimination

and harassment.

Violations of this policy will not be tolerated and will result in appropriate disciplinary action, up to and including discharge.

F. Americans with Disabilities Act (ADA)- Updated 10-17-2018

Hamilton Center, Inc. (HCI) will comply with the Americans with Disabilities Act (ADA) and other applicable federal, state, and/or local civil rights laws that prohibit discrimination against a qualified applicant or employee because of his/her disability, and will commit to treating all employees and applicants in accordance with the law.

Definition: An individual is considered to be disabled if he/she:

- ◆ Has a physical or mental impairment that substantially limits one or more major life activities of the individual; or
- ◆ Has a record of such an impairment; or
- ◆ Is regarded as having such an impairment.

1. A qualified applicant or employee with a disability is a person with a disability that prevents him/her from performing the essential functions of their job without reasonable accommodation.

Pursuant to the ADA, HCI will make every effort to provide reasonable accommodations to qualified applicants and employees with disabilities, provided that the organization has been informed of the employee's or applicants particular need for accommodation. Reasonable accommodations will be provided unless the accommodation would create undue hardship for the organization. HCI may choose to provide an alternate accommodation other than the one requested by the employee or applicant as long as the accommodation is effective in assisting the employee/applicant in performing his/her essential job functions. Requests for needed accommodations will be reviewed and determined on a case by case basis and will be handled with the utmost discretion.

2. To request reasonable accommodation, the employee should communicate his/her need to Human Resources (HR) and complete an Accommodation Request Form. The Accommodation Request Form is available on the HCI Intranet under the HR tab or can be obtained in HR.

Requests for reasonable accommodation should include:

- ◆ The type of accommodation requested;
- ◆ Explanation of the limitation for which the accommodation is needed; and
- ◆ Description of how the accommodation will allow the individual to perform the essential functions of his/her job.

3. The employee must, upon request, submit adequate medical documentation in support of the request for reasonable accommodation in instances involving a non-obvious disability or non-obvious need for accommodation. This information should be sent directly to HR. All information will be kept confidential in accordance with applicable law.

G. DRUG-FREE/ALCOHOL-FREE WORKPLACE

Hamilton Center recognizes that the use and abuse of drugs and alcohol can seriously impair

an employee's ability to perform assigned duties safely and efficiently. Drug and alcohol use and abuse not only jeopardize the public, consumer and co-workers' safety; they undermine the public's confidence in the quality of HCI services. Because a drug- or alcohol-impaired employee can pose a significant threat to the safety of the public and co-workers, as well as the employee's own safety, Hamilton Center has established this policy as part of its ongoing efforts to maintain a drug and alcohol-free workplace.

All employees are expected to report to work free of alcohol and illegal drugs and not to sell, distribute, dispense, possess, or use or conspire to sell, distribute, dispense, possess, or use an illegal drug or alcohol on Hamilton Center's premises, in Hamilton Center's vehicles, while pursuing Hamilton Center's business or during working time. Likewise, all employees are expected not to misuse or abuse any prescription or nonprescription medications. Employees using a prescription drug which may impair mental or motor functions so as to affect the employee's ability to safely perform duties must report the use of that prescription drug to the supervisor or Human Resources prior to reporting to work after its use. For the safety of all employees, Hamilton Center may place persons using such prescription drugs in a less hazardous job assignment, provided such assignment is available, or place them on temporary medical leave until released as fit for duty by the prescribing physician. Hamilton Center reserves the right to have its physician determine if a prescription drug produces hazardous effects or to restrict the quantity the employee is allowed to bring to the workplace.

Hamilton Center looks to all its employees to support this policy to better the overall safety, health, productivity, and welfare of all employees and consumers. Employees are asked to discourage co-workers from violating this policy and are expected to cooperate in Hamilton Center's efforts to enforce this policy and in any investigation of its violation.

Violations of this policy will not be tolerated and will result in appropriate disciplinary action, up to and including discharge.

Pre-Employment Testing. Updated November, 2014

As a condition of employment, each individual who is offered employment must successfully pass a post-offer drug test, TB test and provide evidence of immunity against measles, mumps, rubella and varicella through **one** of the following requirements (signed by PCP, health department or official school records) prior to attending new employee orientation:

- Documentation of completed vaccination series against measles, mumps, rubella (MMR) and varicella (chickenpox), or
- Documentation of previous laboratory evidence of immunity against measles, mumps, rubella and varicella.

OR

- Human Resources will send them to an HCI-approved Occupational Health Clinic to get serologic testing for evidence of immunity against MMR/Varicella
- If they are non-immune, the vaccination series for Measles, Mumps, Rubella and Varicella will be offered at Occupational Health Clinics
- If the employee refuses to receive the vaccinations, they must sign the HCI vaccination declination form, subject to regulatory agency authority

Reasonable Cause Testing. When there is reasonable cause to believe that the employee has used drugs, the employee will be required to submit to a drug test. When there is reasonable cause to believe that the employee has used alcohol, testing may be required.

"Reasonable cause" testing may be based upon such things as:

- ◆ Specific observations concerning the appearance, behavior, speech, or body odors of the employee, including observation of drug use, drug possession, or possession of drug paraphernalia, physical signs or symptoms of being under the influence of a drug or alcohol, and signs and symptoms of chronic and/or withdrawal effects of drugs;
- ◆ A pattern of abnormal or erratic behavior as evidenced by the employee's work time actions, appearance, or conduct; or
- ◆ Arrest or conviction for a drug-related offense.

If practical, the employee's conduct will be witnessed by two supervisors. If not practical, one supervisor's observations are sufficient. Reasonable cause can also be based upon a report received from a third party observer if the report is independently corroborated.

An employee who is required to submit to a reasonable cause drug screen will be suspended until the results of the test are disclosed to Hamilton Center. If the test result is negative, the employee will be paid for the regularly scheduled hours missed.

A positive drug or alcohol test will result in appropriate disciplinary action, up to and including discharge. An employee who tests positive, the first time, for alcohol or illegal substances may be given the opportunity to enroll in treatment at his/her own expense in lieu of termination. Confirmation in writing of the employee's intent to seek treatment must be received by the Chief of Human Resources within five (5) work days. In any reasonable cause situation, Hamilton Center will ensure that the employee is transported to an appropriate facility and then transported back to the work site, where a spouse, family member, or other individual will be contacted to transport the employee home. If the employee refuses to agree to any of these procedures and attempts to operate the employee's own vehicle, Hamilton Center will take appropriate efforts to discourage the employee from doing so, up to and including contacting local law enforcement officials. Any employee failing to cooperate with any of the procedures described above will be subject to discharge.

Random Alcohol/Drug Testing. Random alcohol/drug testing will be conducted only as a part of program specific requirements.

Post-Accident Testing. All accidents involving vehicles being used for HCI business, regardless of severity, must be immediately reported to the police, your supervisor, Operations (if HCI owned vehicle) and Human Resources. In addition, any driver who is involved in an "accident" while operating a vehicle being used for HCI business may be tested to determine if he/she was under the influence of alcohol or drugs. *An "accident" is an event which results in (a) death; (b) bodily injury that requires medical treatment away from the scene of the accident; or (c) property damage.* As soon as possible after the accident, Hamilton Center's designated Occupational Health Center will test each employee whose performance or conduct either may have contributed to the accident or cannot be

completely discounted as a contributing factor to the accident. The employee's supervisor (or designee) is responsible for providing transportation to the test site. Failure to submit to the required testing is sufficient cause for discipline, up to and including dismissal.

Voluntary Identification and Rehabilitation/Treatment. Any employee who voluntarily identifies himself as having a drug- or alcohol-related problem will not be subject to discipline for volunteering that fact. Rather, the employee will be permitted to take a leave of absence for the purpose of undergoing rehabilitation or treatment to permit the employee an opportunity to eliminate dependence on drugs or alcohol or to comply with other treatment plans as recommended by a professional acceptable to Hamilton Center. Employees who volunteer such information and participate in a rehabilitation/treatment program are not relieved of their obligation to comply with applicable rules concerning alcohol and drugs and will be subject to disciplinary action, including termination, for their violation.

Since the key to Hamilton Center's rehabilitative efforts is an employee's willingness to admit and seek to remedy the problem, this provision is not available to an employee who tests positive for a second time or after the employee's use of drugs or alcohol becomes a personnel issue based on direct observation or evidence obtained from an arrest or criminal conviction for a drug- or alcohol-related offense.

If the employee has successfully completed the rehabilitation/treatment program as verified in writing by the program's administrator, the employee will be allowed to return to work when work is available for which the individual possesses the skills, qualifications, and experience or in accordance with the employee's rights under the Family and Medical Leave Act. Return from rehabilitation may also be conditioned upon the employee's compliance with individual responsibilities, which may include obtaining follow-up counseling and/or treatment and/or testing.

Any costs associated with the voluntary rehabilitation/treatment program will be at the expense of the employee unless the charge is specifically covered under Hamilton Center's insurance policy, and the employee is an active participant in the insurance program.

H. BACKGROUND DRIVING CHECKS

Each individual who is offered employment at Hamilton Center who drives a center vehicle or transports clients in their own personal vehicle as part of their job duties is required to successfully pass a pre-employment driving check. Bureau of Motor Vehicles (BMV) Records will be completed annually to assess driving records. An unfavorable record as detailed in the Driver and Vehicle Safety Policy could result in the loss of HCI vehicle driving privileges, personal vehicle driving on behalf of HCI business privileges, or employment. The following method of evaluation for all prospective and

current drivers' BMV Record's will be used:

1. One (1) or more BMV type 'A' violations in the past 3 years, or
2. Three (3) or more BMV 'B' violations in the past 3 years.

Proof of a valid driver's license or chauffeur's license (for specified positions) is also required for these positions. Proof of auto insurance will be requested as required.

I. CRIMINAL BACKGROUND CHECKS

Each individual who is offered and receives employment at Hamilton Center, Inc. must successfully pass a pre-employment and annual criminal background check as a condition of employment.

The following factors will be considered for those applicants with a criminal history (convictions) in determining whether to hire the external applicant or transfer or promote the internal applicant:

1. The nature of the crime and its relationship to the position;
2. The time since the conviction;
3. The number of convictions; and
4. Whether hiring, transferring, or promoting the applicant would pose an unreasonable risk to the business.

While each case, within the general employee population, must be examined on its own merit, the agency is prohibited from employing or contracting with a person for the Employment Services area who has been convicted of the following offenses:

1. A sex crime;
2. Exploitation of an endangered adult;
3. Failure to report:
 - a. battery, neglect, or exploitation of an endangered adult or
 - b. abuse or neglect of a child;
4. Theft, if the person's conviction for theft occurred less than ten (10) years before the person's employment application date;
5. Murder;
6. Voluntary manslaughter;
7. Involuntary manslaughter;
8. Felony battery; or
9. A felony offense related to a controlled substance.

A criminal history check from each county in which an employee, intern, student worker, or volunteer involved in the management, administration, or provision of services in the Employment Services area has resided during the three (3) years before the criminal history check is requested shall be required.

In compliance with the Indiana Department of Child Services (DCS) and as a condition of employment, background fingerprinting and CPS checks will be completed for every new hire, transfer, volunteer or contractor with direct regular and ongoing DCS or IVB client contact. Subsequent background fingerprinting will be conducted every four years thereafter. The DCS Central Office will inform HCI if the employee is qualified or disqualified based on FBI transcript and fingerprint-based Indiana State criminal history check reports. Disqualification of employment will result if the applicant

has been convicted of a felony or a misdemeanor related to the health and safety of a child.

After Human Resources receives satisfactory results from pre-offer reference and criminal background checks, and post offer TB and drug testing, Human Resources will notify the candidate in writing to confirm the initial offer.

J. EMPLOYMENT REFERENCE CHECKS

To ensure that individuals who join HCI as employees or volunteers are well-qualified and have a strong potential to be productive and successful, it is the policy of HCI for the Human Resources Department and/or the hiring manager of the department to check the employment references of the selected applicant prior to extending a job offer.

The Human Resource Department is designated to respond to reference check inquiries from other employers. All inquiries concerning current or former employees must be in writing and referred to the Human Resources Department. It is the policy of HCI to only respond with confirming title of position and dates of employment regarding references concerning former employees. In addition, for reference verification, we must have a signed release on file from former employees or applicants to give the requested information.

K. CLINICAL CREDENTIALING PRIVILEGES FOR EMPLOYEES OR CONTRACTORS - November 2014

Hamilton Center, Inc. has entered into employment and/or service contracts with practitioners or groups of practitioners for the performance of clinical and administrative services within the Hospital and its associated outpatient locations. All individuals functioning pursuant to such employment or service contracts shall obtain and maintain clinical privileges, for physicians and practitioners within applicable categories, in accordance with the terms of this Credentialing Policy and Process.

L. NETWORK USAGE POLICY – Updated March 2010

Hamilton Center, Inc. aims to provide staff with accessible, up-to-date and reliable information to support personnel at work. This requires HCI to provide access to its computer network and the vast information resources of the Internet to help employees perform their jobs and be well-informed. The network is a business tool for HCI, and is provided to staff at a significant cost. Access to the Internet is for the purpose of increasing service quality, productivity and other HCI business related purposes. Any connection to the Internet offers an opportunity for non-authorized users to view or access corporate information. Therefore, it is important that all connections be secure, controlled, and monitored to provide personnel with accessible, up-to-date and reliable information and learning technology to support staff in their work, research, and studies while protecting HCI resources.

The Network Usage policy in Appendix C outlines allowable usage of HCI's computer systems and network. It defines the proper use and misuse of Information Systems resources. The HCI network is a business tool for the organization. It is important that all connections be secure, controlled, and monitored to provide personnel with accessible, up-to-date and reliable information and learning technology to support staff in their work, research, and studies while protecting HCI resources.

Any email sent through the HCI network is recoverable and may be read by individuals other than the writer and intended receiver. Staff should be particularly aware that privacy and monitoring are critical to a secure operation of the HCI network. The IS Department has software and systems in place to monitor and record all Internet usage. These security systems are capable of recording each Web site and e-mail message into and out of HCI internal networks. All network usage through the HCI network is subject to review and monitoring. HCI reserves the right to do so at anytime. No employee should have any expectation of privacy regarding Internet usage. The HCI Information Technology (IT) Department reviews Internet activity and analyzes usage patterns. This data is periodically shared internally to assure that HCI network resources are devoted to maintaining the highest levels of service quality, productivity and security. HCI reserves the right to inspect any and all files stored in private areas of the network to assure compliance with this policy."

Staff may not access the Internet via HCI's network at any time, through any device, until s/he has read the Network Usage policy and completed the Information Systems Acceptance Form. Employees are required to participate in periodic re-training.

M. NATIONAL LABOR RELATIONS ACT – Updated January 2013

Hamilton Center is a non-union employer, however will assure that compliance with employee-concerted activity rights under the National Labor Relations Act (NLRA) is adhered to, and including the rights related to the terms and conditions of employment and work-related complaints. Further information related to your rights under the NLRA can be found at the following link: http://hcinet.hamiltoncenter.org/HR/LawPost/employee_rights_nlra.pdf.

N. COMPLIANCE PROGRAM

Hamilton Center is committed to conducting its business with the utmost professional integrity and honesty. This commitment extends to every aspect of Hamilton Center's business and to every work-related activity of Hamilton Center's employees.

In compliance with the efforts of the federal government to reduce fraud in billings and claim submissions to national health care programs, including Medicare and Medicaid, and in an attempt to avoid Center and employee liability, Hamilton Center has adopted a Compliance Program addressing all aspects of submission of medical claims.

All employees will access and review a copy of the Compliance Program Manual as part of

employee orientation. The compliance manual can be accessed on Hamilton Center, Inc. Intranet under the Human Resource and Organizational Improvement tabs. Within one (1) week of review of the Compliance Program Manual, the employee must sign and return the Manual Receipt Statement acknowledging full access and review of the Compliance Program Manual, as well as the agreement to participate in the Compliance Program.

The requirements for billings and claim submissions covered by the Compliance Program will be covered in the Compliance Program Manual and the training. The Compliance Program Manual and the training will also explain the obligations of an employee to report concerns about, or failure to comply with, the Compliance Program standards and the reporting procedures implemented for confidential and anonymous reporting.

All employees will receive initial training and continuing education training on the Compliance Program. Any questions regarding the Compliance Program should be directed to the Compliance Officer at 231-8271.

O. Hatch Act *Effective January 27th, 2017*

As a recipient of certain federal funds, Hamilton Center, Inc. and its employees must comply with all provisions of the Hatch Act. Employees may take an active part in political management or in political campaigns, they must do so in compliance with the provisions of the Hatch Act. Additionally, employees may be able to be a candidate for public office and continue their employment with Hamilton Center, Inc. Employees are always precluded from using any official authority or influence as an employee of Hamilton Center, Inc. for the purpose of interfering with or affecting the result of an election, or directly or indirectly coercing contributions from subordinates in support or pursuit of political office (see Political Intervention Policy). Employees are required to consult with the HCI Corporate Compliance Officer at 812-231-8236 to determine if running for office will make them ineligible for employment with Hamilton Center, Inc.

II. GENERAL INFORMATION

A. EMPLOYMENT CLASSIFICATIONS - Revised January 28, 2019

For the purpose of designating eligibility for certain benefits and the payment of overtime, employment classifications fall into one of the following categories:

Exempt/Non-Exempt. An **exempt** employee (salaried) is any individual whose duties and responsibilities are of an executive, administrative or professional character as described under the Fair Labor Standards Act and is, therefore, exempt from the provisions of the Act. Exempt employees (salaried) sometimes perform a certain amount of work in excess of the 40-hour workweek without additional compensation.

A **non-exempt** employee (hourly) is covered by the provisions of the Fair Labor Standards Act, including the provision for payment of all overtime hours worked.

Full-Time/Part-Time. A **full-time** employee is regularly scheduled to work 30 or more hours per week. A **part-time** employee is any individual who is regularly scheduled to work fewer than 30 hours per week.

Part-time employees may occasionally be required to work full-time hours because of business needs. These occasions will not alter the employee's part-time status unless management determines that the requirements of the position warrant converting the position to full-time status. If management makes that determination, the employee will be notified when the employment status is changed from part-time to full-time.

Regular/Temporary. A **regular** employee is an individual who has been hired to fill a specific position for an indefinite period of time. A **temporary** employee is an individual who has been hired for work of purely temporary nature. A temporary employee is entitled to statutorily mandated benefits set forth in Section III.

Relief. A **relief** employee is scheduled on an as-needed basis. A relief employee is entitled to statutorily mandated benefits set forth in Section III.

Hamilton Center participates in many grant opportunities, temporary employment, and contracted employment. These opportunities may result in employment based on the status of a grant, contract, or need. All employees of Hamilton Center Inc. including those which are temporary, contracted, or grant funded operate under the Hamilton Center Inc. Employee Handbook, Policies, and Procedures.

If an employee's FTE (Full-time equivalent) changes, their salary will change according to the FTE percentage change unless HCI determines otherwise.

B. IDENTIFICATION BADGES

All employees are issued identification badges that must be prominently displayed on the front upper torso so that the employee can be identified. When in the community, the employee must carry the identification badge at all times during work hours or when acting in an official capacity. Employees must report lost or stolen badges to their supervisor and Human Resources immediately. Identification badges remain the property of HCI and must be returned to Human Resources upon termination of employment. If a badge is lost, employees will be required to purchase a replacement from Human Resources.

C. ORIENTATION PERIOD – *Revised May 10th, 2018*

All employees hired for regular part-time or full-time employment must complete a minimum six-month orientation period. During the orientation period, the employee may decide that the new job is not what the employee thought it would be; or the supervisor may conclude that the employee's qualifications for that job are not well aligned; or the job and the employee's skills and qualifications are not a good fit. The six-month orientation period provides the employee a chance to demonstrate ability, skills, and interest and to determine whether the employee is satisfied in the position taken.

All new employees are required to complete a corporate orientation which will acclimate the employee to the corporation. Training continues at the program/site/department level, which must be completed within 90 days of hire or when transferring to another position. The department checklist is not required if remaining in the same position, but transferring to a different location. Both the corporate orientation and the departmental orientation must be appropriately documented and filed in the employee's personnel file. Employees will not perform any duties for which they need specific competencies or training before documented program/site orientation has occurred.

Program managers/supervisors will return all completed, signed and dated departmental training documentation to the Human Resources department immediately upon completion or no longer than 90 days from hire. Any pre or post tests used to evaluate job specific tasks or competencies should be attached to the program/site/departmental orientation documentation and sent to Human Resources.

Hamilton Center will give feedback on the employee's performance and conduct at regular intervals during the orientation period. An employee will receive a written performance review from the supervisor at the end of the first six months of employment indicating the success or failure of this period. Thereafter, written performance reviews will be done annually through the Performance Evaluation System. If management determines that the employee is not satisfying management's performance expectations at the end of the initial six months, the employee will be terminated at that time unless Hamilton Center, in its sole discretion, concludes that though the performance is not satisfactory, it reflects sufficient potential to warrant an additional period of observation and evaluation, in which circumstance, an extension of the orientation period may be permitted.

Once management determines that the employee has successfully completed the orientation period, the employee will be removed from orientation status. Because all employees are employees-at-will, employment may be terminated by Hamilton Center or by the employee for any reason or no reason at all at any time before or after completion of the orientation period.

An employee must complete the orientation period before requesting a transfer to another position.

D. TRANSFER/REASSIGNMENT

Any employee who is transferred, voluntarily or involuntarily, to a different position must complete a minimum six-month orientation period under the same terms and conditions as a new hire. At the sole discretion of Hamilton Center, an employee may be offered the opportunity to transfer at any time during the employment relationship.

E. POSITION VACANCY PROCEDURE - Revised January 28, 2019

The Human Resources department will prepare and distribute weekly a Position Vacancy Announcement via email distribution. The posting will remain open for the first five days from the initial posting date to allow internal applicants the opportunity to apply. Staff members interested in being considered for open positions are to notify the Human Resources department by completing an internal application on the HCI Net.

The hiring supervisor in the department seeking to fill the posted position will interview each staff member who applies within the five day posting period and meets the minimum qualifications for the position. The hiring supervisor will notify the supervisor of the employee before an offer of employment is officially made by Human Resources. Each staff member who goes through the selection process and if not selected will be notified by Human Resources of their status for the position prior to public announcement of the person selected. While it is desirable to promote from within, outside recruitment may be conducted in conjunction with the internal process.

New employees/transferring employees must complete the six-month orientation period before applying for a different position. At the sole discretion of Hamilton Center, an employee may be offered the opportunity to transfer at any time during the employment relationship.

Employees are encouraged to refer applicants to Hamilton Center for possible employment. Hamilton Center will accept applications from and give consideration to employment of qualified relatives or domestic partners of present employees. Immediate family and/or domestic partners of HCI employees will not be placed in positions within the same chain of command where they would directly or indirectly supervise one another or where they would have access to confidential information about one another. Immediate family is defined as a parent, sibling, and child by blood, adoption or marriage, or spouse. Domestic partner is defined as a personal relationship between two people who share a common domestic life but are neither joined by marriage or a civil union.

Other close relatives employed by Hamilton Center will not be placed in positions where they directly supervise one another; however, the employee can be employed in the same chain of command through indirect supervision. Close relatives are defined as grandparents, grandchildren, in-laws, nieces, nephews, uncles, aunts and first cousins.

All other relatives may be employed in any capacity within the organization.

F. WAGE INCREASES

Hamilton Center reviews compensation annually. Wage increases and other forms of compensation are based upon job performance, attendance and punctuality, ability to get along with other employees, and the appropriate wage range for the job. If at any time you have questions concerning your earnings, please discuss them with your supervisor.

G. PERFORMANCE EVALUATION SYSTEM

Hamilton Center, Inc. utilizes a Performance Evaluation System to evaluate and reward employees throughout the organization. The Performance Evaluation System is intended to support a performance management system that links employee pay with achieving organizational goals and objectives. It is a system that focuses on what the organization can do through its employees to improve the quality of services. The plan recognizes and rewards results and outcomes of our individual employees, their work teams, and the overall organization. Employees who want to review the PES or PES manual may review the latest copy on the HCI Net or request a copy from their supervisor or the HR Department.

The PES review allows the supervisor to discuss the employee's overall performance and summarizes both formal and informal discussions held throughout the review period.

The review will evaluate the employee's strengths and weaknesses through the use of performance goals and competency indicators. The employee will be given an opportunity to include comments before signing the PES review for inclusion in the employee's personnel file.

H. PAY PERIODS AND PAYDAY- updated November, 2014

The biweekly pay period begins at **12:00 midnight** on alternate Mondays and ends two weeks later. Employees are paid on Wednesday ten calendar days after each pay period ends. Wages will be electronically available in a bank designated by the employee on payday. All employees can access pay information through the Paycor system on pay day. Electronic deposit of wages is a condition of employment at Hamilton Center.

I. RECORDING YOUR TIME- updated November, 2014

Non-exempt employees are required to maintain an accurate record of all time worked. Time is recorded via **Paycor**, a computer-based timekeeping program. The time record is a legal record of the hours worked. Wages are based on the time recorded. The time recorded must accurately reflect

all hours worked and all hours taken for holidays or other absences. Both exempt and non-exempt employees are required to document all hours taken as PTO via the **Paycor** program.

Time records must be completed by 10:00 a.m. Monday following the close of a two-week pay period to assure prompt payment of wages.

J. PAYROLL DEDUCTIONS

Hamilton Center is required by law to withhold from each employee's pay federal income withholding tax, state and local income taxes, and the employee's portion of Social Security taxes. Other deductions designated by the employee and permitted under Indiana law will be made by Hamilton Center.

K. HOURS - *Reviewed January 2019*

Hamilton Center Inc. observes normal business hours from 8:00 a.m. to 5:00 p.m., Monday through Friday. Because of the nature of Hamilton Center's business, however, hours of work vary to accommodate the needs and responsibilities of the various Center departments.

L. OVERTIME AND HOLIDAY PAY

Hamilton Center complies with the provision of the Fair Labor Standards Act (FLSA) in computing overtime. Hourly employees will be paid one-and-one-half their regular rate of pay for overtime worked based on the following schedule:

- ◆ 40 hours week – ***hours worked over 40 hours in a week*** – all hourly employees.

An hourly employee may not work overtime hours without prior approval of the supervisor. An hourly employee may not work through the lunch period without prior approval of the supervisor. Holiday or paid time off hours will not be counted as hours worked in the calculation of overtime. If employees are required to work overtime, the overtime will be treated as regularly scheduled hours

Holiday Pay – ***Revised 2/16/2021*** Regular full-time hourly employees who must work a paid holiday will be paid their regular rate of pay for actual hours worked plus holiday pay (prorated to employee FTE, maximum of 8 hours holiday pay). Relief and part-time hourly employees who work on a paid holiday will receive holiday pay equal to the number of hours worked on the mandatory holiday (not to exceed 8 hours per holiday). Non-management exempt (salary) employees who are scheduled to work a shift on a paid holiday will receive their next scheduled work day off with pay. Non-management exempt (salary) employees who's regularly scheduled day off falls on a holiday will receive their next scheduled work day off with pay. Relief and part-time hourly employees that do not work on the mandatory holiday will not receive holiday pay.

M. SHIFT DIFFERENTIALS *Revised May 10th, 2018*

RN and LPN positions receive evening, night, holiday and weekend shift differential pay while working in the Medical Services Division. Mental Health Technician I and II's also receive night

shift differential.

N. ABSENTEEISM AND TARDINESS *Revised 12/1/2020*

Punctual and regular attendance is a responsibility of each employee at Hamilton Center Inc. Avoiding unscheduled absences is essential to consumer engagement, customer service, and organizational efficiency and sustainability. Employees are expected to report to work as scheduled, on time and prepared to work. In addition, employees are expected to remain at work for their entire work schedule, other than scheduled breaks. Late arrivals, early departures or other absences from scheduled hours are disruptive and can only occur with supervisor approval.

This policy does not apply to absences covered by the Family and Medical Leave Act (FMLA) or leave provided as a reasonable accommodation under the Americans with Disabilities Act (ADA). These exceptions are described in separate policies.

Scheduled Absences

Scheduled absences require prior management approval at least 10 hours prior to the scheduled absence, except in unusual or extenuating circumstances. "Approval" denotes that the supervisor has acknowledged and approved the employee's request for scheduled time off. Notice is critical to the supervisor's ability to cover the shift/work necessary. Scheduled absences generally include the following:

- ◆ Family or medical leave (which is unpaid unless paid time off is used simultaneously)
- ◆ Military service (which is unpaid unless paid time off is used simultaneously)
- ◆ Approved jury service
- ◆ Approved bereavement leave
- ◆ Personal Leave of Absence
- ◆ Pre-approved PTO

Unscheduled Absences

Unscheduled absences occur when an employee is not able to secure approval from his/her supervisor at least 10 hours before his/her scheduled time to work. This would include absences from the workplace for reasons other than identified in the scheduled absence section, such as illness. If available, PTO must be used. Unscheduled absences are recorded in Paycor.

Because the organization understands that on occasion employees may need to be absent from the workplace without the ability to give 10 hours' notice for illnesses or other emergent issues, employees are granted six unscheduled absences in a rolling calendar year. The 7th unscheduled absence will result in a verbal warning and documented on a corrective action form; the 8th unscheduled absence will result in a written warning documented on a corrective action form and the 9th unscheduled absence will result in termination. See the schedule below.

Employees can move either way along the corrective action continuum as days drop off or are added to the rolling calendar year.

The corrective action structure for unscheduled absences is as follows:

Day 7: Verbal warning
Day 8: Written warning
Day 9: Termination

Excessive Unscheduled Absences

Excessive unscheduled absences are defined as nine unscheduled days absent in a rolling calendar year and will result in termination.

Tardiness

All employees are expected to report to work at their regularly scheduled start time prepared to work. In addition, employees are to remain at work until the work period ends, unless otherwise preapproved by the supervisor.

Failure to report to work on time is considered being tardy. Being tardy nine times in a rolling calendar year will result in termination. Managers can document such activity in Paycor under the “notes” section.

The corrective action structure for being tardy is as follows:

7 time tardy: Verbal warning
8 times tardy: Written warning
9 times tardy: Termination

O. CHANGES IN EMPLOYEE INFORMATION – Revised May 10th, 2018

To keep personnel records correct, you must promptly inform Human Resources. Changes can be reported online through Paycor for any of the following items:

- ◆ home address,
- ◆ home telephone number,
- ◆ emergency contact, and
- ◆ County of residence.
- ◆ Name
- ◆ Number of dependents,
- ◆ Voluntary payroll deductions,
- ◆ Military status,
- ◆ Beneficiary designee,
- ◆ Marital status, etc.

P. ACCIDENTS

All accidents that include any event that is not expected, foreseen, or intended, must be reported immediately to the supervisor. The accident must be reported whether or not there is personal or physical damage involved. A near miss, where the potential for injury or damage exists, is to be reported as well. Accidents and near misses are investigated to eliminate unsafe conditions and unsafe acts. If your supervisor is not available, report the accident or near miss to Human Resources.

Any injury that happens on the job, on Center property, or while conducting Center business, no matter how slight, must be reported immediately to the supervisor to receive prompt and proper medical attention. The supervisor must promptly report the accident to Human Resources and the Operations Department. An injured employee may be required to go to an HCI-chosen physician for initial treatment and any HCI-required follow-up examination. If a supervisor determines that medical attention is needed, the employee must comply with the supervisor's decision. Refusal to have medical attention may result in disciplinary action.

If an injury requires an employee to be absent from work or to incur medical costs, the employee must contact Human Resources for the appropriate forms to be completed and processed for worker's compensation.

Q. EMERGENCY CODES

The following codes have been set up to notify staff in the Terre Haute corporate offices of emergency situations:

- ◆ Dr. Strong – designated staff with CPI training report immediately to the announced designated area. This code is called when assistance is needed to deal with a client crisis.
- ◆ Dr. Emory House – designated staff with CPR certification report immediately to the announced designated area. This code is called in response to a cardiac or breathing emergency.
- ◆ Code Red – all individuals should remain behind closed, locked doors, if possible, until “all clear” is announced. Police Department should be notified. This code indicates someone is threatening to use a weapon.
- ◆ Code Kansas – follow tornado emergency procedures for your area. Take immediate cover. This indicates a tornado has been seen.

R. TRAFFIC VIOLATIONS

The employee will be responsible for any traffic citation given when driving on HCI business or at any time when using an HCI vehicle.

S. PARKING

Employees are to park in designated HCI locations only and are prohibited from parking in the public parking lot directly in front of the Shriner Building. Second offense violators will have their vehicles towed. Employees working at the 500 and 620 8th Avenue locations should obtain a parking tag from the Operations Department for use in identifying vehicles. Further questions regarding parking should be directed to the Operations Department.

T. JOB DESCRIPTIONS

Job descriptions are used to aid in staffing, wage and salary administration and communication between employees and supervisors. Job descriptions are not fixed Center policy; they are only guidelines and can be expected to change over time.

Occasionally, employees are expected to perform duties and handle responsibilities that are not a part of their normal job description. If, over several months, the new duties and responsibilities remain a significant part of the assignment, the job description may be changed to reflect the actual practice.

Job descriptions are reviewed annually by HCI management for accuracy. Supervisors will secure signatures from each employee they supervise and forward to Human Resources for inclusion in the employee personnel record.

U. TELEPHONE USE

Prompt and efficient telephone service is an important part of Hamilton Center's office operation. Hamilton Center seeks the help of all employees in keeping the lines clear for business calls. Incidental and occasional telephone use for personal calls is permitted only when such use does not generate a direct cost to Hamilton Center including the cost of loss of time during scheduled work hours. Personal calls should be made only for essential personal business and must be brief in duration. Personal telephone use should not interfere with job duties or result in a loss of productivity. This includes personal cell phone usage.

V. PERSONAL APPEARANCE – Updated April 28, 2023

Hamilton Center has a modified business casual dress code. Appropriate dress and personal grooming create a favorable image for Hamilton Center. Employees are expected to maintain high standards of personal cleanliness and attire. Personal cleanliness includes regular bathing, dental hygiene, and freshly laundered clothing. Clothing should be consistent with the professional image of the position of the employee and should not be offensive to consumers or fellow employees.

Management staff will set the example for professional appearance in the workplace and are responsible to communicate the company standards of dress to all employees.

Modified business casual attire for women includes suits, dresses, skirts with blouses or sweaters, or khakis, dress capris or dress slacks with a professional blouse, shirt or dress T-shirt. Modified business casual attire for men includes dress slacks, khakis, or Dockers style pants and a collared dress shirt with/without a tie or sports/suit coat, polo-type shirt or other type of dress shirt or sweater.

While not an all-inclusive list, inappropriate attire includes the following prohibited items:

Shorts (pants that are mid calve length or above)	Sweatpants	Workout/jogging attire
Sheer or see-through clothing	Clothing that reveals underwear or cleavage	Halter or tank tops
Miniskirts or dresses that are shorter than three inches above the knee	Mesh shirts	Cut-off shirts
Caps or hats	Ripped/frayed jeans	Capri pants (pants that are longer than shorts but not long enough to be considered pants) for men

Discretion must be used when wearing dress T-shirts with logos, pictures, slogans, etc. and the attire must be appropriate to wear in a professional work environment. Midriff areas must be covered. Tights, leggings or other types of hosiery must be accompanied by a fingertip length or longer top, suit, skirt or dress.

Visible body art or tattoos are discouraged. Tattoos that are offensive, depict illegal activities, or are contrary to the principles of Trauma Informed Care and or the Mission of Hamilton Center are prohibited and must be covered while working for HCI. Visible body piercings (except ear piercings and nose piercings) must be removed while working for HCI. Staff should not wear any jewelry that imposes a safety hazard.

If a staff person is providing services at a non HCI facility where tattoos/body art are prohibited, the staff person must comply with the personal appearance policy of that organization. At all times, choices on footwear must give consideration to safety, infection control, weather and mobility of a position. All footwear must be secured to the front and back of the foot. All staff in 24-hour settings and rehabilitative settings at a minimum will wear closed toed shoes that are secured to the back of the foot.

Non-ripped/non-frayed jeans are permitted on designated casual day the first Friday of each month. In addition, non-ripped/non-frayed jeans will be allowed for community, home based and group home work (not to include other community agencies such as schools, DCS etc.) and other positions as designated by Director and above level staff.

In general, religious attire is permitted as long as it does not impose an undue hardship on Hamilton Center. Accommodations for special situations will be handled on a case-by-case basis by the supervisor and Human Resources.

Hamilton Center reserves the right to determine that particular attire and jewelry is inappropriate, to inform the employee of this and ask that the employee's attire or jewelry be changed if it is not appropriate. Staff failing to comply with the Center's professional image shall be subject to disciplinary action, up to and including possible termination.

W. SMOKE FREE/TOBACCO FREE POLICY *effective July 1, 2014*

Hamilton Center, Inc. shall make a good faith effort to provide and maintain a **smoke free/tobacco-free** environment. Tobacco is defined as all products that contain tobacco, such as cigarettes, cigars, e-cigarettes, chewing tobacco, pipes and all smokeless tobacco products. Tobacco use is not permitted anywhere on HCI facilities and grounds, including employee vehicles and parking lots, HCI owned vehicles and vehicles on HCI property. Tobacco like products such as e-cigarettes are also prohibited in all locations cited above.

HCI supports tobacco cessation efforts through:

1. Health and Wellness Committee activities,
2. Guardian EAP Work Life Matters resources,
3. Prescription coverage for smoking cessation medications,
4. Referrals to Quit Now Indiana, and
5. Channing Bete *You Can Quit Smoking – Plan for Success* materials on loan.

Violations of this policy will result in disciplinary action, up to and including discharge.

X. ETHICAL RESPONSIBILITY

Staff relationships with a client must be of a professional nature only. Employees are not to seek non-work related opportunities for social relationships with either current or former individuals who utilize Hamilton Center's services. All employees are expected to exhibit professional judgment in providing direct care and follow-up services to the individuals served by Hamilton Center so as not to be perceived as taking advantage or preying upon their needs.

Employee Request - If an employee identifies an aspect of clinical care in which the employee desires not to participate based upon identifiable cultural, ethical or religious beliefs, the employee may request to be excused from such clinical care. The request is submitted on a Staff Request Form and should be submitted to the employee's clinical supervisor. If accommodation is possible, the employee will be excused from such clinical care. If an accommodation is not possible, the employee will be expected to perform the clinical care with the same degree of care and skill as would be provided if no objection were made to the clinical care. In emergency situations, employees are required to perform all aspects of clinical care in a professional, skilled manner.

Y. NO SOLICITATION OR DISTRIBUTION

There shall be no solicitation for any activity while either the employee(s) doing the soliciting

or the employee(s) being solicited is on working time. "Working time" does not include break or meal periods. There shall be no distribution of literature (that is, printed matter of any kind) by employees on working time or in working areas at any time.

Non-employees are prohibited from soliciting or distributing literature on Center property at any time.

Z. NON-DISCLOSURE OF CONFIDENTIAL INFORMATION AND NON-SOLICITATION OF CLIENTS –

Employees, as part of their job duties, may have access to information that Hamilton Center considers confidential. Confidential information includes, but is not limited to, Hamilton Center, Inc. employee salary, benefit, medical and other personnel information. Employees who have access to this information are expected to treat the information as confidential and not discuss or disclose it except as necessary in connection with the performance of their work. All information regarding an employee's medical records or health status will be kept in separate files and shall be treated confidentially. This confidentiality requirement excludes any concerted, protected activity defined under the National Labor Relations Act.

All consumer information, including but not limited to the names, personal information and treatment information for each client served through the Center is designated as confidential and proprietary information which may not be disclosed pursuant to policies of the Center and/or State/Federal statute. All such information shall be held by the employee in complete confidence and shall be used during the term of the employment only for purposes of treatment through the Center. Employees are not to access consumer records for which they have no business necessity.

All records and accounts of consumers generated during the course of treatment of the consumer through the Center, whether prepared by the employee or otherwise coming into the possession of the employee, shall be the exclusive property of the Center regardless of who actually collects the information and records it. All records and accounts shall remain with the Center at the time of any termination of employment without the employee making or retaining any copies of excerpts of any information within such records or accounts.

The duty of the employee to maintain the confidentiality of client information continues indefinitely after the termination of the employment relationship. Present or past employees shall not make known to any person, corporation or other business the names and addresses of any of the clients of the Center or any other information pertaining to those clients, except as required by State, Federal statute or other contractual obligations statute.

In addition to the confidentiality of records and accounts stated herein, an employee shall not, for

a period of one year immediately following termination of the employment relationship with the Center, either directly or indirectly:

- Call on, solicit or make aware or attempt to call on, solicit or take away any of the clients of the Center from whom the employee has provided services or with whom the employee has become acquainted during and as a result of the employment with the Center, either for the benefit of the employee or for any other person, corporation or business.
- Compete with Hamilton Center as follows: The positions of Psychiatric Nurse Practitioner, Advance Practice Nurse, Clinical Nurse Specialist, Psychiatrist, HSPP or Licensed Psychologist and Physician will not recruit or induce HCI employees to leave the employment of HCI. Unauthorized disclosure of confidential information will subject an employee to immediate discharge and possible criminal and/or civil penalties.

AA. COOPERATION WITH INVESTIGATIONS

From time to time when problems such as theft, dishonesty, destruction of property, alcohol or drug use, inappropriate conduct toward consumers or consumer information, other inappropriate conduct arise, or problems with the Compliance Program, Hamilton Center may require the full cooperation of an employee in an investigation. All employees requested to cooperate in such an investigation are expected, as a condition of employment, to cooperate fully. Failure to cooperate in an investigation will result in discharge. Such cooperation may include submitting to searches of your personal and/or HCI property. This rule is for the protection of employees and consumers.

BB. OUTSIDE WORK

Employees must report in writing any outside work to the employee's supervisor and Human Resources. Activities in which an employee engages on the employee's own time outside of employment at Hamilton Center are not Hamilton Center's concern unless they compromise Hamilton Center's interests or adversely affect the job performance. An employee may not hold any other employment or engage in any personal business, including as an independent contractor, which would create an actual or a potential conflict (or the appearance of a conflict) of interest with the employee's employment at Hamilton Center. If outside work would involve products, services, or consumers similar to those of Hamilton Center, involve a person or an entity that has a business relationship with Hamilton Center, or involve a person or an entity that is in competition with Hamilton Center, this would create a conflict of interest and the employee is obligated to disclose the situation to Human Resources immediately. If an employee is uncertain whether outside work would create a conflict of interest or involve a person or entity doing business with or in competition with Hamilton Center, the employee must promptly discuss the situation with Human Resources. Whether or not the employee will be

permitted to remain employed at Hamilton Center in a situation where outside work would potentially create a conflict of interest or the appearance of such a conflict will be Hamilton Center's decision.

All HCI staff must complete a Conflict of Interest questionnaire annually and must give notice to Human Resources of any change at any time in the information provided on the questionnaire.

Even for outside work that is permissible, the employee should consider whether the demands of that work will interfere in any way with employment at Hamilton Center. Outside work will not be considered an excuse for poor job performance, absence, tardiness, leaving early, refusing to travel, or refusing to work overtime or a changed schedule.

CC. VISITORS IN HAMILTON CENTER

Occasionally HCI employees may find it necessary for visitors to come to their place of employment. In these instances, all visitors should enter through the main entrance and register at the front desk, sign a confidentiality agreement, and obtain a visitors badge. The employee must meet the visitor at the front desk and escort the visitor. Personal visitors (including children) should be kept to a minimum. The productivity of employees and the confidentiality of clients should not be compromised in any way by the visitation of family and friends. Visitors must return badge and sign out when departing. The employee is responsible to abide by Hamilton Center's visitor policy.

DD. RESIGNATION OF EMPLOYMENT

A written notice of resignation of employment should be given to the employee's supervisor a minimum of two weeks prior to the effective date of such resignation. Notice of four weeks is preferred.

Prior to the effective date of the resignation, the employee must turn in HCI property and records, complete all required forms and make arrangements for retirement funds, insurance, etc.

Upon termination of the employment relationship, the supervisor shall complete a final evaluation form for the employee's personnel file. No information will be given by Human Resources without a signed release.

EE. ISSUE RESOLUTION PROCEDURE

In any organization there may be honest differences of opinion about working conditions, discipline, rules, and other personnel issues. To achieve service and employment goals, Hamilton Center and all its employees must be committed to open communication and continually seek opportunities to perform jobs more effectively. An open channel of communication is essential to a good work atmosphere. Employees with suggestions or concerns are encouraged to take the following steps. First, if there is a problem, discuss it with the supervisor, who, in most cases, will be

able to resolve the situation.

If the first step does not result in a satisfactory solution and the issue is related to operations or production, bring the problem to the attention of the next level of management, who will conduct a detailed review of the matter and, if necessary, meet with all involved parties to bring about a mutually acceptable solution. If the issue is related to benefits and personnel issues such as communication problems, working conditions, or co-worker conflicts, bring the problem to the attention of a member of Human Resources, who will conduct a detailed review of the matter and, if necessary, meet with all involved parties to bring about a mutually acceptable solution.

If the issue involves the immediate supervisor or division director with whom the employee would ordinarily discuss a problem, the employee may bypass that individual and proceed to the next person in authority without fear of reprisal. All meetings associated with corrective actions and/or issue resolution procedures may not be audio taped without the consent of all parties involved. Employees may obtain formal issue resolution procedure forms in the HR Department when the issue is unresolved. No retaliatory action shall be taken against any employee at any step in the issue resolution process. Filing an issue resolution, however, is not protection to an employee with an ongoing performance problem.

FF. OPPORTUNITY FOR IMPROVEMENT

Employees are encouraged to suggest methods to improve quality and efficiency in Hamilton Center. Suggestions should be detailed so that the system or procedure can be adequately evaluated. Submit the Opportunity for Improvement (OFI) in writing to the Quality & Compliance Department. The Quality Leadership Forum (QLF) will make an assignment to the proper team for action.

GG. WORKPLACE VIOLENCE

Violence by an employee or anyone else against an employee, supervisor, or member of management will not be tolerated. The purpose of this policy is to minimize the potential risk of personal injuries to employees at work and to reduce the possibility of damage of HCI property in the event someone, for whatever reason, may be unhappy with an HCI decision or action by an employee or member of management.

If an employee receives or overhears any threatening communications from an employee or outside third party, the employee should report it to a supervisor at once. The employee should not engage in either physical or verbal confrontation with a potentially violent individual. If the employee encounters an individual who is threatening immediate harm to an employee or visitor to Center premises, the employee should contact an emergency agency (such as 911) immediately. All reports of

work-related threats will be kept confidential to the extent possible, investigated, and documented. Employees are expected to report and participate in an investigation of any suspected or actual cases of workplace violence.

Violations of this policy, including failure to report or fully cooperate in Hamilton Center's investigation, may result in disciplinary action up to and including immediate discharge.

HH. MEAL AND BREAK PERIODS – Updated 6-15-2022

Meal and break periods vary by employment classification and the staffing needs of the division/department to which the employee is assigned. Meal and break periods are designated by the employee's supervisor. Paid breaks are no longer than 10 minutes in duration. To be unpaid, a meal period for an hourly employee must be at least 30 consecutive minutes in length and taken away from the employee's work area. An hourly employee must be completely freed from duty during an unpaid break and may not work through scheduled unpaid meal periods without supervisor approval.

II. COMMUNICATIONS

Internal communications are promoted through the following mechanisms:

- Bulletin Boards - Posted items must be approved in advance by the supervisor or Human Resources.
- ♦ The HCI News - News items should be submitted to the Marketing and Business Development Department.

External communications are restricted as follows:

- ♦ Mail - Personal mail should not be directed to Hamilton Center. Employees may not use the Hamilton Center name or account when ordering personal items.
- ♦ Media - Staff who wish to disseminate information to the media, an external entity or other person(s) regarding HCI and its operations and activities, must first contact the Marketing and Business Development department for assistance in preparing an appropriate press release.
- ♦ Employee Records - All requests for employee information, by subpoena or otherwise, must be referred to Human Resources.

JJ. Possession of Firearms/Ammunition on HCI Property – Updated 6-10

Firearms, ammunition, explosives, and/or weapons are prohibited from all HCI buildings and facilities. Except at prohibited HCI parking locations, legal firearms and ammunition may be kept in an employee's vehicle. Legal firearms or ammunition must be locked in the trunk of the employee's vehicle, kept in the glove compartment of the employee's locked vehicle or stored out of plain sight in the employee's locked vehicle. In compliance with IC 34-28-7 HCI employees are prohibited from possessing firearms, ammunition, explosives, and/or weapons on the grounds and parking lots of:

1. Child and Adolescent Services (CAS), including HCI parking lots west and south of the CAS building;
2. HCI child care homes;
3. Employment Solutions;
4. HCI group homes;
5. Sub-Acute Services; and
6. In the employee's personal vehicle while transporting an individual with developmental disabilities.

When an employee sees a firearm or ammunition in a vehicle on HCI property, the individual must report the incident to their supervisor and the Operations Department at 812-231-8323.

An employee will be disciplined and may be discharged if the employee:

1. Fails to secure a firearm or ammunition in a locked vehicle;
2. Fails to report any firearms or ammunition seen in plain view in vehicles on company property; or
3. Possesses a firearm or ammunition in the parking lot of one of the excluded facilities.

KK. CLINICAL SERVICES FOR HCI EMPLOYEES & THEIR FAMILY - 06/2020

HCI employees, spouses and dependents may be enrolled in behavioral health or addictions treatment services provided by HCI. If an HCI employee/family member is in crisis, they may seek services at the Access Center or Hamilton Center, Inc.'s nearest location. Please refer to the Clinical Services procedure on the HCI net under Operations Manual OP.11.03.01.00.

LL. REVISIONS TO EMPLOYEE HANDBOOK

Revisions to this handbook will be made from time to time and shall be posted to the HCI Net. A memo shall be distributed to all employees notifying them of the revisions made and it will be the responsibility of each employee to familiarize him/herself with said revisions. An acknowledgement form must also be signed and returned to Human Resources for inclusion in the employee's file.

MM. MILEAGE

Hamilton Center will reimburse employees for approved business related mileage and other appropriate expenses incurred. Mileage is reimbursed at the current internal revenue service mileage rate except when the mileage rate is otherwise specified by contract or grant. Employees who incur mileage of more than \$10.00 any month must submit the Mileage report monthly. For additional information on mileage calculations, recording of mileage and other details of this policy, see the following link (<http://hcinet.hamiltoncenter.org/PolicyManuals/policy.asp?ID=354>)

NN. Supporting Nursing Mothers at Work- 2/03/20

As part of our family-friendly policies and benefits, Hamilton Center supports breastfeeding mothers who wish to express breast milk during their workday.

Employee must contact Human Resources in advance of the need to express breast milk to reserve a room. Human Resources will coordinate with the Program Manager of that area. Expressed breast milk stored in a Hamilton Center refrigerator must be placed in a secondary container and labeled with the name of the employee and date of the expressed breast milk.

Employees storing the expressed breast milk in a Hamilton Center refrigerator assume all responsibilities for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration and tampering.

Hamilton Center will allow reasonable break periods for nursing mothers.

Consistent with Department of Labor standards and Indiana Code, for up to one year after the child's birth, any employee who is breastfeeding their child will be provided:

- Reasonable breaks to express breast milk; and
- A place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee for such purpose;
- A refrigerator or other cold storage space for keeping breast milk that has been expressed; or allow employees to bring their own portable cold storage device for keeping breast milk that has been expressed until the end of the work day.
- A secondary container to store expressed milk if utilizing an HCI refrigerator if you do not have your own.

III. BENEFITS AND SERVICES

A. STATUTORY BENEFITS

In accordance with applicable law, the following benefits are provided to all employees.

Worker's Compensation - Worker's compensation insurance provides financial protection in the event an employee is injured or becomes ill as a result of employment. This coverage is in compliance with the worker's compensation laws of Indiana, and Hamilton Center pays the entire cost of this protection.

To be assured of maximum coverage, HCI guidelines require that immediate reporting of work-related accidents must be followed to permit filing of a timely claim.

Unemployment Compensation Insurance - These benefits are paid to the employee by the State should the employee become unemployed and qualify for assistance under the laws governing this insurance.

Social Security - All employees are covered by the Federal Social Security Act. A required percentage of the employee's salary is deducted from the employee's paycheck to pay the employee's portion of this protection, and Hamilton Center matches the deduction dollar for dollar. The plan is designed for the employee's future security and that of the employee's dependents and provides for retirement, disability, death, survivor and Medicare benefits.

B. INSURANCE PROGRAMS

A full-time regular employee is eligible for group health, life, vision and dental insurance on the first of the month after completion of 30 days of continuous employment. A part-time regular employee of .50 FTE - .74 FTE is eligible for group health insurance at the first of the month following completion of 30 days of continuous employment.

Group Health Insurance - Hamilton Center pays a portion of the premium for the employee, spouse and/or dependent coverage.

Life Insurance: Accidental Death and Dismemberment Insurance - Hamilton Center pays the entire premium for the employee.

Supplemental Life Insurance - The employee may purchase additional term life insurance at the employee's expense based on a schedule by age and annual salary.

Dependent Life Insurance - The employee may purchase term life insurance to cover the employee's spouse and/or dependents at the expense of the employee.

Vision Insurance - The employee may purchase vision insurance to cover the employee, spouse and/or dependents at the expense of the employee.

Dental Insurance - Hamilton Center pays a portion of the premium for the employee. The employee may purchase dental insurance to cover their spouse and/or dependents at the expense of the employee.

Short-Term Disability Insurance - Updated 7/30/18 - A full-time regular employee is eligible

for short-term disability beginning the 46th day of a non-occupational extended illness. The program provides monthly benefits after extended periods of disability caused by non-occupational injury or illness. The covered, eligible employee will receive a weekly benefit during the continued disability period from the 46th through the 90th day of a qualifying disability. Short-term disability insurance will be discontinued once the employee is released to work. Hamilton Center, Inc. administers short-term disability similarly to the long-term disability plan. For information about specific benefit amounts, see Human Resources.

Long-Term Disability Insurance - A full-time regular employee is eligible on the 91st day of a non-pre-existing, non-occupational extended illness for long-term disability insurance coverage. Hamilton Center provides the long-term disability coverage at no cost to the employee.

Other Insurance - Hamilton Center makes available to the employee the following group rate insurance at the sole expense of the employee: cancer expense protection; additional short-term disability protection; hospital intensive care plan; income security plus, and vision.

Hamilton Center has a flexible benefits plan that allows an eligible employee to pay the employee's proportionate share of the cost of insurance premiums, unreimbursed medical expenses and dependent care expenses on a pre-tax basis. The dollars the employee spends for these expenses are not subject to Federal, State, Local or Social Security taxes. Employees have the option to enter or drop this plan once a year during open enrollment or for specific qualifying events (within 30 days).

Hamilton Center periodically reviews the features of its insurance programs, including coverages, carriers and employee participation requirements. Any significant changes in the group health insurance plan will be communicated to covered employees prior to the effective date of the changes.

Any questions about insurance programs should be directed to Human Resources. Copies of the summary plan descriptions can be obtained on the HCI Net.

C. PAID TIME OFF

Paid Time Off (PTO) is an employee benefit for regular status employees that combines traditional vacation, personal and sick leave programs into one plan to provide both employees and the organization a flexible method of scheduling time off with pay. PTO includes hours that may be used at the employee's discretion, subject to management's **PRIOR** approval. Beginning the first full pay after an employee's hire date as a regular employee, PTO will accrue on a biweekly basis at the end of the pay period. This balance is located on the Paycor system. Pending PTO time may not be utilized as paid time off.

Interns and students are not included in this PTO policy.

PTO Accrual-Schedule 1 – updated 8/24/2020

Category	Service Requirement	Level	Total Annual Accrual	Maximum Carry Over/Year	Accrual Per Pay Period
<u>Non-Exempt/Hourly</u>	0 thru 4 years	A	18 days (144 hrs.)	288 hours	5.53 hours
	5 thru 9 years	B	23 days (184 hrs.)	368 hours	7.07 hours
	10 + years	C	28 days (224 hrs.)	448 hours	8.61 hours
Exempt/Salary	0 thru 4 years	B	23 days (184 hrs.)	368 hours	7.07 hours
	5 thru 9 years	C	28 days (224 hrs.)	448 hours	8.61 hours
	10 + years	D	33 days (264 hrs.)	528 hours	10.15 hours
Psychiatrist	0 thru 4 years	C	28 days (224 hrs.)	448 hours	8.61 hours
	5 + years	D	33 days (264 hrs.)	528 hours	10.15 hours
CEO, Chief Officer, Exec. Dir & Director	0 thru 4 years	C	28 days (224 hrs.)	448 hours	8.61 hours
	5 + years	D	33 days (264 hrs.)	528 hours	10.15 hours

PTO Accrual-Schedule 2 – updated 8/24/2020

Eligibility date accrual rates for FT regular employees hired or PTO eligible on or after 7/1/12

Category	Service Requirement	Level	Total Annual Accrual	Maximum Carry Over/Year	Accrual Per Pay Period
<u>Non-Exempt/Hourly</u>	0 thru 4 years	AA	13 day (106 hrs.)	160 hours	4.08 hours
	5 thru 6 years	A	18 days (144 hrs.)	288 hours	5.53 hours
	7 thru 9 years	B	23 days (184 hrs.)	368 hours	7.07 hours
	10 + years	C	28 days (224 hrs.)	448 hours	8.61 hours
Exempt/Salary	0 thru 4 years	A	21 days (170 hrs.)	288 hours	6.53 hours
	5 thru 6 years	B	23 days (184 hrs.)	368 hours	7.07 hours
	7 thru 9 years	C	28 days (224 hrs.)	448 hours	8.61 hours
	10 + years	D	33 days (264 hrs.)	528 hours	10.15 hours
Psychiatrist	0 thru 4 years	B	26 days (210 hrs.)	368 hours	8.07 hours
	5 thru 6 years	C	28 days (224 hrs.)	448 hours	8.61 hours
	7+ years	D	33 days (264 hrs.)	528 hours	10.15 hours
CEO, Chief Officer, Exec. Dir & Director	0 thru 4 years	B	26 days (210 hrs.)	368 hours	8.07 hours
	5 thru 6 years	C	28 days (224 hrs.)	448 hours	8.61 hours
	7+ years	D	33 days (264 hrs.)	528 hours	10.15 hours

Accrual rates for PART-TIME REGULAR employees are calculated by multiplying the FTE (full-time equivalent--i.e. 25, .50 .75, etc.) percentage by the appropriate PTO accrual factor.

PTO Accrual During Unpaid Leave - Updated 7/29/2020

When an employee is in partial paid status at any time during a bi-weekly pay period the employee will not accrue PTO time for that pay period. Bi-weekly PTO accruals will resume when the employee returns to paid status for a full pay period.

PTO Usage - Use of PTO does not count as time worked for purposes of computing overtime. Time off must be approved in advance by the appropriate Supervisor or Director unless it is an emergency. Eligibility and use of PTO must comply with the organization's policies.

While the PTO system does allow great flexibility in scheduling, it preserves the prerogative

of the Manager/Supervisor to approve or disapprove requests to use PTO subject to the best interest of the organization.

If an employee has accrued paid time off under this policy at the time the employee requests a leave under the Family and Medical Leave Act of 1993 ("FMLA"), and if the requested leave would otherwise qualify for paid time off under this policy; the employee will receive paid time off accrued under this policy at the same time as FMLA leave. In that event, the employee's available time off under this policy, as well as the employee's FMLA leave entitlement, will be reduced by the period of the leave. After an employee requests an FMLA leave, the employer will notify the employee that paid time off under this policy will be provided during the employee's FMLA leave. For a further explanation of this coordination, see "Substitution of Paid Leave" in the FMLA policy in Appendix "A".

Upon termination of employment, an employee who has completed his/her initial 90-day eligibility period will be compensated for any accrued and unused PTO hours at 100% of the employee's current base hourly rate. The employee must work the employee's normal scheduled hours for the employee's last pay period to accrue PTO for that pay period.

Leave of Absence - An employee will not accrue any PTO during an unpaid leave of absence. The employee must work a full pay period before PTO accruals resume.

Holidays – *Updated 06/28/21* - The following are recognized as mandatory paid holidays:

- ◆ New Year's Day
- ◆ International Women's Day (**Employees are required to report to work from 8am until 10am for a program. At the end of the program, all non-24-hour staff will be excused for the remainder of the day.**)
- ◆ Juneteenth (**Employees are required to report to work from 8am until 10am for a program. At the end of the program, all non-24-hour staff will be excused for the remainder of the day.**)
- ◆ Memorial Day
- ◆ July 4th
- ◆ Labor Day
- ◆ Thanksgiving Day
- ◆ Day After Thanksgiving
- ◆ Christmas Eve
- ◆ Christmas Day

If the mandatory holiday falls on Saturday, employees will have the preceding Friday off. If the mandatory holiday falls on Sunday, employees will have the following Monday off. Paid mandatory holidays are not considered in the calculation of overtime. A non-exempt regular employee must work the regularly scheduled shift before and after a holiday, on the holiday or be in an approved paid time off status to receive holiday pay.

PTO for non-mandatory holidays is considered discretionary and is available to the employee, with prior approval of their supervisor. There will be no premium pay for discretionary days.

For the PTO system, the nine (9) mandatory holidays will **not** be added to the PTO package. Regular, full-time employees are eligible for eight paid holidays in each calendar year and are paid up to eight hours pay for mandatory holidays as they occur. Regular full-time employees working less

than 40 hours receive an amount pro-rated to their full time equivalent percentage (FTE %). Regular full-time hourly staff required to work on a holiday will receive pay for the hours worked, as well as, the holiday pay. Non-management exempt (salary) employees who are scheduled to work a shift on a paid holiday will receive their next scheduled work day off with pay. Non-management exempt (salary) employees who's regularly scheduled day off falls on a holiday will receive their next scheduled work day off with pay. Relief and part-time hourly employees who work on a paid holiday will receive holiday pay equal to the number of hours worked on the mandatory holiday (not to exceed 8 hours per holiday). Relief and part-time hourly employees that do not work on the mandatory holiday will not receive holiday pay. No other status of employee receives holiday pay.

Procedure for PTO Utilization

- ◆ When possible, PTO must be scheduled in advance through the supervisor using the Paycor system. When an unanticipated need arises, supervisors must be notified as soon as possible.
- ◆ The employee is responsible for monitoring his/her PTO balance to assure that time is available when PTO is used. Should over utilization occur, an hourly employee will be paid **only** for the **current** PTO balance and any remaining hours will be without pay.
- ◆ Salary reductions for exempt employees will be done in accordance with federal guidelines. The available PTO balance is indicated via the **Paycor** system.
- ◆ The PTO Accrual Rate will change, as appropriate to the table above, on the employee's eligibility date.
- ◆ **PTO for hourly employees must be taken in minimum increments of .25 hours**
- ◆ Exempt staff must take PTO in half or full day increments based on the employee's work schedule. Supervisor approved absences of less than half the employee's scheduled work day does not require the use of PTO.
- ◆ If any employee becomes delinquent in fulfilling conditions of employment, i.e., **TB screening and testing, credentialing/privileging, training requirements, etc., PTO benefits** cannot be used until the requirement of employment is complete.
- ◆ Accrued PTO must be utilized (full days for exempt staff) prior to an approved leave of absence.

Maximum Accrual - Hours will not accrue in excess of the maximum carryover/year.

D. PTO CONVERSION - *Updated 5/31/21*

PTO may be converted to compensation each fiscal year (**July 1st – June 30th pay dates**) using the following guidelines:

Conversions may be made in 8 hour increments (minimum conversion of 24 hours) not to exceed the employee's total annual accrual (from table above) during any fiscal year.

Example: A non-exempt/hourly employee in level AA accrues 106 PTO hours per year. That employee will be allowed to convert 104 hours during that fiscal year.

In no case may the employee reduce his/her PTO balance to less than 40 PTO hours through such conversion.

Up to an additional 80 hours of Paid Time Off (PTO) may be converted to compensation for

exceptional use under the following circumstances:

- ◆ To assist an employee in meeting a down payment requirement of a new mortgage.
- ◆ To assist an employee with tuition requirements (tuition to include room and board, fees, books and tuition). The educational option may be exercised once per academic semester for the employee or an immediate family member. Family members are defined in FMLA policy. This assistance is for post high school education.
- ◆ To assist an employee in meeting health care expenses in excess of \$500.00 for which only the employee is responsible.

In no case may the employee reduce the PTO balance to less than 40 PTO hours under this exceptional conversion policy.

All requests must be made in writing to the supervisor with the approval of the CEO and must be accompanied by proper documentation of need.

E. PTO GIFTING

All PTO-eligible Hamilton Center, Inc. employees may participate in the PTO gifting program. This program allows the transfer of PTO hours from one employee to another under specific guidelines as outlined on the Paid Time Off Gifting Program Form. Transferred hours will convert to the receiving employee based on the donor's pay rate. Gifted PTO hours may be cashed in or used in accordance with normal PTO policy. All PTO donations are to remain anonymous and unsolicited.

F. EMPLOYEE COMPENSATION IN THE EVENT OF FACILITY CLOSURE

A Hamilton Center, Inc. facility may need to be closed due to various circumstances, which make the building temporarily unusable or inaccessible. The purpose of this procedure is to describe the process of how employees are paid in the event of a facility closure. The following sections describe facility closure scenarios and the related methods of compensation:

Facility Closure when the Employee is Already at Work - If an employee is at work when the facility is closed by the CEO (or designee), HCI will compensate both exempt and non-exempt employees at their regular rate for the remainder of the scheduled work shift that day.

Inclement Weather when the Facility is Not Closed

If an employee is at work and the employee deems it necessary to go home (for his/her own safety or the safety of family members), non-exempt employees may leave (with the approval of their supervisor) and are required to use PTO for the remaining hours of their work shift that day. Exempt employees (with approval from their supervisor) may also leave, and will be required to utilize PTO in half- or full-day increments, depending upon the remaining hours of their scheduled shift.

Facility Closure when the Employee is Not at Work –

If an employee is not already at work and the facility is closed by the CEO (or designee), HCI will compensate exempt employees at their regular rate for each work day the facility remains closed if they have worked at least one day during the same work week that the facility became closed. Situations requiring facility closure that will last more than one week will require exempt employees to begin using PTO the following work week. Non-exempt employees must use PTO for all missed work

hours. Unpaid status due to facility closure will not result in loss of PTO accrual for that pay period.

Efforts will be made to reopen any closed facility as soon as possible. During the interim, temporary work sites may be set up and employees may be directed to report to an alternate site to perform their job function. In this case, all employees reporting for work at their assigned site and working their entire shift will be paid as normal.

G. LEAVE OF ABSENCE *Effective Date 7/29/20*

Military Leave of Absence -Hamilton Center will comply with all applicable state and federal laws regarding military leave of absence. To request a leave of absence for military duty, the employee must furnish Hamilton Center with written proof of the service requirements two (2) weeks in advance of service dates or as soon as otherwise feasible. Hourly employees must utilize all accrued PTO while on FMLA status prior to moving to FMLA unpaid status. Non hourly employees must utilize all accrued full day PTO increments prior to moving to FMLA unpaid status.

Qualifying FMLA military exigency leave is limited to twelve (12) weeks in a rolling twelve (12) month period measured backward from the date of any FMLA leave usage. Qualifying FMLA Military Caregiver Leave is limited to a combined total of twenty-six (26) weeks during a single twelve (12) month period beginning the first day of leave and ending twelve (12) months later.

Family Medical Leave Absence

If an employee becomes unable to work because of a medical condition due to illness or injury of more than three (3) consecutive days and is determined to be FMLA eligible the employee will be placed on FMLA. If the employee is not eligible for FMLA, they may apply for a personal leave of absence. Hourly employees must utilize all accrued PTO while on FMLA status prior to moving to FMLA unpaid status. Non-hourly employees must utilize all accrued full day PTO increments prior to moving to FMLA unpaid status.

To be granted FMLA, the employee must provide proper documentation to Human Resources in a timely manner according to the guidelines which includes a physician's certification stating that the employee is medically unable to work and the estimated length of the absence.

To be FMLA eligible, an employee must have worked for Hamilton Center for at least twelve (12) months in the preceding seven years (does not have to be consecutive) and have worked 1,250 hours during the twelve (12) months immediately before the date FMLA usage begins. Such employees are entitled to up to twelve (12) weeks job protected FMLA leave in a rolling 12-month period measured backward from the beginning date of any FMLA leave usage.

For intermittent or reduced schedule medical leave, the physician's certification must clearly state the reason and frequency of time off required.

It is the employee's obligation to notify Hamilton Center at least five (5) working days prior to the expiration of FMLA whether the employee will return to work or whether the employee will need to

apply for a non-FMLA personal leave of absence. In either case, the employee must provide a physician's statement confirming the employee's ability to return to work or the basis for the need for a personal leave of absence.

If the employee is able to return to work at the conclusion of an approved FMLA maximum medical leave of twelve (12) weeks or less, the employee will be restored to the employee's original job, or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment.

If the employee is not able to return to work at the conclusion of an approved FMLA maximum personal leave of twelve (12) weeks or less, employment will be administratively terminated unless the employee applies for a personal leave of absence and the LOA is approved for a maximum of 4 additional weeks. Please refer to Personal Leave of Absence section for details.

Personal Leave of Absence - Hamilton Center may grant a personal leave of absence upon an employee's written request to Human Resources. Hourly employees must utilize all accrued PTO while on a Personal Leave of Absence prior to moving to an unpaid personal leave of absence status. Non hourly employees must utilize accrued full day PTO increments while on Leave of Absence status prior to moving to an unpaid personal leave of absence status. A request for a personal leave of absence must clearly state the reason for the leave and the amount of time requested. Requests will be granted for only urgent and exceptional circumstances and will not exceed 30 days and will not be granted more than once in a rolling 12-month period.

At the conclusion of a personal leave of absence, the employee may be returned to the position held when leave began.

Failure to return to work at the end of a personal leave will result in an administrative termination of employment. Employees who have been employed fewer than ninety (90) days will not be granted a personal leave unless they have a severe medical condition verified in writing by a physician. A personal leave cannot be taken as an extension of a medical leave. PTO is not earned during a personal leave.

When an employee is on a personal leave of absence, the employee will be responsible for the full healthcare premium (both employee and employer premium) for the time they are out. Premiums must be paid to Fiscal Services while the employee is out on leave to ensure insurance coverage remains in effect.

Jury or Witness Duty - Hamilton Center recognizes that jury or witness duty is the obligation of all citizens and encourages its employees to fulfill this obligation. If an employee is called for jury duty or subpoenaed as a witness in a court or administrative agency action, the employee will be granted excused time away from work. The employee is expected, however, to return to duties any time the employee is not needed in the courtroom. If the employee is called for jury duty or subpoenaed as a witness, the employee should advise the supervisor and give the supervisor a copy of the summons or subpoena as soon as possible after being called to serve.

Regular full and part-time employees who work twenty (20) hours or more on a regular basis per week shall receive their average straight time hourly rate up to eight hours per day or salaried pay. The payment the employee receives for jury service, for time that would otherwise have been regularly scheduled to work, must be signed over to Hamilton Center. Employees will not be compensated for time spent as a witness, except for Center-related business.

Bereavement Leave – Reviewed January 2019

Employees who are classified as regular full or part-time (50% minimum FTE %) may take up to three (3) FTE% based paid work days off for the death of a **Significant Human Relationship**. HCI understands that our employees represent a multitude of personal relationships that impact each employee differently at a time such as death. Therefore, employees should consider the necessity of such a request and the amount of time needed based on the relationship. The maximum three (3) (FTE% based) days should be used for the most significant relationships and the requirements of travel time and funeral planning. The employee will not be entitled to additional compensation if this time is not used. As always, with prior approval, additional time off may be permitted with use of PTO or without pay.

H. RETIREMENT PLANS – updated effective January 2014

401(k) Retirement Plan

Qualified employees of Hamilton Center are eligible for the company contribution in the retirement plan on January 1 or July 1 following the attainment of age 21 and the completion of one (1) year of employment. To be eligible, an employee must have worked at least 1,000 hours during the plan year.

Once eligible, Hamilton Center contributes five percent (5%) per pay of an employee's gross earnings to the HCI retirement plan. If an employee determines that they want to contribute an additional amount, HCI will match up to two percent (2%) of the contribution. Elective deferrals are limited on IRS regulations. An employee must be actively employed at the end of the calendar year to receive the match of two percent (2%) for that year. Upon termination of employment with Hamilton Center, the employee is entitled to a percentage of the retirement money according to the schedule below:

Less than One Year	0%
One Year but less than Two Years	0%
Two Years but less than Three Years	30%
Three Years but less than Four Years	40%
Four Years but less than Five Years	60%
Five Years but less than Six Years	80%
Six or More Years	100%

Executive 457(b) Retirement Plan

Hamilton Center offers an additional retirement plan option for employees deemed highly

compensated according to IRS guidelines.

The HCI Retirement Plan Summary Plan Description can be viewed in its entirety on the HCI Net.

I. SERVICES

Hamilton Center provides a number of services to employees to enhance employee skills and enrich the work experience. The actual services provided may vary from time to time at the discretion of Hamilton Center but those services listed here are examples of the types of provided.

Staff Development and Training - Update approved 11-27-12

Hamilton Center, Inc. promotes staff development and training opportunities that develop and enhance the skill level and knowledge of Hamilton Center, Inc. staff to meet Hamilton Center's goal of continuously improving job performance and career advancement. It is the policy of Hamilton Center, Inc. to pay legitimate, reasonable and necessary conference and related travel expenses through the conference approval system when accompanied by supporting documentation.

Employees are also encouraged to utilize free conferences, webinars, the Essential Learning online training system and HCI/ISU Learning Panel sponsored trainings to further their knowledge related to essential duties of their position. Employees are encouraged to share knowledge gained at conference/ webinars with peers and provide feedback to Learning Panel representatives about potential speakers for HCI training events.

The employee is responsible to request approval through the HCI Net Conference Request system prior to registering for any conference, seminar, or webinar for which registration or other related expenses will be incurred. The employee should provide a copy of all conference certificates to Human Resources for inclusion in his/her training file.

Although the use of PTO hours is not required for time off to attend approved conferences and seminars, the maximum paid conference expense (including lodging, airfare, mileage, registration and related expenses) for any one employee cannot exceed \$1,500 in a given fiscal year **unless approved by the CEO**. Conference requests that exceed \$1,500 will be given to the CEO for approval/denial upon receipt by the CHRO.

Work Time to Attend Conferences

Attendance at conferences, training programs, lectures, meetings or similar activities are considered work time unless all of the following criteria are met:

- Attendance is outside of the employee's regular working hours;
- Attendance is in fact voluntary;
- The course, lecture or meeting is not directly related to the employee's job; and
- The employee does not perform any productive work during such attendance.

The time spent traveling to and from a one-day conference is considered work time, except that the normal home-to-work commute/work-to-home time to/from the employee's regular work site is excluded from worked hours.

Overnight Travel

Employees will be reimbursed up to a \$30 meal allowance for each overnight stay. Payment for worked hours will comply with the Fair Labor Standards Act governing FLSA-covered and FLSA-exempt hours of work while traveling.

Employee Resignation

When an employee submits an employment resignation notice, he/she will not receive reimbursement for any training event which occurs after the date notice is given, or be allowed to attend at Hamilton Center's cost or on Hamilton Center's time. If any employee is unable or ineligible to attend a prepaid event, he/she shall notify the supervisor as soon as possible in order that an alternate employee may be selected.

The entire Staff Development Approval and Reimbursement policy may be viewed at:
<http://hcinet.hamiltoncenter.org/PolicyManuals/policy.asp?ID=270>.

Library Services - Employees have access to the Corporate Library through the Employee Resources page on the HCI Net.

Job Counseling - If an employee is concerned about job performance, or wishes to talk about job prospects in line with career interests and abilities, the employee may arrange for a counseling discussion with Human Resources. Such a discussion will be treated confidentially to the extent possible and will not jeopardize the employee's present position or future with Hamilton Center.

Tuition Reimbursement - Updated 11-21-2022

Hamilton Center may provide tuition reimbursement for pre-approved courses and institutions. Approval of both the course and the institution is within the discretion of Hamilton Center.

The tuition reimbursement program is designed to provide qualified employees with financial support to pursue specific courses and educational programs that will enhance the employee's skills in current or future work-related areas. Regular full-time employees, who have worked at least 30 hours per week and have worked for twelve consecutive months and in good performance standing, may be reimbursed 100% of the tuition costs of approved courses taken at an approved institution under the following guidelines:

- ◆ Courses that are related fields within our corporation.
- ◆ Be an employee in "good standing"
- ◆ Meet manager's/supervisor's expectations on goals and competencies
- ◆ A grade of "C" or better for undergraduate courses
- ◆ A grade of "B" or better for graduate courses
- ◆ "Term" is defined as the successful completion of an approved course that meets the required academic grade per undergraduate or graduate course. The completion of each course may be used to define a term.
- ◆ Applications must be submitted to Human Resources and approved prior to beginning the course work. Reimbursement will not be made for monies paid by third party sources (e.g., grants, scholarships, assistantships).
- ◆ Tuition reimbursement may not exceed the \$750 maximum per academic term and the \$11,400 maximum per employee as established by Hamilton Center. Educational benefits will be paid following IRS guidelines and according to established HCI policies.

IV.EMPLOYEECONDUCT

Hamilton Center strives to ensure that each employee's working relationship with HCI will be mutually satisfactory. However, employment will continue only if the employee is satisfied with Hamilton Center and Hamilton Center is satisfied with the employee's performance. Just as the employee may resign at any time, Hamilton Center may terminate the employment relationship at any time. Hamilton Center cannot guarantee continued employment or employment for a specified period of time.

Any employee who fails to provide satisfactory performance of job duties or is otherwise guilty of misconduct will be subject to discipline. Disciplinary action will typically be progressive. However, because circumstances vary in each case involving possible disciplinary action, each situation will be handled on an individual basis. Individuals may be suspended with or without pay during an investigation of alleged employee misconduct.

The types of discipline that may be imposed include documented verbal counseling and/or warnings, written warnings, performance probation, suspension, and discharge. Among the types of serious offenses that may result in discipline up to and including discharge are the following:

1. Insubordination, including, without limitation, the refusal promptly to obey a supervisor's orders or to perform any assigned work.
2. Theft of or exerting unauthorized control over HCI property or the property of other employees.
3. Acts of sabotage against Hamilton Center.
4. Willful misuse, destruction or damage to HCI property and/or the property of other employees.
5. Use or threat of use of physical violence against any property, employee, customer or other person during work time. Provoking or instigating a fight on HCI property or while conducting HCI business.
6. Rude or discourteous treatment of a customer.
7. Neglect or abuse of consumers.
8. The use, possession, distribution, or sale of drugs or alcohol on HCI premises or when conducting HCI business.
9. Violation of Hamilton Center's Drug-Free/Alcohol-Free Workplace policy.
10. The misuse of any prescription or non-prescription drug on HCI premises or while conducting HCI business.
11. Unscheduled absences or tardiness.
12. Falsification or misrepresentation of HCI records such as employment applications, credentialing applications, time records, personnel records, medical and attendance documents; intentionally giving false information to management personnel; and/or concealing defective work.
13. Making false, misleading, or malicious statements about other employees, Hamilton Center or HCI practices.
14. Violation of established safety rules or safety practices.
15. Disclosing confidential material or information to unauthorized persons.
16. Unauthorized access of consumer records.
17. Failure to report for work three (3) times when scheduled within the prior 12-month period without notifying or obtaining permission from the supervisor or designated member of management.
18. Use of profane, obscene or disrespectful language, including telling ethnic or sexual jokes that offend another employee, on HCI property or when conducting HCI business.

19. Leaving HCI premises or assigned work area during work hours without the permission of the supervisor.
20. Violation of Hamilton Center's Equal Employment Opportunity or Anti-Harassment policies.
21. Violation of Hamilton Center's No Smoking Policy.
22. Failure or refusal to cooperate in an investigation conducted by Hamilton Center.
23. Repeated failure to produce quality work or meet performance expectations.
24. Illegal possession of any type of firearms, ammunition, explosives, or weapons at the work site, during working hours, or while conducting HCI business.
25. Participating in disorderly conduct or any behavior that may endanger the wellbeing of consumers, staff or HCI operations.
26. Unauthorized use of HCI time for non-work related activities such as soliciting, gambling, etc.
27. Personal and/or unauthorized use of HCI equipment, funds, property or other assets.
28. Noncompliance with HCI policies and procedures
29. Engaging in conduct inconsistent with ordinary and reasonable rules and codes of professional conduct or behavior which adversely affects or reflects upon Hamilton Center, HCI employees or HCI consumers.

The examples listed above are not, and are not intended to be, a complete list of performance and conduct issues. Performance and conduct issues may exist in ways other than listed in the foregoing examples.

Hamilton Center will contest unemployment compensation claims filed by any employee who was discharged for just cause under the unemployment compensation laws.

Any questions about the information included in this handbook should be directed to a member of management or Human Resources.

This handbook is not a contract of employment.

APPENDICES

Appendix A

FAMILY & MEDICAL LEAVE ACT OF 1993

Revised February 2010

Family and Medical Leave

The Center complies with the federal Family and Medical Leave Act of 1993 (the FMLA) and all applicable state laws related to family and medical leave. This means that, in cases where the law grants an employee more leave than our leave policies provide, the Center will give the employee the leave required by law.

The FMLA provides up to 12 weeks of unpaid, job-protected leave every 12 months to eligible male and female employees for certain family and medical reasons, or for any “qualifying exigency” arising out of the fact that a covered military member is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. The FMLA also allows eligible employees to take up to 26 workweeks of job-protected leave in a “single 12-month period” to care for a covered service member with a serious injury or illness. To be eligible, an employee must have worked for the Center for at least one year, and for 1,250 hours over the previous 12 months. There also must be at least 50 employees working for the Center within 75 miles of the place where an employee works. While the 12 months of employment need not be consecutive, employment periods prior to a break in service of **seven** years or more need not be counted unless the break is occasioned by the employee’s fulfillment of their National Guard or Reserve military obligation (as protected under the Uniformed Services Employment and Reemployment Rights Act (USERRA), or a written agreement, including a collective bargaining agreement, exists concerning the employer’s intention to rehire the employee after the break in service. See FMLA Special Rules for Returning Reservists. (If an employee isn’t eligible for FMLA leave, the Center may choose to grant him/her unpaid, non-FMLA leave instead. If the Center does this, the Center’s normal unpaid leave policies, not the rules under the FMLA, will apply.)

LEAVE ENTITLEMENT

A covered employer must grant an eligible employee up to a total of **12 workweeks of unpaid** leave during any 12-month period for one or more of the following reasons:

- For the birth and care of a newborn child of the employee;
- For placement with the employee of a child for adoption or foster care;
- To care for a spouse, child, or parent with a serious health condition;
- To take medical leave when the employee is unable to work because of a serious health condition; **or**
- For qualifying exigencies arising out of the fact that the employee’s spouse, child, or parent is on active duty or call to active duty status as a member of the National Guard or Reserves in support of a contingency operation.

A covered employer also must grant an eligible employee who is a spouse, child, parent, or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness up to a total of **26 workweeks** of

unpaid leave during a “single 12-month period” to care for the service member. See Fact Sheet 28A for specific information regarding military family leave.

Spouses employed by the same employer are limited in the **amount of** family leave they may take for the birth and care of a newborn child, placement of a child for adoption or foster care, or to care for a parent who has a serious health condition to a combined total of 12 weeks (or 26 weeks if leave to care for a covered service member with a serious injury or illness is also used). Leave for birth and care, or placement for adoption or foster care, must conclude within 12 months of the birth or placement.

Under some circumstances, employees may take FMLA leave intermittently – taking leave in separate blocks of time for a single qualifying reason – or on a reduced leave schedule – reducing the employee’s usual weekly or daily work schedule. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer’s operation. If FMLA leave is for birth and care, or placement for adoption or foster care, use of intermittent leave is subject to the employer’s approval.

Under certain conditions, employees **or** employers may choose to “substitute” (run concurrently) accrued **paid** leave (such as sick or vacation leave) to cover some or all of the FMLA leave. An employee’s ability to substitute accrued paid leave is determined by the terms and conditions of the employer’s normal leave policy.

“Serious health condition” means an illness, injury, impairment, or physical or mental condition that involves either:

- Inpatient care (*i.e.*, an overnight stay) in a hospital, hospice, or residential medical-care facility, including any period of incapacity (*i.e.*, inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care; **or**
- Continuing treatment by a health care provider, which includes:

(1) A period of incapacity lasting more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that **also** includes:

- Treatment two or more times by or under the supervision of a health care provider (*i.e.*, in-person visits, the first within 7 days and both within 30 days of the first day of incapacity); **or**
- One treatment by a health care provider (*i.e.*, an in-person visit within 7 days of the first day of incapacity) with a continuing regimen of treatment (*e.g.*, prescription medication, physical therapy); **or**

(2) Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence; **or**

(3) Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence; **or**

(4) A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; **or**

(5) Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

MAINTENANCE OF HEALTH BENEFITS

A covered employer is required to maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. If applicable, arrangements will need to be made for employees to pay their share of health insurance premiums while on leave. In some instances, the employer may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave.

JOB RESTORATION

Upon return from FMLA leave, an employee must be restored to the employee's original job, or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. An employee's use of FMLA leave cannot result in the loss of any employment benefit that the employee earned or was entitled to **before** using FMLA leave, nor be counted against the employee under a "no fault" attendance policy. If a bonus or other payment, however, is based on the achievement of a specified goal such as hours worked, products sold, or perfect attendance, and the employee has not met the goal due to FMLA leave, payment may be denied unless it is paid to an employee on equivalent leave status for a reason that does not qualify as FMLA leave.

An employee has no greater right to restoration or to other benefits and conditions of employment than if the employee had been continuously employed.

NOTICE AND CERTIFICATION

Employee Notice

Employees seeking to use FMLA leave are required to provide 30-day advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. If leave is foreseeable less than 30 days in advance, the employee must provide notice as soon as practicable – generally, either the same or next business day. When the need for leave is not foreseeable, the employee must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case. Absent unusual circumstances, employees must comply with the employer's usual and customary notice and procedural requirements for requesting leave.

Employees must provide sufficient information for an employer reasonably to determine whether the FMLA may apply to the leave request. Depending on the situation, such information may include that the employee is incapacitated due to pregnancy, has been hospitalized overnight, is unable to perform the functions of the job, and/or that the employee or employee's qualifying family member is under the continuing care of a health care provider.

When an employee seeks leave for a FMLA-qualifying reason for the **first** time, the employee need not expressly assert FMLA rights or even mention the FMLA. When an employee seeks leave, however, due to a FMLA-qualifying reason for which the employer has previously provided the employee FMLA-protected leave, the employee **must** specifically reference either the qualifying reason for leave or the need for FMLA leave.

Employer Notice

Covered employers must post a notice approved by the Secretary of Labor explaining rights and responsibilities under FMLA. An employer that willfully violates this posting requirement may be subject to a fine of up to \$110 for each separate offense. Additionally, employers must either include this general notice in employee handbooks or other written guidance to employees concerning benefits, or must distribute a copy of the notice to each new employee upon hiring.

When an employee requests FMLA leave or the employer acquires knowledge that leave may be for a FMLA purpose, the employer must notify the employee of their eligibility to take leave, and inform the employee of his/her rights and responsibilities under FMLA. When the employer has enough information to determine that leave is being taken for a FMLA-qualifying reason, the employer must notify the employee that the leave is designated and will be counted as FMLA leave.

Certification

Employers may require that an employee's request for leave due to a serious health condition affecting the employee or a covered family member be supported by a certification from a health care provider. An employer may require second or third medical opinions (at the employer's expense) and periodic recertification of a serious health condition. An employer may use a health care provider, a human resource professional, a leave administrator, or a management official – but not the employee's direct supervisor – to authenticate or clarify a medical certification of a serious health condition. An employer may have a uniformly-applied policy requiring employees returning from leave for their own serious health condition to submit a certification that they are able to resume work. If reasonable safety concerns exist, an employer may, under certain circumstances, require such a certification for employees returning from intermittent FMLA leave.

UNLAWFUL ACTS

It is unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided by FMLA. It is also unlawful for an employer to discharge or discriminate against any individual for opposing any practice, or because of involvement in any proceeding, related to FMLA.

ENFORCEMENT

The Wage and Hour Division investigates complaints. If violations cannot be satisfactorily resolved, the U.S. Department of Labor may bring action in court to compel compliance. Individuals may also be able to bring a private civil action against an employer for violations.

OTHER PROVISIONS

Special rules apply to employees of local education agencies. Generally, these rules apply to intermittent leave or when leave is required near the end of a school term.

Salaried executive, administrative, and professional employees of covered employers who meet the Fair Labor Standards Act (FLSA) criteria for exemption from minimum wage and overtime under Regulations, 29 CFR Part 541, do not lose their FLSA-exempt status by using any unpaid FMLA leave. This special exception to the “salary basis” requirements for FLSA’s exemption extends only to an “eligible” employee’s use of leave required by FMLA.

Substitution of Paid Leave: Accrued PTO must be used for any type of FMLA leave. If an employee has accrued paid leave that may be used for the kind of FMLA leave he/she is taking, it is the Center’s policy that an employee must use that paid leave as part of his/her FMLA leave. For example, if an employee wishes to take 12 weeks of FMLA leave due to his/her own serious illness, and he/she has accrued two weeks of paid time off (PTO), he/she would first use the PTO and then have ten weeks of unpaid FMLA leave available totaling twelve weeks of FMLA.

If an employee uses paid leave for a purpose for which FMLA leave would be available, it is the Center’s policy to designate an employee’s paid leave as counting against his/her FMLA leave allowance. An employee is required to notify the Human Resources Department if he/she uses paid leave for a reason covered by the FMLA so that the Center may properly account for the leave.

Advance Notice and Medical Certifications: The Center requires that an employee provide the Center with advance leave notice, with medical certification of the need for a leave related to a health condition, and with medical certification of an employee’s fitness to return to duty after medical leave. Taking leave, or reinstatement after leave, may be denied if these requirements are not met.

- An employee must give the Center at least 30 days advance notice of his/her request for leave if the reason for the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment. If 30 days’ notice is not practicable, an employee must give the Center notice as soon as practicable, usually within one or two business days of when the need for leave becomes known to him/her. If an employee does not give the Center 30 days’ advance notice, and if the need for the leave and the approximate date of the leave were clearly foreseeable by the employee, the Center may deny his/her request for leave until at least 30 days after the date he/she gave the Center notice.
- The Center may require the employee to provide a medical certification to support a request for leave because of a serious health condition (one’s own or a child’s, spouse’s or parent’s) when the leave extends beyond three consecutive working days, when intermittent or part-time leave is requested, or when the Center has reason to question the medical need for leave. The Center may require second or third opinions, at the Center’s option, at its expense.

Periodic Reporting: If an employee takes leave for more than two weeks, the Center may require that he/she reports to the Center at least every two weeks on his/her status and intent to return to work.

Health Insurance: If an employee is covered by the Center’s group health plan (medical, dental, vision), the Center will continue to provide paid health insurance during FMLA leave on the same basis as during regular employment. The employee remains responsible during

the leave for the co-payment he/she normally pays. But if the employee doesn't return to work after the leave, he/she may be required to pay the Center back for the Center's portion of the insurance premiums unless his/her failure to return was beyond his/her control.

Other Insurance: If an employee is covered by other insurance plans through the Center, those coverage's will continue during paid leave on the same basis as during regular employment. If an employee takes unpaid FMLA leave, he/she will be responsible during the leave for the premiums he/she normally pays, including dependent insurance coverage expenses. If an employee doesn't pay these premiums, the Center may choose to pay them for the employee, to keep his/her coverage from lapsing, but he/she will be responsible for repaying the Center whether or not he/she returns to work.

Couples Employed by the Center: If both the employee and his/her spouse work for the Center and an employee requests leave for the birth, adoption or foster care placement of a child, to care for a new child, or to care for a sick parent, the total annual FMLA leave available to the employees as a couple for those purposes is 12 weeks.

Determining Leave Availability: FMLA leave is available for up to 12 weeks during a 12-month period. For purposes of calculating leave availability, the "12-month period" is a rolling 12-month period measured backwards from the date the employee uses any FMLA leave.

Leave Related to Pregnancy: If an employee takes leave for pregnancy, the leave the employee takes while the employee is physically unable to work is counted against the employee's annual 12-week FMLA leave allowance. For example, if the employee takes eight weeks FMLA leave for childbirth and to recover from childbirth, the employee is entitled to only four weeks of FMLA leave after that to care for the new child.

Appendix A-1

Indiana Leave for Military Families 2010

1. An employee who is a family member of a person on active duty in the United States Armed Forces is eligible for military family leave under the Indiana Military Family Leave Act.
2. The Act provides for leave for a total of 10 workdays per calendar year during one or more of the following periods:
 - a. Within the 30-day period before a family member begins active duty,
 - b. During the period that a family member is on active duty, or
 - c. During the 30-day period following a family member's return from active duty.
 - d. The time can be taken in full in one period or split amongst the periods.
 - e. An employee is eligible for such leave for each family member on active duty.
3. To qualify as a family member, the employee must have one of the following relationships to the person on active duty:
 - a. Spouse
 - b. Parent (biological, adoptive, foster, step, or court-appointed guardian or custodian)
 - c. Grandparent (biological, adoptive, foster, or step)
 - d. Child (biological, adopted, foster, or step)
 - e. Sibling (biological, adoptive, foster, or step)
4. Time off for employees who are other family members is discretionary and subject to supervisory approval.
5. Active duty is defined as full-time service on active duty orders in the armed forces of the United States or the Indiana Army or Air National Guard for a period that exceeds 89 consecutive calendar days. Armed forces of the United States means the active or reserve components of the Army, Navy, Air Force, Coast Guard, Marine Corps, or Merchant Marine.
6. A leave request that meets the family member and active duty criteria above must be granted unless the employee:
 - a. Has not been employed for at least 12 months and worked at least 1,500 hours in the 12 months immediately preceding the day that the military family leave begins, or
 - b. The employee has used all 10 workdays for that family member for the calendar year.
7. The Military Family Leave Act does not provide additional time off with pay. An employee must use accrued PTO to cover the leave before taking any of the time off without pay.

- a. Time off without pay during a military family leave is an excused absence.

An employee is to provide written notice, including a copy of the active duty orders, if available, at least 30 days before the date on which the leave is to begin, or as soon as possible if the active duty orders are issued less than 30 days before the date the leave is to begin. If an employee fails to provide verification required under this subsection, an employer may consider the employee's absence from employment unexcused.

After returning from the military leave of absence, an employee must be restored to:

- (1) the position that the employee held before the leave; or
- (2) a position equivalent to the position that the employee held before the leave, with equivalent seniority, pay, benefits, and other terms and conditions of employment.

An employer is not required to restore an employee to a position if the employer proves that the reason that the employee was not restored to the position is unrelated to the employee's rights under these regulations. An employer shall permit an employee who is taking a leave of absence under these regulations to continue the employee's health care benefits at the employee's expense.

Appendix A-2

U.S. Department of Labor

Employment Standards Administration

Wage and Hour Division

Fact Sheet #28A: The Family and Medical Leave Act Military Family Leave Entitlements

The National Defense Authorization Act for FY 2008 (NDAA), Public Law 110-181, amended the FMLA to allow eligible employees to take up to 12 weeks of job-protected leave in the application 12-month period for any “qualifying exigency” arising out of the active duty or call to active duty status of a spouse, child, or parent. The NDAA also amended the FMLA to allow eligible employees to take up to 26 weeks of job-protected leave in a “single 12-month period” to care for a covered service member with a serious injury or illness.

These two new types of FMLA are known as the military family leave entitlements.

EMPLOYER COVERAGE

FMLA applies to all public agencies, including state, local and federal employers, local education agencies (schools), **and** private-sector employers who employed 50 or more employees in 20 or more workweeks in the current or preceding calendar year, including joint employers and successors of covered employers.

EMPLOYEE ELIGIBILITY

To be eligible for FMLA benefits, an employee **must**:

- Work for a covered employer;
- Have worked for the employer for a total of 12 months;
- Have worked at least 1,250 hours over the previous 12 months; and
- Work at a location where at least 50 employees are employed by the employer within 75 miles.

MILITARY FAMILY LEAVE ENTITLEMENTS

Military Caregiver Leave: A covered employer must grant an eligible employee who is a spouse, child, parent or next of kin of a covered service member with a serious injury or illness up to a total of **26 workweeks of unpaid** leave during a “single 12-month period” to care for the service member. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. A serious injury or illness is one that was incurred by a service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of their office, grade, rank, or rating. The “single 12-month period” for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12 month period established by the employer for other types of FMLA leave. An eligible employee is limited to a **combined** total of 26 workweeks of leave for any FMLA-qualifying reason during the

“single 12-month period.” (Only 12 of the 26 weeks total may be for a FMLA-qualifying reason other than to care for a covered service member.)

Qualifying Exigency Leave: A covered employer must grant an eligible employee up to a total of **12 workweeks** of **unpaid** leave during the normal 12-month period established by the employer for FMLA leave for qualifying exigencies arising out of the fact that the employee’s spouse, child, or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. Under the terms of the statute, qualifying exigency leave is available to a family member of a military member in the National Guard or Reserves; it does not extend to family members of military members in the Regular Armed Forces.

Qualifying exigencies include:

- Issue arising from a covered military member’s short notice deployment (i.e., deployment on seven or less days of notice) for a period of **seven** days from the date of notification;
- Military events and related activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member;
- Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member;
- Making or updating financial and legal arrangements to address a covered military member’s absence;
- Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member;
- Taking up to five days of leave to spend time with a covered military member who is on short-term temporary, rest and recuperation leave during deployment;
- Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member’s active duty status, and addressing issues arising from the death of a covered military member;
- Any other event that the employee and employer agree is a qualifying exigency.

Spouses employed by the same employer are limited to a **combined** total of 26 workweeks in a “single 12-month period” if the leave is to care for a covered service member with a serious injury or illness, and for the birth and care of a newborn child, for placement of a child for adoption or foster care, or to care for a parent who has a serious health condition.

FMLA leave may be taken intermittently whenever **medically necessary** to care for a covered service member with a serious injury or illness. FMLA leave also may be taken intermittently for a qualifying exigency arising out of the active duty status or call to active

duty of a covered military member. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operation.

Under certain conditions, employees or employers may choose to “substitute” (run concurrently) accrued **paid** leave (such as sick or vacation leave) to cover some or all of the FMLA leave. An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the employer's normal leave policy.

NOTICE REQUIREMENTS

Employee Notice

Employees seeking to use military caregiver leave must provide 30 days advance notice of the need to take FMLA leave for planned medical treatment for a serious injury or illness of a covered service member. If leave is foreseeable but 30 days advance notice is not practicable, the employee must provide notice as soon as practicable – generally, either the same or next business day. An employee must provide notice of the need for foreseeable leave due to a qualifying exigency as soon as practicable. When the need for military family leave is not foreseeable, the employee must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case. Generally, it should be practicable to provide notice for unforeseeable leave within the time prescribed by the employer's usual and customary notice requirements.

An employee does not need to specifically assert their rights under FMLA, or even mention FMLA, when providing notice. The employee must provide “sufficient information” to make the employer aware of the need for FMLA leave and the anticipated timing and duration of the leave. Depending on the situation, such information may include, as applicable:

- That the requested leave is for a particular qualifying exigency related to the active duty or call to active duty status of a covered military member and the anticipated duration of the leave;
- That the leave is for a qualifying family member who is a covered service member with a serious injury or illness and the anticipated duration of the leave.

When an employee seeks leave due to a FMLA-qualifying reason for which the employer has previously provided the employee FMLA-protected leave, the employee **must** specifically reference either the qualifying reason for leave or the need for FMLA leave.

Employer Notice

Covered employers must post a notice approved by the Secretary of Labor explaining rights and responsibilities under FMLA. Additionally, employers must either include this general notice in employee handbooks or other written guidance to employees concerning benefits, or must distribute a copy of the notice to each new employee upon hiring.

When an employee requests FMLA leave or the employer acquires knowledge that leave may be for a FMLA purpose, the employer must notify the employee of their eligibility to take leave, including a reason for non-eligibility if the employee is determined not to be eligible. Such eligibility notice may be oral or written and should, generally, be given within five business days of the request for FMLA leave. Subsequent eligibility notice in the same

12-month leave period may be required when an employee's eligibility status changes. Employers also must inform employees of their rights and responsibilities under FMLA, including giving specific written information on what is required of the employee.

When the employer has enough information to determine that leave is being taken for an FMLA-qualifying reason, the employer must notify the employee that the leave is designated and will be counted as FMLA leave. The employer must designate leave that qualifies as **both** leave to care for a covered service member with a serious injury or illness **and** leave to care for a qualifying family member with a serious health condition as leave to care for a covered service member in the first instance. The designation notice must be in writing, and generally, must be given within five business days of the determination. An employer also must notify the employee of the number of hours, days, or weeks that will be counted against the employee's FMLA entitlement.

CERTIFICATION REQUIREMENTS

Employers may require that an employee's request for military family leave be supported by an appropriate certification. An employer may require that:

- Leave for a qualifying exigency be supported by a copy of the covered military member's active duty orders and certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party;
- Leave to care for a covered service member with a serious injury or illness be supported by a certification completed by an authorized health care provider **or** by a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member's family.

Second and third opinions and recertification are not permitted for certification of a covered service member's serious injury or illness or of a qualifying exigency. An employer may use a health care provider, a human resource professional, a leave administrator, or a management official – but not the employee's direct supervisor – to authenticate or clarify a medical certification of a serious injury or illness, or an ITO or ITA. Additionally, an employer may contact the individual or entity named in a certification of leave for a qualifying exigency for purposes of verifying the existence and nature of the meeting.

UNLAWFUL ACTS

It is unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided by FMLA. It is also unlawful for an employer to discharge or discriminate against any individual for opposing any practice, or because of involvement in any proceeding, related to FMLA.

ENFORCEMENT

The Wage and Hour Division investigates complaints. If violations cannot be satisfactorily resolved, the U.S. Department of Labor may bring action in court to compel compliance. Individuals may also be able to bring a private civil action against an employer for violations.

For additional information, visit the Wage and Hour Division Website:

<http://wagehour.dol.gov> and/or call the toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

U.S. Department of Labor

Frances Perkins Building
200 Constitution Avenue, N.W.
Washington, DC 20210

Appendix A-3

U.S. Department of Labor Wage and Hour Division

Fact Sheet #28C: FMLA leave to care for a parent with a serious health condition on the basis of an *in loco parentis* relationship

The Family and Medical Leave Act (FMLA) entitles an eligible employee to take up to 12 workweeks of job-protected unpaid leave to care for a parent with a serious health condition. In enacting the FMLA, Congress recognized the changing needs of the American family, including the growing need for wage earners to provide care both for their children and for their parents.

This Fact Sheet provides guidance on an employee's entitlement to FMLA leave to care for an individual who stood *in loco parentis* to the employee with the employee was a child.

FMLA definition of “parent”

For FMLA leave purposes, “parent” is defined broadly as a biological, adoptive, step, or foster parent, or an individual who stood *in loco parentis* to an employee when the employee was a child. An employee's parents-in-law are not included in the definition of “parent” for purposes of FMLA leave. The FMLA military leave provisions have a specific definition of parent for purposes of service member caregiver leave.

What does *in loco parentis* mean under FMLA?

In loco parentis is commonly understood to refer to a relationship in which a person has put himself or herself in the situation of a parent by assuming and discharging the obligations of a parent to a child with whom there is no legal or biological connection. It exists when an individual intends to take on the role of a parent.

Under the FMLA, persons who are *in loco parentis* include those with day-to-day responsibilities to care for or financially support a child. Courts have indicated some factors to be considered in determining *in loco parentis* status include:

- The age of the child;
- The degree to which the child is dependent on the person;
- The amount of financial support, if any, provided; and
- The extent to which duties commonly associated with parenthood are exercised.

An eligible employee is entitled to take FMLA leave to care for a person who stood *in loco parentis* to the employee when the employee was a child. The fact that the employee also has a biological, adoptive, step or foster parent, does not preclude a determination that another individual stood *in loco parentis* to the employee when the employee was a child.

The specific facts of each situation will determine whether an individual stood *in loco parentis* to the employee within the meaning of the FMLA.

Examples of *in loco parentis*

Examples of situations in which FMLA leave to care for a parent may be based on an *in loco parentis* relationship include:

- An employee may take leave to care for an aunt with a serious health condition, if the aunt was responsible for day-to-day care as a child.
- An employee may take leave to care for a grandmother with a serious health condition if the grandmother assumed responsibility for raising the employee after the death of their parents when the employee was a child.
- An employee who was raised by same-sex parents, only one of whom has a biological or legal connection with the employee, may take leave to care for the non-adoptive or non-biological parent on the basis of an *in loco parentis* relationship.

Unless an *in loco parentis* relationship existed when the employee was a child, an employee is not entitled to take FMLA leave to care for a grandparent, aunt, or another non-covered relative with a serious health condition.

What may be required to document an *in loco parentis* relationship?

The employer's right to documentation of family relationship is the same for an employee who asserts the need to care for an individual who stood *in loco parentis* to the employee as it is for a biological, adoptive, step, or foster parent. Such documentation may take the form of a simple statement asserting the relationship. For an employee seeking leave to care for an individual who stood *in loco parentis* to the employee, such statement may include, for example, the name of the individual and a statement of the individual's *in loco parentis* relationship to the employee when the employee was a child. An employee should provide sufficient information to make the employer aware that the individual in need of care stood *in loco parentis* to the employee when the employee was a "child."

***In loco parentis* status and other FMLA requirements**

In loco parentis status under the FMLA does not change the law's other requirements, such as those regarding coverage, eligibility, and qualifying reasons for leave. All requirements must be met for FMLA protections to apply. An employee asserting a right to FMLA leave to care for a parent who stood *in loco parentis* to the employee may be required to provide notice of the need for leave and to submit medical certification of a serious health condition consistent with the FMLA regulations.

Appendix A-4

U.S. Department of Labor Wage and Hour Division

Fact Sheet #28C: FMLA leave for birth, bonding, or to care for a child with a serious health condition on the basis of an “*in loco parentis*” relationship

The Family and Medical Leave Act (FMLA) entitles an eligible employee to take up to 12 workweeks of job-protected unpaid leave for the birth or placement of a child, to bond with a newborn or newly placed child, or to care for a child with a serious health condition.

FMLA definition of “child”

The FMLA defines a “child” as a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*. The broad definition of “child” is intended to reflect the reality that many children in the United States live with a parent other than their biological father or mother. Under the FMLA, an employee who actually has day-to-day responsibility for caring for a child may be entitled to leave even if the employee does not have a biological or legal relationship to the child.

The definition of “child” is limited to children under the age of 18 or 18 years of age or older and incapable of self-care because of a mental or physical disability. The FMLA military leave provisions have specific definitions of child that are unique to those provisions.

What does *in loco parentis* mean under FMLA?

In loco parentis is commonly understood to refer to a relationship in which a person has put himself or herself in the situation of a parent by assuming and discharging the obligations of a parent to a child with whom there is no legal or biological connection. It exists when an individual intends to take on the role of a parent.

Under the FMLA, persons who are *in loco parentis* include those with day-to-day responsibilities to care for or financially support a child. Courts have indicated some factors to be considered in determining *in loco parentis* status include:

- The age of the child;
- The degree to which the child is dependent on the person;
- The amount of financial support, if any, provided; and
- The extent to which duties commonly associated with parenthood are exercised.

The fact that a child has a biological parent in the home, or has both a mother and a father, does not prevent an employee from standing *in loco parentis* to that child. The FMLA does not restrict the number of parents a child may have. **The specific facts of each situation will determine whether an employee stands *in loco parentis* to a child.**

Examples of *in loco parentis*

Examples of situations in which FMLA leave may be based on an *in loco parentis* relationship include:

- A grandfather may take leave to care for a grandchild after assuming ongoing responsibility for raising if the child has a serious health condition.
- An aunt who assumes responsibility for caring for a child after the death of the child's parents may take leave to care for the child if the child has a serious health condition.
- A person who will co-parent a same-sex partner's biological child may take leave for the birth of the child and for bonding.

What may be required to document an *in loco parentis* relationship?

The employer's right to documentation of family relationship is the same for an individual who asserts an *in loco parentis* relationship as it is for a biological, adoptive, foster or stepparent. Such documentation may take the form of a simple statement asserting the relationship. For an individual who stands *in loco parentis* to a child, such statement may include, for example, the name of the child and a statement of the employee's *in loco parentis* relationship to the child. An employee should provide sufficient information to make the employer aware of the *in loco parentis* relationship.

***In loco parentis* status and other FMLA requirements**

In loco parentis status under the FMLA does not change the law's other requirements, such as those regarding coverage, eligibility, and qualifying reasons for leave. All requirements must be met for FMLA protections to apply. An employee asserting a right to FMLA leave for birth, bonding, or to care for a child for whom they stand *in loco parentis* may be required to provide notice of the need for leave and to submit medical certification of a serious health condition consistent with the FMLA regulations.

Appendix A-5

U.S. Department of Labor
Wage and Hour Division

Fact Sheet #28K: “ child ” 18 years of age or older under the Family and Medical Leave Act

The Family and Medical Leave Act (FMLA) entitles an eligible employee to take up to 12 workweeks of job-protected unpaid leave during a 12-month period to care for a “ child ” with a serious health condition. This fact sheet provides general information concerning the definition of a “ child ” 18 years of age or older (adult child) under the FMLA.

Coverage of adult children under the FMLA

In general, an employee may not take FMLA leave to care for a child who is 18 years of age or older. However, an employee may take FMLA leave to care for a biological, adopted, or foster child, a stepchild, a legal ward, or a child to whom the employee stands in loco parentis, who is 18 years of age or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence.

Mental or physical disability

Under the FMLA, a disability is a mental or physical impairment that substantially limits one or more of the major life activities of an individual. To define these terms and determine if a condition is a disability, the FMLA uses the Equal Employment Opportunity Commission’s regulations under the Americans with Disabilities Act (ADA).

The ADA definition of disability is inclusive and provides broad coverage. Major life activities include, but are not limited to, activities such as caring for oneself, performing manual tasks, seeing, eating, standing, reaching, breathing, communicating, and interacting with others, as well as major bodily functions, such as functions of the brain or immune system, or normal cell growth. Use of medical supplies or medications to lessen the effects of the disability, other than the use of ordinary eyeglasses or contact lenses, may not be considered in determining if a disability exists. Other aids that should not be considered include hearing aids, prosthetics, and assistive technology.

Conditions that are episodic or in remission are considered disabilities if the condition would substantially limit a major life activity when active. For example, cancer in remission or conditions with episodic periods of illness, such as multiple sclerosis, asthma, epilepsy, diabetes, or post-traumatic stress disorder (PTSD), would be considered disabilities even when symptoms of the condition are not currently manifesting.

The disability of the child does not have to have occurred or been diagnosed prior to the age of 18. The onset of a disability may occur at any age for purposes of the definition of a “ child ” under the FMLA.

Incapable of self-care

Under the FMLA, for an adult child with a disability to be “incapable of self-care” means that the individual requires active assistance or supervision to provide daily self-care in three or more of the “activities of daily living” (ADLs) or “instrumental activities of daily living” (IADLs). Activities of daily living include adaptive activities such as caring appropriately for one’s grooming and hygiene, bathing, dressing and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc. These lists of ADLs and IADLs are not exhaustive and additional activities should also be considered in determining whether an adult child is incapable of self-care due to a disability.

The determination of “incapable of self-care” is fact-specific and must be made based on the individual’s condition at the time of the leave. Whether an adult child needs active assistance or supervision in three or more ADLs or IADLs must be determined based on all relevant factors, including, for example, the current effect of any episodic impairment. While “disability” must be broadly construed under the ADA, in order to qualify as an adult “child” under the FMLA, an individual must also be “incapable of self-care” because of the disability.

Taking FMLA leave to care for an adult child

If an adult child is determined to be incapable of self-care because of a disability, the child will be considered a “child” under the FMLA. In order for a parent to take FMLA leave to care for an adult child, the child must also:

1. Have a serious health condition, and
2. Need care because of the serious health condition.

Serious health condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. (See *The Employee’s Guide to the Family and Medical Leave Act* or the FMLA regulations at 29 C.F.R. 825.113-115 for additional information.) Although an adult child’s serious health condition need not be directly related to the disability, the same condition may satisfy both the ADA definition of disability and the FMLA definition of serious health condition. However, the terms “disability” and “serious health condition” must be analyzed individually.

Needed to care

A parent may be needed to care for a child if, for example, the adult child is unable to care for their own basic medical, hygienic, or nutritional needs or safety, or is unable to transport himself or herself to the doctor, because of the serious health condition. “Needed to care” also includes providing psychological comfort and reassurance that would be beneficial to an adult child with a serious health condition who is receiving inpatient or home care.

Example

An eligible employee's child has been diagnosed with cancer at age 19. The daughter's cancer would meet the ADA's definition of disability. Even if the child's cancer goes into remission, they will continue to meet the ADA's definition of disability because the active condition substantially limits a major life activity—normal cell growth. In order for the parent to qualify for FMLA leave, however, (1) the cancer must cause the child to be incapable of self-care (based on their condition at the time the FMLA leave commences), (2) the child must have a serious health condition under the FMLA, (related to the cancer or not), and (3) the parent must be needed to care for the child because of the serious health condition.

- If the child suffers from the effects of cancer or chemotherapy that render them unable to perform activities of daily living (such as bathing, eating, and dressing), the child will qualify under the FMLA because the child is incapable of self-care due to a disability. The child's cancer would meet the FMLA's definition of a serious health condition if it required the child to receive inpatient care or continuing treatment by a doctor. The parent could demonstrate that the child is in need of care if, for instance, the child needed to be driven to radiation treatments. In these circumstances, the parent would be entitled to take FMLA-protected leave to provide care for the child.
- Alternatively, if the child has cancer that is in remission and the child is not incapable of self-care, the child still will meet the ADA's definition of disability but will not meet the FMLA's definition of "child." In this instance, the parent would not qualify for FMLA-protected leave to care for the child even if the child had a serious health condition.

In all instances, determinations under the FMLA depend upon all the facts of a particular situation. The determination of whether an adult child qualifies as a "child" under the FMLA does not change the law's other requirements. An employee requesting FMLA leave to care for an adult child must meet FMLA coverage and eligibility requirements, must provide the employer with notice of the need for leave, and must submit medical certification of a serious health condition if required by the employer.

For additional information, visit the Wage and Hour Division Website, <http://www.wagehour.dol.gov> and/or call our toll-free helpline, 1-866-4-USWAGE (1-866-487-9243), available 8 a.m. to 5 p.m. in your time zone.

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

U.S. Department of Labor Frances Perkins
Building 200 Constitution Avenue, NW
Washington, DC 20210

1-866-4-USWAGE
TTY: 1-866-487-9243 Contact Us

Appendix B-1

EMPLOYEE EDUCATION ABOUT FALSE CLAIMS RECOVERY POLICY

Effective December 19, 2006

Hamilton Center, Inc. has a strong continuing interest in maintaining compliance with applicable state and federal laws. Hamilton Center, Inc. has developed a compliance plan with specific procedures that identify the reporting and education process associated with false claims and fraud and abuse. These topics include, but are not limited to, the reporting procedure, employee protections as whistleblowers, and employee education regarding fraud, waste, and abuse.

Hamilton Center, Inc. takes several opportunities to help foster employees' understanding of certain state and federal laws regarding when and how to report fraud, waste, and abuse, and to apprise all employees of the right of protection against penalty or retaliation by Hamilton Center, Inc. for reporting fraud, waste, and abuse during new employee orientation, at organization wide and/or program specific meetings, requests from staff and during exit interviews

At Hamilton Center, Inc. any employee who becomes aware of, or in good faith suspects, violation of Federal or State law regarding fraud, abuse or waste by of another employee, a contractor, or an agent should report such activity to the Hamilton Center, Inc. Compliance Officer, in writing or by using the anonymous method described in the corporate Compliance Policy as may be established and/or revised by Hamilton Center, Inc. from time to time.

All allegations of wrongdoing reported will be quickly and discreetly investigated. To the extent possible, the reporting employee's confidentiality will be protected against unnecessary disclosure. Employees can raise concerns and make reports without fear of reprisal or retaliation.

Since allegations of wrongdoing as described in the Corporate Compliance Plan, organizational policy and the HCI Employee Handbook are serious charges, any statements or allegations made maliciously or in bad faith will subject the reporting employee to disciplinary action, up to and including termination of employment.

Appendix C-1

2022 Pay Period Schedule			
Payroll No.	Pay Beginning	Pay Ending	Pay Date
1	12/13/2021	12/26/2021	1/5/2022
2	12/27/2021	1/9/2022	1/19/2022
3	1/10/2022	1/23/2022	2/2/2022
4	1/24/2022	2/6/2022	2/16/2022
5	2/7/2022	2/20/2022	3/2/2022
6	2/21/2022	3/6/2022	3/16/2022
7	3/7/2022	3/20/2022	3/30/2022
8	3/21/2022	4/3/2022	4/13/2022
9	4/4/2022	4/17/2022	4/27/2022
10	4/18/2022	5/1/2022	5/11/2022
11	5/2/2022	5/15/2022	5/25/2022
12	5/16/2022	5/29/2022	6/8/2022
13	5/30/2022	6/12/2022	6/22/2022
14	6/13/2022	6/26/2022	7/6/2022
15	6/27/2022	7/10/2022	7/20/2022
16	7/11/2022	7/24/2022	8/3/2022
17	7/25/2022	8/7/2022	8/17/2022
18	8/8/2022	8/21/2022	8/31/2022
19	8/22/2022	9/4/2022	9/14/2022
20	9/5/2022	9/18/2022	9/28/2022
21	9/19/2022	10/2/2022	10/12/2022
22	10/3/2022	10/16/2022	10/26/2022
23	10/17/2022	10/30/2022	11/9/2022
24	10/31/2022	11/13/2022	11/23/2022
25	11/14/2022	11/27/2022	12/7/2022
26	11/28/2022	12/11/2022	12/21/2022

Appendix C-2

MEMORANDUM

TO: All Management Staff
FROM: Mel Burks, Executive Director Administrative Services
DATE: November 10, 2008
SUBJECT: Exempt Employee PTO Usage

Recently Human Resources has received a variety of questions about Paid Time Off (PTO.) These issues must be clarified for consistency. The use of PTO must be practiced the same way across the organization. The U.S. Department of Labor (DOL) has traditionally considered the use of paid leave for partial day absences to be permissible because the employee does not experience a reduction in weekly compensation.

After review of the standards and in consultation with our attorney, the best solution for HCI is for exempt employees to use **PTO in full or half day increments based on the employee's normal work schedule**. Supervisors are advised to approve time off in half or full day increments only when the employee has available PTO.

All supervisors must know the weekly work schedule for all employees they supervise. Supervisors must ensure that PTO usage is accurately recorded and submitted in a timely manner to payroll on absence notification forms. Absences of less than half the employee's scheduled workday do not require the use of PTO. However, such absences may lead to an attendance or performance issue if the employee's work is not being satisfactorily completed in a timely manner.

Exempt employees cannot have their salary reduced for any partial day for which they do not have enough PTO to cover. The only exception to this prohibition is when time off is covered by the Family and Medical Leave Act, which specifically provides that reducing an exempt employee's salary for partial days of absence covered by the FMLA will not affect exempt status.

Exempt employees may not use any form of compensatory time calculation or any other procedure to control the use of PTO. In no circumstance should an exempt employee be required to complete a time sheet as this implies hour for hour tracking and could jeopardize the exempt status. Supervisors have the right to modify employee schedules as business needs dictate. Unusual circumstances or questions regarding the use of PTO should be discussed with Human Resources.

Appendix C-3

EMPLOYEE AUTO LIABILITY INSURANCE COVERAGE *Hamilton Center, Inc.*

Hamilton Center, Inc. (HCI) promotes a safe environment for all employees, clients, and visitors using motor vehicles while conducting HCI business. HCI establishes and routinely monitors licensing, insurance and/or any necessary training requirements for all staff that use their personal transportation in work capacity and those who drive HCI vehicles. Staff who drive vehicles while conducting Hamilton Center business must meet all applicable licensing and training requirements. HCI Policy OP.03.01.00.00

Employees who reside in Indiana and possess an Indiana Driver's License:

As of 7/1/10, the State of Indiana requires a minimum amount of liability insurance coverage on all vehicles. The Indiana Bureau of Motor Vehicles may suspend your license for 90 days or up to 1 year for repeat offenses within a 3 year period if you do not maintain the liability insurance required by law. The numbers below reflect the minimum liability insurance coverage required in the State of Indiana.

\$25,000 / \$50,000 Bodily Injury Uninsured Motorist

\$50,000 - Bodily Injury Under-Insured Motorist

\$10,000 - Damage to the Property of Others

I.C. 9-25-4-5

I.C. 27-7-5

Employees who reside in Illinois and possess an Illinois Driver's License:

As of 7/1/10, Illinois law requires all motor vehicles registered and operated in Illinois to be covered by liability insurance, which covers property damage and/or injuries you may cause others in an accident. You must always carry your insurance card in your vehicle and show it upon request by any law enforcement officer. You are in compliance with the law if you have liability insurance in the following minimum amounts:

\$20,000 for injury or death of one person in an accident.

\$40,000 for injury or death of more than one person in an accident.

\$15,000 for damage to property of another person.

625 ILCS 5/7-601

625 ILCS 5/7-203

Employees who are residents of other states and possess an out of state Driver's License must provide that state's licensure requirements and demonstrate proof of financial responsibility or minimum liability coverage as defined by the state of licensure.

Per the insurance industry's standard, the employees' insurance is primary when they drive their own car. The HCI employer's non-ownership liability policy takes effect after the employee's coverage is exhausted. HCI's coverage would not apply to physical damage on the employee's vehicle.

Hamilton Center Inc.
TREATMENT FACILITIES
FOR WORK RELATED INJURIES

TERRE HAUTE AREA:

M-F 8:30a-5:00p: Center for Occupational Health, 4001 Wabash Avenue (812) 238-7788

M-F 5:00p-800p: Health Check at Union Hospital, 8th Avenue, West Entrance (812) 238-7711

Emergency Situations - After hours Use Union Emergency Room--Any follow-up is to be provided by Center for Occupational Health.

SATELLITE AREA:

Emergency Situations - utilize any of the following hospital emergency rooms.

Bloomfield/Owen:

IU Health Occupational Services West, 3443 W. 3rd Street, Bloomington (812) 353-3443

Bloomington Hospital ER, 601 W. 2nd St, Bloomington (812) 353-6821

Greene (Linton):

Center for Occupational Health, 4001 Wabash Avenue, TH (812) 238-7788

Greene Co. General Hospital ER, 1185 N. 1000 West, Linton (812) 847-2281

Putnam:

Work ER at Putnam Co. Hospital, 1542 S. Bloomington St, Greencastle (765) 653-5121

Putnam Co. Hospital Emergency Room, 1542 S. Bloomington St, Greencastle

Clay: Center for Occupational Health, 4001 Wabash Avenue, TH (812) 238-7788 St.

Vincent Clay Hospital ER, 1206 E. National Avenue, Brazil (812) 442-2500

Sullivan:

Center for Occupational Health, 4001 Wabash Avenue, TH (812) 238-7788

Sullivan Co. Community Hospital ER, 2200 N. Section St, Sullivan (812) 268-4311

Vermillion/Parke:

Center for Occupational Health, 4001 Wabash Avenue, TH (812) 238-7788

West Central Community Hospital ER, 801 S. Main St, Clinton (765) 832-1234

INDIANAPOLIS AREA:**IU Health Occupational Services:**

Mon/Fri, 8am – 5 pm Near South, 1101 Southeastern Avenue, Indy (317) 955-2020

24 hrs, 7 days Park Fletcher, 5603 W. Raymond Street, Indy (317) 241-8266

Mon/Fri, 8 am - 11 pm Georgetown, 7301 Georgetown Road, Indy (317) 875-9584

Mon/Fri, 7:30 am - 11 pm Shadeland, 1311 N. Shadeland Avenue, Indy (317) 352-0933

Mon/Fri, 8 am – 5 pm Fishers, 11580 Overlook Drive, Indy (317) 567-5211

EMERGENCY SITUATIONS:

IU Health Methodist Hospital ER, 1701 N. Senate Avenue, Indianapolis (317) 962-2000

LIFE THREATENING SITUATIONS – USE THE NEAREST EMERGENCY ROOM.

Appendix D-1

HAMILTON CENTER ACRONYMS

- HCI – Hamilton Center, Inc.
- HCI Division Acronyms
 - ADMIN – Administrative Services
 - Med/24-Hour – Medical/24-Hour Services
 - SAT – Satellite Services
- HCI Department/Title Acronyms
 - CAS – Child and Adolescent Services
 - CEO – Chief Executive Officer
 - COO – Chief Operating Officer
 - CCO – Chief Clinical Officer
 - CIO – Chief Information Officer
 - CDO – Chief Development Officer
 - EHS – Early Head Start
 - HR – Human Resources
 - IC/EH – Infection Control/Employee Health
 - IPS – Inpatient Services
 - IPU – Inpatient Unit
 - IS – Information Systems
 - ITS – Infant and Toddler Services
 - SGL – Supervised Group Living
 - VCOP – Vigo County Outpatient

OTHER USEFUL ACRONYMS

- ANSA – Adult Needs and Strengths Assessment (State Assessment Tool)
- BDDS – Bureau of Developmental Disability Services
- BQIS – Bureau of Quality Improvement Services
- CA – Chronically Addicted
- CANS – Child and Adolescent Needs and Strengths (State Assessment Tool)
- CMHC – Community Mental Health Center
- DCS – Department of Child Services (State Dept. that protects children from abuse and neglect)
- ID – Intellectually Disabled
- ID – Immediate Detention
- DDARS – Division of Disability and Rehabilitation Services
- DMHA – Department of Mental Health and Addictions
- ED – Emergency Detention
- EMR – Electronic Medical Record
- FSSA – Family and Social Services Administration (IN healthcare and social services agency)
- HSPP – Health Service Provider in Psychology
- ICCMHC – Indiana Council of Community Mental Health Centers
- INARF – Indiana Association of Rehabilitation Facilities

- IOP – Intensive Outpatient Program
- LCAC – Licensed Clinical Addiction Counselor
- LCSW – Licensed Clinical Social Worker
- LMFT – Licensed Marriage and Family Therapist
- LMHC – Licensed Mental Health Counselor
- MRO – Medicaid Rehabilitation Option
- OFI – Opportunity for Improvement
- PES – Performance Evaluation System
- PHR – Professional in Human Resources
- QLF – Quality Leadership Forum
- SA – Substance Abuse
- SED – Seriously Emotionally Disturbed
- SMI – Seriously Mentally Ill
- SPHR – Senior Professional in Human Resources
- TJC – Total Joint Commission

Appendix D-2

FAMILY and SOCIAL SERVICES ADMINISTRATION

The Family and Social Services Administration (FSSA) was established by the General Assembly in 1991 to consolidate and better integrate the delivery of human services by State government. FSSA is led by the Secretary who is appointed by the Governor and is a member of the Governor's cabinet.

FSSA is a health care and social service funding agency. Ninety-four percent (94%) of the agency's total budget is paid to thousands of service providers ranging from major medical centers to a physical therapist working with a developmentally delayed child. The FSSA budget of \$6.5 billion is funded by \$2.1 billion in State dollars and \$4.4 billion in Federal grants and programs. The six care divisions in FSSA administer services to one million Hoosiers.

Division of Family Resources (DFR) - Receives applications and approves eligibility for Medicaid, Food Stamps, TANF (cash assistance) and childcare. Implementing modernized application process using internet, document imaging and extended hour call-in services. Operates in all 92 counties. Administers childcare licensing and inspection program.

Office of Medicaid Policy and Planning (OMPP) - Administers Medicaid programs including the managed care system for Hoosier Healthwise participants. Performs medical review of Medicaid disability claims.

Division of Mental Health and Addiction (DMHA) - Supports network of mental health care providers. Operates six psychiatric hospitals. Funds addiction prevention and treatment programs.

Division of Aging (DA) - Funds long-term care through Medicaid programs. Supports the development and utilization of alternatives to nursing home care. Coordinates and funds services through network of Area Agencies on Aging.

DEPARTMENT OF CHILD SERVICES

The Department of Child Services was established in January 2005 by an executive order of the Governor to better care for children by providing more direct attention and oversight in two critical areas: protection of children and child support enforcement. Some of the successes in the first months of the department included a centralized hiring process, regionalization, new training programs, new standards for family case managers, and improved centralized payment processing for child support. The department is located in Indiana Government Center South at 402 West Washington Street, Room W392.

The Department of Child Services protects children and strengthens families through services that focus on family support and preservation. The department administers child support, child protection, adoption and foster care throughout the state of Indiana. The mission of the department is to protect children from abuse and neglect by partnering with families and communities to provide safe, nurturing, and stable homes.

Appendix D-3

Hamilton Center, Inc. CONSUMERRIGHTS

Persons admitted to a health care facility are entitled to specific rights in regard to the administration of their care and treatment. Each client shall have impartial access to treatment, regardless of race, religion, sex, ethnicity, age or handicap. Hamilton Center, Inc. acknowledges that each patient is entitled to:

1. Considerate and respectful care in a safe setting;
2. Full knowledge of his/her condition, treatment, procedures, prognosis, and continued care, to participate in the development and implementation of his/her plan of care;
3. Confidentiality of treatment, records, and personal health information as outlined in Federal and State regulations;
4. Examination of the client record;
5. Examination and explanation of treatment fees;
6. Appropriate observance of own religion;
7. Give informed consent to be photographed, audio or video taped, or to become involved in any research activity;
8. Respect for personal privacy; personal privacy shall be assured and protected within the constraints of the individual treatment plan;
9. The provision of an adequate number of competent and qualified professional clinical staff to provide services in accordance with standards of professional practice appropriate to each client's needs and designed to afford each client a reasonable opportunity to improve his/her condition;
10. The right to know who is providing the services they receive and any proposed change in the professional staff responsible for the client or for any transfer of the client;
11. The right to request the opinion of a consultant at his/her own expense;
12. The right to make informed decisions regarding care;
13. Be informed of his/her rights in a language s/he understands;
14. Be informed of risks, side effects, and benefits of all medications and treatment procedures used, especially those that are unusual or experimental;
15. The right, to the extent permitted by law, to refuse specific medications or treatment procedures;
16. Know it is the responsibility of the facility when the client refuses treatment, to seek appropriate legal alternative or orders of involuntary treatment, or, in accordance with professional standards, to terminate the relationship with the client upon reasonable notice; and,
17. The rules and regulations of the facility applicable to his/her conduct.

Persons receiving services in an inpatient or residential setting have the following conditional rights:

1. Reasonable use of own personal possession including wearing own clothes;
2. Reasonable visitation and communication with attorney and others outside the facility;
3. Correspondence with others including sending and receiving mail without hindrance;
4. Private telephone conversations with family and friends, unless clinically contraindicated;
5. Keep and spend a reasonable amount of individual's own money;
6. Formulate advance directives; and,
7. Other rights as a citizen such as voting, entering contractual agreements,

In agreement with Indiana Code 12-26-2, Hamilton HCI, Inc. acknowledges the additional rights of each person admitted on an involuntary status, which includes:

1. The right to receive adequate notice of hearing, stating time, place, and date of hearing;
2. To be present at the hearing and testify;
3. The right to be represented by legal counsel; and
4. The right to a change of judge.

Persons receiving alcohol and drug treatment services have specific rights. The confidentiality of alcohol and drug abuse records maintained by HCI is protected by Federal law and regulations. The program may not disclose that a client attends the program, nor disclose any information identifying a client as an alcohol or drug abuser unless:

1. The client consents in writing;
2. The disclosure is allowed by a court order; or
3. The disclosure is made to medical personnel in a medical emergency or to qualified personnel for research, audit, or program evaluation.

VIOLATIONS

Violation of Federal law and regulations is a crime. Suspected violations may be reported to appropriate authorities in accordance with Federal regulations. Federal law and regulations do not protect any information about a crime committed by a client either at the program or against any person who works for the program or about any threat to commit such a crime.

Federal laws and regulations do not protect any information about suspected child abuse or neglect from being reported under State law to appropriate State or local authorities.

CONSUMER FEEDBACK

Hamilton HCI, Inc. strives to provide courteous service of high quality for all consumers. If you have complements, questions or concerns about services you have received, you are encouraged to contact the physician or therapist, program supervisor, division director, executive director or HCI director. Quality of service demands that these responses from consumers be given careful attention.

In no event will a consumer be subject to negative action due to the initiation of a formal or informal complaint.

Consumers may contact the appropriate State Agency:

Division of Mental Health and Addictions Consumer Service Line at 1-800-901-1133 or TTY number 1-317-232-7844

Indiana Protection and Advocacy Services at 1-800-622-4845 or TTY number 1-800-838-1131

Division of Disability and Rehabilitative Services Bureau of Developmental Disabilities Services at 1-765-653-7152 or 1-877-218-3096

Family and Social Services Administration Medicaid Waiver Ombudsman at 1-317-234-1181 or 1-800-545-7763

Children and Families served by the Infant and Toddler Services may contact the program supervisor.