

Contract/ Hourly
Employee Personnel Manual
For
Skills, Inc.



<u>TABLE OF CONTENTS</u>	<u>Section</u>
<u>MISSION STATEMENT</u>	
MISSION	1.1
<u>2.0 EMPLOYMENT POLICIES</u>	
POLICY STATEMENT	2.1
RECRUITMENT AND EMPLOYMENT	2.2
HIRING AND APPOINTMENTS	2.3
DRUG-FREE WORKPLACE	2.4
WORKPLACE VIOLENCE	2.5
VERIFICATION OF CREDENTIALS	2.6
BACKGROUND CHECKS	2.7
PERSONNEL SKILLS/CREDENTIALS	2.8
<u>3.0 ADMINISTRATION</u>	
POLICY CHANGE	3.1
EMPLOYMENT PROCEDURES	3.2
QUALIFIED STANDARDS	3.3
<u>4.0 EMPLOYMENT PROCEDURES</u>	
EDUCATION AND TRAINING	4.1
EXECUTIVE DIRECTOR	4.2
HIRING AND FIRING	4.3
EMPLOYEES OF THE SAME FAMILY	4.4
EMPLOYEES (PART-TIME	4.5
EMPLOYEES (FULL-TIME)	4.6
PROBATIONARY PERIOD	4.8
PERFORMANCE APPRAISALS	4.9
JOB DESCRIPTIONS	4.10
TRANSFERS AND PROMOTIONS	4.11
PROMOTION POLICY	4.12

<u>TABLE OF CONTENTS</u>	<u>Section</u>
<u>5.0 OVERTIME</u>	
NON-PROFESSIONAL	5.2
<u>6.0 PERSONNEL POLICY</u>	
AUTHORITY	6.1
HOURS OF WORK	6.2
REFERENCE INQUIRIES AND CREDIT CHECKS	6.3
WEATHER SCHEDULE	6.4
DRESS CODE	6.5
CELL PHONE POLICY	6.6
SMOKING	6.7
VISITORS	6.8
HEPATITIS B VACCINATION	6.9
<u>7.0 COMPENSATION</u>	
SALARY COMPENSATION	7.1
PAYROLL DEDUCTIONS	7.2
<u>8.0 OUTSIDE EMPLOYMENT OR OTHER ACTIVITIES</u>	
OUTSIDE EMPLOYMENT	8.1
ACCEPTANCE OF GIFTS AND FAVORS	8.2
POLITICAL ACTIVITY RESTRICTED	8.3
<u>9.0 EMPLOYEE'S LEAVE BENEFITS</u>	
FAMILY MEDICAL AND LEAVE ACT	9.1
CIVIL AND MILITARY LEAVE	9.2
ABSENCE WITHOUT AUTHORIZATION	9.3

<u>TABLE OF CONTENTS</u>	<u>Section</u>
<u>10.0 INSURANCE AND RETIREMENT</u>	
WORKER’S COMPENSATION	10.1
<u>11.0 SEPARATION, DISCIPLINARY ACTION, DISMISSAL, AND REINSTATEMENT</u>	
RESIGNATION	11.1
DISABILITY	11.2
DISCIPLINARY ACTION, SUSPENSION, AND DISMISSAL	11.3
UNSATISFACTORY PERFORMANCE OF DUTIES	11.4
PERSONAL MISCONDUCT	11.5
DISMISSAL	11.6
SUSPENSION	11.7
APPEAL	11.8
<u>12.0 GRIEVANCE PROCEDURE</u>	
INFORMAL RESOLUTION	12.1
COMPLAINT PROCEDURE	12.2
HEARING PROCEDURE	12.3
<u>13.0 STATEMENT OR ACCEPTANCE</u>	
STATEMENT REQUIRED	13.1
<u>14.0 CLASSIFICATIONS</u>	
POLICY:	14.1
POSITION MANAGEMENT:	14.2
CLASSES OF POSITIONS BY STANDARD OCCUPATIONAL CLASSIFICATION	14.3
<u>15.0 ORGANIZATION CHART</u>	
ORGANIZATION CHART	

TABLE OF CONTENTS

Section

16.0 JOB DESCRIPTIONS

COMMERCIAL CLEANER (CONTRACT)

CONTRACT PRODUCTION PACKER/CLEANER

CONTRACT PRODUCTION LEAD PACKER/CLEANER

MATERIAL HANDLER/MACHINE OPERATOR I

MATERIAL HANDLER/MACHINE OPERATOR II

MATERIAL HANDLER/MACHINE OPERATOR III

1.0 MISSION STATEMENT

1.1 MISSION: Skills Inc. is a community rehabilitation program and charitable organization operating not for profit, but for the purpose of carrying out a recognized program of rehabilitation for disabled workers. It is the mission of Skills to provide comprehensive evaluation services, employee development services, community employment services, and job placement/coaching assistance and employment opportunities to individuals 16 years of age or older with physical, emotional, mental, and/or developmental disabilities; to continuously seek ways to improve services provided to individuals and increase their level of independence.

2.0 EMPLOYMENT POLICIES

2.1 POLICY STATEMENT: It is the fundamental policy of Skills, Inc. to apply Affirmative Action to all employees and to provide equal employment opportunity (EEO) to all of its applicants for employment. This policy extends to all areas of employment including hiring measures, compensation, promotions, demotions, terminations, working conditions, work assignments, training, awards, and benefits.

2.2 RECRUITMENT AND EMPLOYMENT: Recruitment and employment shall be without discrimination against and persons on grounds of race, color, religion, national origin, age, disability, sexual orientation, political affiliation or belief, genetic information, or gender. All employees will be employed for their qualifications and special skills as needed for a particular position and to best meet the needs of persons served. Every effort is made to retain good, capable employees by valuing their input; responding and providing for their training/development needs; prompt resolution to any complaints/grievances; benefit package, bonus program, and raises as funds allow.

2.3 HIRING AND APPOINTMENTS: All hiring and appointments for Skills, Inc. shall be solely on the basis qualifications, merit and fitness for the job, and ability to contribute to the mission of Skills, Inc. All positions requiring the performance of the same duties and responsibilities shall be assigned to the same salary grade.

2.4 DRUG-FREE WORKPLACE: It is the policy of Skills, Inc. to maintain a drug-free workplace. It is unlawful and prohibited by this CRP to manufacture, distribute, dispense, possess or use a controlled substance in this workplace. Dangers of drug/alcohol abuse include: impeding judgment which can cause you to make a mistake in your work, and jeopardize your safety or someone else's. Drug counseling, rehabilitation, and assistance is available through East Carolina Behavioral Health. You must notify the Executive Director of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. Penalties that may be imposed upon employees for drug/alcohol abuse violation occurring in the workplace are: (1) appropriate disciplinary action, up to and including termination; or (2) requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency. A pre-employment drug screening is not normally required. All employees are subject to random drug screening as directed. All employees will undergo review of this policy and sign a statement of affirmation at

orientation and annually.

2.5 WORKPLACE VIOLENCE: Skills, Inc. has zero tolerance for workplace violence. Any acts of violence including, but not limited to: causing injury to another, posing a threat or danger to another, possessing a weapon, threatening with a weapon; will result in termination. Proper authorities will be called. If you are feeling stressed or in a situation to the point of having violent thoughts, please talk to the Program Manager or Executive Director, appropriate referrals for help can be made.

2.6 VERIFICATION OF CREDENTIALS: All staff, volunteers and consultants employed in a professional capacity will be required to furnish the following:

1. Transcripts
2. Letter (s) of verification from appropriate agency letterhead, or
3. Provide address (es) and/or telephone number (s) of agency/agent that can provide information needed for verification.

The Executive Director or designee is responsible to verify employment/credentials by phone and/or fax. The prospective employee will sign authority to release information for confirmation and verification of information given on the employment application; and Authority to Release Information For Background Investigation may be required.

If any false information is found, the application will be discarded.

2.7 BACKGROUND CHECKS: All staff, volunteers and consultants being considered for employment in a direct service capacity shall be subject to a thorough background investigation. Prospective employees shall present a criminal background check. Prospective employees presenting a report reflecting information that would be detrimental to delivery of services to the program and the persons served will be rejected. The fee for the background check shall be reimbursed to the employee if hired. Immunizations and fingerprinting are not required.

2.8 PERSONNEL SKILLS/CREDENTIALS: It is the policy of Skills, Inc. to provide training for employees that will enable them achieve and maintain the necessary skills and knowledge to be an asset to the community rehabilitation program. Fire Ext./Lock out/Tag out/BBP/Shop Safety/PPE/ Forklift training (as applicable) will be scheduled by your supervisor and/or Executive Director.

3.0 ADMINISTRATION

3.1 POLICY CHANGE: The Executive Director shall be responsible to the Board of Directors for recommended changes in the Personnel Policy.

3.2 EMPLOYMENT PROCEDURES: The procedure of employment with Skills, Inc. shall be publicized through an acceptable medium such as the NC Employment Security Commission, local newspaper or radios.

3.3 QUALIFIED STANDARDS: Employees shall meet the employment standards required by the Board of Directors of Skills, Inc. as outlined in the specific job descriptions and other reasonable minimum standards as to character, aptitude, and ability to meet the public.

4.0 EMPLOYMENT PROCEDURES

4.1 EDUCATION AND TRAINING: Minimum requirements for education, training and experience are specified in each job description.

4.2 EXECUTIVE DIRECTOR: The Executive Director shall be appointed by the Board of Directors and serve at the pleasure of the Board.

4.3 HIRING AND FIRING: The Executive Director shall have the power to employ and terminate full-time or permanent employees. All professional appointments and terminations made by the Executive Director shall be approved by the Board of Directors.

4.4 EMPLOYEES OF THE SAME FAMILY: Married couples shall not be employed by the facility. Close relatives are prohibited from simultaneous employment.

4.5 EMPLOYEES: (PART-TIME): A part-time staff member is one who works less than 40 hours per week and is not entitled to paid benefits.

4.6 EMPLOYEES (FULL-TIME): A full-time employee is one who works the standard 40 hour work week and one who has successfully completed the probationary period of 90 days for the position in which the employee is employed. Professional employees are executive administrators and other professionals whose work requires exercise of discretion and independent judgment at least 80 percent of the time.

4.8 PROBATIONARY PERIOD: All new employees shall be in a probationary employment status for three months.

4.9 PERFORMANCE APPRAISALS/EVALUATION: A written performance/status evaluation is conducted on each employee for the following purpose: to serve as a basis for promotion or transfer, to provide an opportunity for joint development of goals, and to maintain and improve the employee's job performance. Each evaluation is filed in the personnel file of that employee. An initial evaluation will be conducted within 30 days of hire and annually thereafter. The Executive Director is responsible for formal written appraisals on all employees annually. The Executive Director may delegate an appraisal to be written by a qualified professional staff.

4.10 JOB DESCRIPTIONS: A job description shall be written for all employees: these are to be reviewed annually for continued appropriateness. Each employee shall receive a copy of the current job description. Employees are responsible for complying with the most recent job description.

4.11 TRANSFERS AND PROMOTIONS: A transfer is the reassignment of an employee to a position having the same or lower salary grade classification. A promotion is the reassignment of a staff member to a position having a higher salary grade classification.

4.12 PROMOTION POLICY: To encourage career employment and to assist our employees in availing themselves of promotional opportunities, it is the policy of Skills, Inc. to fill vacancies, whenever practical, by promotion. In situations where a well-qualified Skills employee is not available, appointments will be made of an applicant who is not already a Skills employee. Skills reserves and shall have the right to make promotions primarily on the basis of qualifications as set forth in the job description, demonstrated skills and abilities, and past performance of duty, but shall be governed by seniority when two or more employees have equal qualifications and have demonstrated equal

ability and skill through past performance of duty. Promotional procedure is in accordance with Skills' Affirmative Action Plan and EEO policy. If an employee feels that a promotion is not just, the aggrieved employee may use the Grievance Procedure as outlined in this manual.

5.0 OVERTIME

5.2 NON-PROFESSIONAL: Employees not classified as professionals will be paid at the rate of time-and -a half for the hours worked in excess of forty (40) hours per week. Overtime work must have prior approval of the Executive Director and/or immediate supervisor.

6.0 PERSONNEL POLICY

6.1 AUTHORITY: The total operational procedure of the community rehabilitation program will be the responsibility of the Executive Director. If the Executive Director is absent, the Finance Officer is in charge.

6.2 HOURS OF WORK: The standard work week is Monday through Saturday. You will be assigned your work hours by your supervisor and/or Executive Director. You may be required to utilize a time clock if there is one at the job-site. If you are unable to report to work as scheduled, notify your supervisor and/or Executive Director as soon as possible prior to the beginning of scheduled work hours. If neither of them can be reached, notify Skills' Admin. Office. Employees may be required to call in each day that they will be absent. A doctor's note may be required to return to work after serious illness or injury. A 10-minute break is allowed after 2 hours of work if you are scheduled to work 4 hours. A 20-minute lunch break will be allowed if the work shift is 6 hours or more. Hours of work will be established/assigned per work site.

6.3 REFERENCE INQUIRIES AND CREDIT CHECKS: All inquiries made by outside parties regarding employment history of former or present employees shall be directed to the Executive Director or Finance Officer. A release from you may be required to disclose any information.

6.4 WEATHER SCHEDULE: When your work-site closes due to inclement weather or power outage, Skills' contracted employees will not report to work/leave early, accordingly. Contact your supervisor and/or Executive Director.

6.5 DRESS CODE: Employees will dress appropriately and professionally for all situations and will be expected to maintain a proper professional appearance in order to cast a positive reflection on Skills, Inc. Long pants or shorts (1" to 4" above the knee or longer) may be selected that is appropriate for the work setting during your day and/or as required by your work site. No articles of clothing should be worn that may be perceived by the community to be offensive or political in nature. Footwear must include non-slip/non-skid soles.

6.6 Cell Phone Policy: Cellular phone usage applies to any device that makes or receives phone calls, leaves messages, sends text messages, surfs the Internet, or downloads and allows for the reading of and responding to email whether the device is company-supplied or personally owned.

Use of a cell phone or similar device for any business related to your employment is permitted. Use of a cell phone while driving at any time is discouraged as it minimizes the risks of accidents due to

this distraction.

Personal cell phone usage is only appropriate during nonworking hours, such as lunch hours and before or after an employee's scheduled work hours. Limit any necessary calls to as brief as possible (emergency, appointments). For necessary, prolonged, personal business, clear with your supervisor.

Violation of this policy could result in disciplinary action.

6.7 SMOKING: Smoking may be allowed in a designated area only during a designated break or lunch period. This will be determined by if you work enough hours to have a lunch break, and/or the policy of the particular work site.

6.8 VISITORS: No visitors are allowed at your job site.

6.9 HEPATITIS B VACCINE: Hepatitis B vaccine is available and recommended for persons providing personal/public service. It is recommended but not required that all employees obtain the Hepatitis vaccination series provided at no charge.

6.10 SKILLS POLICY ON EHTICAL CONDUCT: It is the policy of Skills, Inc. to maintain the highest standards of conduct and ethical behavior to promote a working environment that values respect, fairness, responsible stewardship and integrity. All staff, employees, board members, any consultants or volunteers shall act with honesty, integrity and openness in all their dealings as representatives of the CRP. Waste, fraud, abuse and other wrongdoings is prohibited. All forms of abuse, exploitation and harassment/assault is prohibited. Welcomed or consensual touching is prohibited. It is the responsibility for all to comply with the Code of Ethics and to report violations or suspected violations in accordance with this policy. Failure to follow these standards will result in disciplinary action including possible termination of employment, dismissal from the Board, consultant or volunteer duties and possible civil or criminal prosecution if warranted.

DEFINITIONS:

- 1. Physical Abuse:** Any committed or omitted act which may cause or causes physical harm or injury to a client (such as slapping, hitting, kicking, burning, pinching, shoving, pulling hair, jerking of arms or legs,) whether due to deliberate intent or gross error in judgment.
- 2. Emotional/Mental Abuse:** Any committed or omitted act associated with acts of harassment, teasing (such as the use of profane or vulgar language or other inappropriate language) to an employee for the purpose of inflicting embarrassment, belittlement, ridicule, or otherwise emotionally damaging consequences.
- 3. Exploitation:** Any committed or omitted act resulting in the improper or illegal use of a client/or his/her resources for one's own or another's profit or advantage; any act of the buying, giving or selling of alcohol or other unauthorized drugs between client(s) and employee(s).
- 4. Sexual Assault/Harassment:** physical or emotional; any sexual activity that one does not agree to including improper touching, improper advances, uninvited and unwelcome verbal or physical conduct, sexual innuendo, suggestive comments, coercion.
- 5. Fraud:** A dishonest and deliberate course of action that results in the obtaining of money, property or an advantage to which the person committing the fraud would not normally be

entitled. It is the intentional misleading or deceitful conduct that deprives another of his/her resources or rights. Fraud always involves intent and some violation of trust.

6. **Waste:** Waste occurs when someone makes careless or extravagant expenditures, incurs unnecessary expenses, or grossly mismanages resources. This activity results in unnecessary costs. It may or may not provide the person with personal gain. Waste is almost always a result of poor management decisions and practices or poor accounting controls.
7. **Abuse:** Abuse most often involves an employee exploiting “loopholes” in policies and procedures for personal benefit. Abuse is very close to fraud, but is often not prosecutable as such. Abuse includes, but is not limited to the misuse or destruction of resources, using the power of an official position inappropriately, or any other seriously improper practice that cannot be prosecuted as fraud.
8. **Wrongdoing:** Examples of wrongdoing include, but are not limited to, fraud, including financial fraud and accounting fraud, violation of laws and regulations, violations of Skill’s policies, unethical behavior or practices, endangerment to public health or safety and negligence of duty.

Violations of this Code of Ethical Conduct:

Employees, staff persons, Board of Directors, and the community are encouraged to report violations of this code of ethics to the Project Manager. The Project Manager will inform the Compliance Officer, the Executive Director. In the event that any person with a reporting obligation believes that there is a conflict of interest on the part of the person to whom the allegations of suspected improper conduct are to be reported, the next higher level of authority shall receive the report. Resolution shall be made with the utmost concern for the safety of the accused/accuser.

Whistleblowers Policy:

No director, officer or employee who in good faith reports a violation of the Code of Ethics shall suffer harassment, retaliation or adverse employment consequence. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns within Skills prior to seeking resolution outside the agency.

Confidentiality:

Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously by mail or e-mail. An anonymous report must include sufficient corroborating evidence to justify initiating an investigation. Reports will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation. Legal or business requirements may not allow for complete anonymity. The identity of other persons subject to or participating in any inquiry or investigation relating to a report shall be maintained in confidence subject to the same limitation.

REPORTING PROCEDURES:

In all cases of suspected or alleged abuse, neglect, exploitation of a client, acts of waste, fraud, abuse or any other wrongdoing, each employee, director, or any other person/entity is encouraged to report such act to the Executive Director, Compliance Officer. You may speak to or report any violation to your Supervisor, Project Manager, or a member of the Ethics Committee if you are more comfortable doing so. The person first receiving the report should inform the Executive Director as soon as possible. It is recommended that persons who are not employees of Skills make reports directly to the Compliance Officer.

Reports of allegations of abuse are encouraged to be made in writing so that there is a clear understanding of the issues raised. Oral reports, however, may be made. The report should be factual rather than speculative and contain as much specific information as possible.

The Executive Director is responsible for investigating and resolving reported complaints and allegations concerning violations of the Code of Ethics, and, at his/her discretion, shall advise the President and/or the Board Personnel Committee. The Ethics Committee may be called upon to assist in the investigation and proceedings.

Anyone filing a complaint concerning a violation or suspected violation of the Codes must be acting in **good faith** and have reasonable grounds for believing the information disclosed indicates a violation of the Code of Ethics. A report does not have to be proven to be true to be made in good faith. Good faith is lacking when the disclosure is known to be malicious or false and will be viewed as a serious disciplinary offense. Allegations made with reckless disregard for their truth or falsity may be subject to disciplinary action by Skills and/or legal claim by individuals accused of such conduct.

After taking care of any emergency situation, the Executive Director will begin an investigation and ask for written statements from all employees/individuals having knowledge of or being involved in said situation.

In all cases of injury (emotional and physical) the injured's physician should be asked to check for possible medical or psychiatric needs and assessment of injuries and enter on an incident report.

Within 24 hours (or as soon as feasible), the Executive Director will collect data in the preliminary investigation (including witness reports, impressions, usual client behavior, usual employee behavior, etc.) and written statement of the parties involved.

Any employee accused or suspected of such behavior can be suspended in accordance with personnel policies pending investigation findings.

The Executive Director may solicit input from the Ethics Committee and/or President of the Board of Directors and/or Personnel Committee or a committee authorized by the BOD. A final decision regarding the employment status of an employee accused of any moral or ethical violation will be made within one week of the initial allegation.

The allegation of suspected improper conduct must be reported as soon as possible and no later than one (1) year after the event (s) giving rise to the allegation.

In the case of employee abuse by another employee or staff, the abused employee has the right to press criminal charges or bring civil action against the employee/staff.

NOTE: Any employee having any questions relative to the intent and/or application of this policy is urged to seek further consultation and assistance from his/her supervisor, a member of the Ethics Committee, or the Executive Director.

Recourse of the Accused: The accused has a right to legal representation at his/her own expense. If disciplinary action is imposed and the accused has a complaint concerning the outcome of the investigation and decisions made thereof, the accused may within 30 days:

- a. Submit a written request for a meeting with the Executive Director and President of the Board of Directors
- b. If the accused prefers further action, the president will arrange a meeting with the Board of Directors, Personnel Committee, or Executive Committee, or a committee authorized by the Board. All steps must be requested in writing. A decision on the disposition of complaint will be made within thirty (30) days of the initial written request. All decisions arrived at by the Board of Directors or appropriate authorized committee will be final.

Accountability: A copy of this policy will be given to new employees and Board members during orientation. Each immediate supervisor or Executive Director will personally brief the entire contents of this policy and procedures. The employee or Board member will sign a Statement of Acceptance that they have read, understood, and are committed to abide by its contents at orientation and annually. The signed statement of compliance will be placed in their personnel file and kept with BOD documents as appropriate. Revisions and additions will be reviewed and commitment renewed.

FINANCIAL RESPONSIBILITY: Financial responsibility lies with the Board of Directors and the Executive Director. Budgets are compiled by the Executive Director and Finance officer and approved by the Board of Directors. Each department is responsible for following closely the annual budget. Any property damage or major financial loss shall be reported to the Executive Director.

7.0 COMPENSATION

7.1 SALARY COMPENSATION: All employees of the facility at a contract site will be paid bi-weekly unless otherwise notified. A pay period is inclusive of 10 working days: a work week beginning on Saturday and ending on Friday. The amount to be paid will be disbursed no later than the fifth working day following the end of the pay period (generally on the Thursday following the pay period end after 9 a.m.). Your time cards for the pay period will be picked up. You are responsible for clocking in and out on time or recording your accurate time if a time clock is not available. Falsifying

recorded time worked is subject to disciplinary action and/or dismissal. The pay rate is determined by the contracted amount for the position; not to be below minimum wage. Employees performing the same duties shall incur the same rate. Wage increases will be determined upon contract status and/or change in minimum wage requirements as negotiated/approved by the Executive Director and Finance Officer.

7.2 PAYROLL DEDUCTIONS: Federal and State income tax and Social Security/Medicare taxes shall be deducted each pay period, as well as other deductions required by law. No payroll deductions from employee's pay for contribution to charitable organizations or otherwise shall be made unless demanded by law.

8.0 OUTSIDE EMPLOYMENT OR OTHER ACTIVITIES

8.1 OUTSIDE EMPLOYMENT: The work of Skills, Inc. shall take precedence over other occupational interests of its employees. Conflicting outside employment shall be grounds for disciplinary action, including dismissal.

8.2 ACCEPTANCE OF GIFTS AND FAVORS: No employee shall accept any gift, whether in the form of services, loans, or promises, from any person who, to the employee's knowledge or belief, is interested directly or indirectly in any manner whatsoever in business dealings with Skills, Inc. No employee shall grant in the discharge of their duties any favor, service, or gift of value.

8.3 POLITICAL ACTIVITY RESTRICTED: Every employee has a civic responsibility to support good government by every available means and in every appropriate manner. Each employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meeting and may advocate and support the principles or the policies of civic or political organizations in accordance with the Constitution and laws of the United States of America.

No employee of Skills, Inc. shall:

1. engage in any partisan political activity while on duty.
2. be required as a duty of this office of employment or as a condition for employment, promotion, or tenure of office to promote any political affiliation.
3. solicit, or act as custodian of money for political or partisan purposes.
4. coerce or compel contributions for political or partisan purposes by another employee.
5. use any supplies or equipment of Skills, Inc. for political purposes. All employees of Skills, Inc. shall comply with the provisions of the Federal Hatch Act. A copy of this act is available in the Administration office.

9.0 EMPLOYEE'S LEAVE BENEFITS

9.1 FAMILY MEDICAL AND LEAVE ACT: The Family Medical and Leave Act of 1993 requires covered employers to provide up to twelve (12) weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for **at least one (1) year, and for 1250 hours over the previous 12 months**, and if there are at least 50 employees within 75 miles. The National Defense Authorization Act for FY 2008, Public Law 110-181 was signed into law. Section 585(a) of the NDAA was amended to provide eligible employees working for covered employers, leave rights related to military service up to 26 weeks. For your rights and

responsibilities under the *Family and Medical Leave Act*, see **Appendix C**. More information and forms are available to you upon request. At the employer's or employee's option, certain kinds of paid leave may be substituted for unpaid leave. The employee must provide 30 days advanced leave notice when the need is foreseeable. Employees on leave of absence without pay do not accrue annual or sick leave time.

9.2 CIVIL AND MILITARY LEAVE: Upon application in writing, the employees may be granted leave of absence as indicated below:

1. When, in obedience to a subpoena, or direction from proper authority they appear as a witness for the Federal Government, the State of North Carolina, or a political subdivision thereof, or as a juror, they shall be entitled to a leave of absence for such duty and for such period of required absence. Leave of absence will be applied only to the required time of appearance for local court and travel time allowance. Paid annual/vacation leave may be substituted for a leave of absence at the employee's option but not required.
2. Attendance at court in the connection with an employee's official duties, and time required going and returning, shall not be considered absence from duty, but a responsibility of their position.
3. When subpoenaed in private litigation or by some party other than the Federal Government, the State of North Carolina, or a political subdivision thereof, to testify not in their official capacity but as an individual, the time the employee is absent by reason thereof shall be taken as annual leave or leave without pay.
4. An employee called for military assignment shall be provided the protection and rights as outlined in the Uniformed Services Employment and Reemployment Rights Act (USERRA). Unless precluded by military necessity, advance notice must be provided either orally or in writing. Reinstatement as outlined in the USERRA and NCGA General Statutes –127A-202 Rights, will be applied.
5. Employees will be excused from work with a military leave of absence to attend inactive duty training (drill) or annual training. All National Guard and Reserve members are encouraged to provide a copy of orders, the annual drill schedule, or other type of documentation to employers as soon as available and, if possible, before the commencement of military duty. Failure to provide notice may result in a denial of the protection of USERRA. Paid vacation/annual leave may be substituted for the leave without pay at the employee's option but not required. After completion of a weekend drill, the employee is expected to return to work either the beginning of the next regularly scheduled work day or during that portion of the regularly scheduled shift that would fall eight hours after the end of drill and a reasonable amount of time to commute home.

The time limit for an employee to return to work after Annual Training or other extended military leave of absence depends on the duration of the orders. I.e., Service of 1 to 30 days: the beginning of the first regularly scheduled work day or 8 hours after the end of the military duty, plus reasonable commuting time. Service of 31 to 180 days: application for reinstatement must be submitted not later than 14 days after completion of military duty. Service of 181 or more days: application for reinstatement must be submitted not later than 90 days after completion of military duty.

9.3 ABSENCE WITHOUT AUTHORIZATION: Absence by an employee from his/her scheduled place of work, shall be subject to disciplinary action. Continued absence without authorization after it has been called to the employee's attention shall be considered sufficient causes for suspension or dismissal.

10.0 INSURANCE

10.1 WORKER'S COMPENSATION: Employees are fully covered by Worker's Compensation and are required to report all injuries arising out of and in the course of employment to the Executive Director or their supervisor at the time of the injury in order that appropriate action may be taken at once. Responsibility for claiming compensation under Worker's Compensation Act is the burden of the injured employee and such claim must be filed by them with their supervisor within 40 hours of time of an accident or injury.

11.0 SEPARATION, DISCIPLINARY ACTION, DISMISSAL, AND REINSTATEMENT

11.1 RESIGNATION: An employee may resign by submitting a written resignation and the effective date to the Executive Director as far in advance as possible, but a minimum notice of one pay period is desired. Failure to comply with this time requirement may be cause for denying future employment with the CRP.

11.2 DISABILITY: An employee may be separated for disability when they cannot perform the required duties because of a physical or mental impairment. Action may be initiated by the employee, the Personnel Committee, or the Executive Director, but in all cases it must be substantiated by medical evidence.

11.3 DISCIPLINARY ACTION, SUSPENSION, AND DISMISSAL: An employee, regardless of occupation, position, profession, or work performed, may be warned, reprimanded, suspended, dismissed, or given a leave of absence without pay by the Executive Director in accordance with the provision of this policy. Causes for disciplinary action are (a) unsatisfactory performance of duties, and (b) personal conduct detrimental to the CRP.

11.4 UNSATISFACTORY PERFORMANCE OF DUTIES: The following causes relating to the performance of duties are representative of, but not limited to those considered for disciplinary action:

1. inefficiency or incompetence in the performance of duties;
2. negligence in the performance of duties;
3. physical or mental incapacity for performing duties;
4. careless, negligent, or improper use of the workshop property;
5. failure to maintain satisfactory and harmonious working relationships
6. absence without approved leave;
7. habitual pattern of failure to report for duty at the assigned time and place.
8. failure to submit to random drug screening as directed/positive results from drug screening;
9. improper/personal use of inventory/equipment; removal of contract supplies or

- equipment for personal use or gain;
- 10. Improper use/removal or destruction of property of Skills/worksite
- 11. Failure to wear proper/required PPE.

11.5 PERSONAL MISCONDUCT: The following causes relating to personal misconduct are representative of, but not limited to those considered for disciplinary action:

1. guilty of gross misconduct or conduct unbecoming a CRP employee;
2. participation in any action that would in any way seriously disrupt the operation of the CRP/worksite;
3. refusal to accept a reasonable and proper assignment from an authorized supervisor (insubordination);
4. reporting to work under the influence of alcohol or drugs, or the use of alcohol or drugs while on duty;
5. betrayal of confidential information from official records;
6. taking part in political management or in political campaigns prohibited by law.
7. possession or discharge of firearms, dangerous weapons and knives
8. theft

11.6 DISMISSAL: Employees who are dismissed for unsatisfactory performance of duties or personal misconduct should in most cases receive three warnings: first, an oral warning; second, an oral warning with a follow-up letter to the employee which sets forth the points covered in the discussion; third, a written warning which will serve as a notice to the employee that a further instance of unacceptable practices may result in dismissal. Notice of each step shall be recorded in the employee's confidential personnel record.

A written summary of the case will be prepared by the supervisor and presented to the Executive Director who shall review the facts and evaluate the situation. Upon reaching a decision to dismiss the employee, an effective termination date of not less than 10 working days may be determined and the employee so advised via letter over the signature of the Executive Director.

11.7 SUSPENSION: An employee may be suspended without pay by the Executive Director for reason of misconduct, negligence, inefficiency, insubordination, disloyalty, unauthorized absence, or other justifiable reasons when other alternate personnel actions are not appropriate. The initial suspension may be oral when, in the judgment of the Executive Director, such action is necessary. The Executive Director may notify the employee in writing via mail of the terms of the suspension and/or have employee sign a copy of the Incident Report in acknowledgement.

11.8 APPEAL: An employee may appeal his/her suspension or dismissal to the Personnel Committee, in which case the complaint and hearing procedures set forth in Section 13 shall apply.

12.0 GRIEVANCE PROCEDURE

12.1 INFORMAL RESOLUTION: A grievance is any cause for dissatisfaction outside an employee's control which grows out of employment with the CRP. The supervisor shall make every effort to solve the problem or correct the misunderstanding at the initial level. If informal discussion with the immediate supervisor is unsuccessful in resolving grievance, the employee may discuss the

issue with the next higher level of supervision. If such discussion does not finally settle the matter, the employee may then informally appeal to the Executive Director. If this discussion does not satisfactorily settle the matter, the employee may then file a complaint with the Personnel Committee.

12.2 COMPLAINT PROCEDURES: Upon filing a complaint, and at each stage thereafter, the complainant shall be notified in writing of the next step in the procedure. The identity of any person who has furnished information relating to, or is assisting in, an investigation of a possible violation of Federal or State law shall be kept confidential to the extent possible consistent with a fair determination of the issues. The complaint resolution procedure shall include:

1. an opportunity to file a complaint (all complaints shall be in writing);
2. an opportunity for informal resolution of the complaint;
3. written notification of an opportunity for a hearing, when an informal resolution has not been accomplished, which shall state the procedure for requesting a hearing and shall describe the elements in the hearing procedures including those set forth below:
4. an opportunity to amend the complaint prior to a hearing;
5. an opportunity for a hearing pursuant to hearing procedures set forth below within 30 days of filing the complaint and shall include the following:
 - a. the reasons for the decision;
 - b. a statement that the procedures delineated in this section
6. -notice of the right to file a complaint with a higher authority where any party disagrees with the decision.

12.3 HEARING PROCEDURE: A hearing, when requested, shall be provided within 30 days after filing a complaint. The hearing notice and procedure include:

1. a written notice of the date, time, and place of the hearing, the manner in which it will be conducted, and the issues to be decided (Other interested parties may apply for notice. Such other interested parties are persons or organizations potentially affected by the outcome. The notice to the other interested parties shall include the same information furnished to the complainant and shall further state whether such interested parties may participate in the hearing, and if applicable, the methods by which they may request such participation);
2. an opportunity to withdraw the request for a hearing in writing before the hearing;
3. an opportunity to request rescheduling of the hearing for good cause;
4. an opportunity to be represented by an attorney or other representative of the complainant's choice;
5. an opportunity to bring witnesses and documentary evidence;
6. an opportunity to have records or documents relevant to the issues produced by their custodian when such records or documents are kept by or for the CRP in the ordinary course of business;
7. an opportunity to question any witness or parties;

- 8. a written decision within 60 days from the date of filing the original complaint from the Personnel Committee to the complainant, and to any other interested parties. (The period may be extended for a sixty-day period for good cause. The decision shall include a synopsis and remedies to be applied).

13.0 STATEMENT OF ACCEPTANCE

13.1 **STATEMENT REQUIRED:** Each employee shall be required to sign and date a copy of the following statement, which shall then be included in the employee’s personnel file:

“As an employee of Skills, Inc., I hereby affirm that I have read the Personnel Policies as adopted by the Board of Directors and further do hereby state that I shall be governed by the intent and purpose as so stated in the policies. I understand that my failure to abide by these policies will be grounds for disciplinary action against me as stated therein.”

Signature

Date

to Employee Personnel File

14.0 CLASSIFICATIONS

14.1 POLICY: It is the policy of Skills, Inc. to deliver its programs of service and achieve its objective through sound management practices. A basic part of this policy is effective and economical position classification and management.

14.2 POSITION MANAGEMENT: Position management involves the design and control of individual positions to achieve a proper balance of values among the following management considerations: Number of positions; total cost of services; maximum use of scarce or costly manpower skills; maximum attraction, retention, and motivation of competent personnel; provision for maximum developmental opportunities; effective use of work processes, equipment, and techniques; and clear delineation of duties and responsibilities. Good position management reflects the composite resolution of these often conflicting values.

14.3 CLASSES OF POSITIONS BY STANDARD OCCUPATIONAL CLASSIFICATION

CLASS CODE NUMBER

CLASSIFICATION TITLE

FINANCIAL MANAGEMENT AND GENERAL ADMINISTRATIVE CLASSES

11-1011	EXECUTIVE DIRECTOR
11-3031	FINANCE OFFICER
43-6011	ADMINISTRATIVE SECRETARY

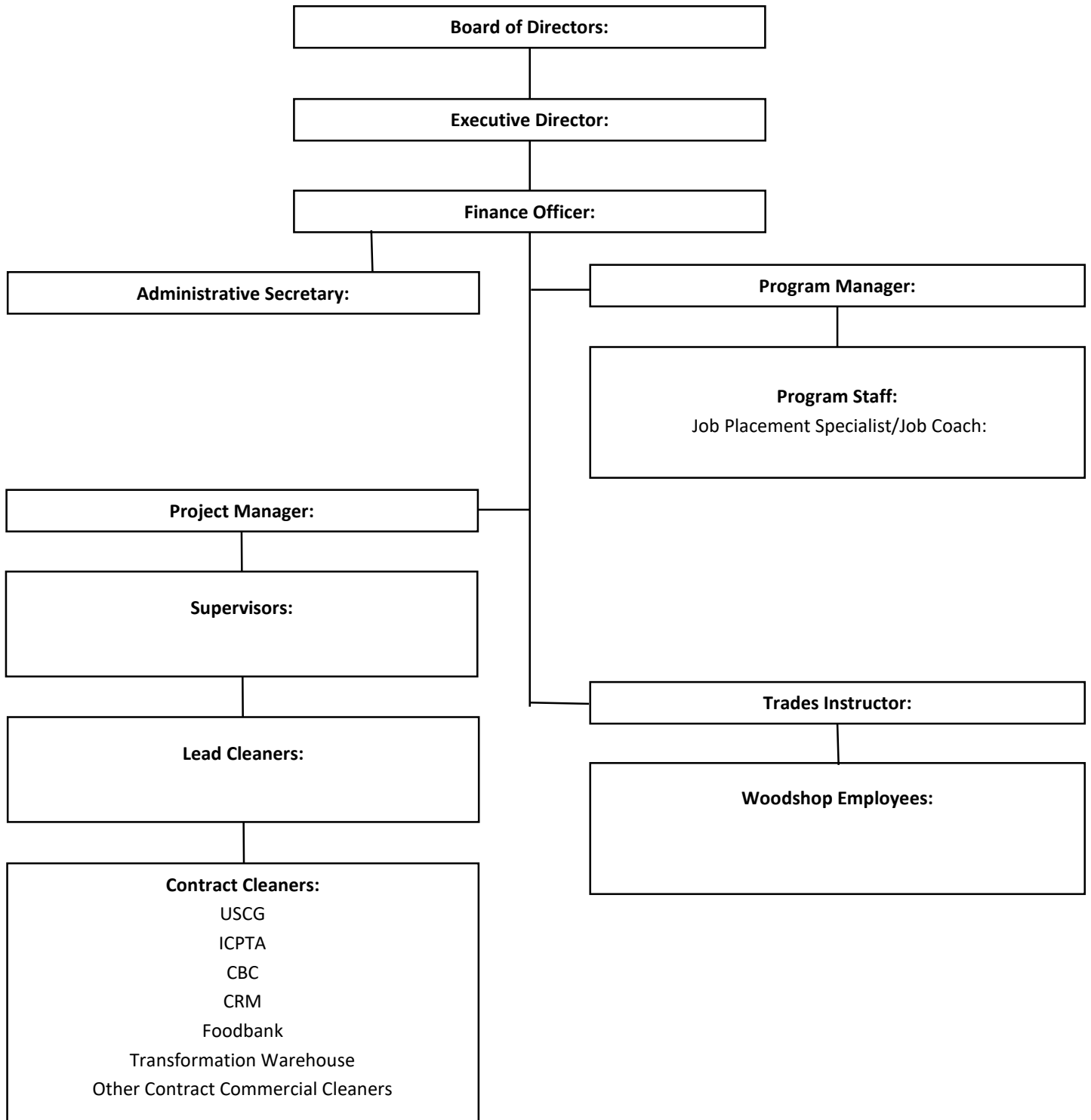
HUMAN SERVICES CLASSES

21-1012	COMPREHENSIVE VOCATIONAL EVALUATOR
11-9151	EMPLOYEE DEVELOPMENT SERVICES COORDINATOR-PROGRAM MANAGER
11-9151	COMMUNITY EMPLOYMENT SERVICES PROGRAM MANAGER
47-1011	TRADES INSTRUCTOR
21-1015	EDS/CES JOB PLACEMENT SPECIALIST/COACH
21-1015	CES/EDS JOB COACH/DEVELOPER

SERVICE OCCUPATIONS

11-1021	PROJECT MANAGER
37-1011	LEAD CLEANER/SUPERVISOR
37-2011	INDUSTRIAL CLEANER/JANITOR
51-7099	MATERIAL HANDLER/MACHINE OPERATOR I
51-7041	MATERIAL HANDLER/MACHINE OPERATOR II
51-7042	MATERIAL HANDLER/MACHINE OPERATOR III
53-7064	CONTRACT PRODUCTION LEAD PACKER/CLEANER

15.0 ORGANIZATION CHART



JOB DESCRIPTION

COMMERCIAL CLEANER

Salary: per Contract

Exemption Status: non-exempt

Responsible to: Executive Director

Responsible for: none

General Statement of Duties:

Performs janitorial work in small office facility. Responsible for cleaning restrooms and fixtures, offices, and other spaces as assigned to quality standards.

Examples of Duties Performed:

- sweep and mop floors
- vacuum carpets
- remove trash
- clean windows
- clean restrooms/re-stock supplies
- clean walk off mats
- spray buff tile floors

Essential Duties:

- perform assigned janitorial duties to quality standards in a safe and timely manner
- wear appropriate attire and PPE equipment
- adhere to all Personnel & Safety policies and procedures
- 'clock in & out' using time clock
- lock up building

Nonessential Duties:

perform related duties as required

Knowledge/Skills Requirements:

- knowledge of Skills, Inc. policies and procedures
- ability to follow policies
- ability to follow oral or written instructions
- ability to work independently
- ability to perform general housekeeping/janitorial labor
- working knowledge of janitorial and floor maintenance equipment

Required Physical Activities:

- ability to balance, crouch, bend, stoop, crawl, walk, kneel, twist, stand & sit, hear, near/far

vision

- ability to lift up to 40lbs. possible
- tolerant of environmental conditions (wetness, dust, noise, hot/cold, etc.)
- ability to perform work duties as needed

Driving Requirements:

must have current, valid driver's license and/or dependable transportation

Other Requirements:

- ability to understand written & oral communications
- ability to communicate effectively
- ability to establish rapport and communicate effectively with people
- assures compliance with applicable laws, rules, and regulations
- maintains compliance with all applicable policies, procedures, and standards

Experience and Training:

High school diploma or equivalent and/or prior experience in commercial cleaning services.

JOB DESCRIPTION

Contract Production Packer/Cleaner

Salary: Per contract

Exemption Status: non-exempt

Responsible to: Executive Director

Directly/Indirectly Supervises: None

General Statement of Duties:

Responsible for stacking and piling goods into their correct containers and preparing them for shipment. Will be required to work with volunteers from the general public on a consistent basis. Cleans work area as required.

Essential Duties

- Stack and pile finished goods into containers.
- Prepare goods for shipment.
- Pack them following a specific set of instructions.
- Check to ensure containers are damage free.
- Verify if items pulled out of package are correct.
- Move completed packages for loading.
- Sweep, mop, dust, or perform general cleaning duties in designated areas.
- Work Safely in a warehouse environment.

Nonessential Duties:

perform related work as required

Knowledge/Skills Requirements:

- Understand and follow basic verbal and written instructions
- Effectively communicate information and respond to questions from various levels within the organization
- Possess basic mathematical skills: addition, subtraction, multiplication and division
- Perform basic visual quality inspections on products
- Maintain the production pace of other team members
- Work effectively with community volunteers as well as coworkers.

Required Physical Activities:

May be required to stand for long periods of time

Driving Requirements:

Must have current, valid driver's license and/or dependable transportation

Other Requirement

- ability to understand written or oral communication
- ability to communicate effectively
- ability to establish rapport and communicate effectively with people

Experience and Training:

No Prior Experience Necessary

JOB DESCRIPTION

Contract Production Lead Packer/Cleaner

Salary: Per contract

Exemption Status: non-exempt

Responsible to: Executive Director

Directly/Indirectly Supervises: Contract Production Packer/Cleaner

General Statement of Duties:

Responsible for stacking and piling goods into their correct containers and preparing them for shipment. Will be required to work with volunteers from the general public on a consistent basis. Cleans work area as required. Oversees completion of work assignments for specified shift; ensures all duties are performed to quality standards and timeliness.

Essential Duties

- Assign, schedule, and perform duties as required; ensure quality and timeliness.
- Apply and enforce Personnel and Safety Manual policies and procedures.
- Inform Supervisor of needs and concerns/
- Stack and pile finished goods into containers.
- Prepare goods for shipment.
- Pack them following a specific set of instructions.
- Check to ensure containers are damage free.
- Verify if items pulled out of package are correct.
- Move completed packages for loading.
- Sweep, mop, dust, or perform general cleaning duties in designated areas.
- Work Safely in a warehouse environment.

Nonessential Duties:

perform related work as required

Knowledge/Skills Requirements:

- Understand and follow basic verbal and written instructions
- Effectively communicate information and respond to questions from various levels within the organization
- Possess basic mathematical skills: addition, subtraction, multiplication and division
- Perform basic visual quality inspections on products
- Maintain the production pace of other team members
- Work effectively with community volunteers as well as coworkers.

Required Physical Activities:

- May be required to stand for long periods of time
- May involve some repetitive motions
- Must be able to lift up to 50 pounds
- May also engage in frequent bending, stooping, squatting, pushing and pulling of parts and part containers
- Due to the open environment of the warehouse, must be able to work in various weather and temperature conditions to include heat, humidity and cold

Driving Requirements:

must have current, valid driver's license and/or dependable transportation

Other Requirement

- ability to understand written or oral communication
- ability to communicate effectively
- ability to establish rapport and communicate effectively with people

Experience and Training:

No Prior Experience Necessary

JOB DESCRIPTION

Material Handler/Machine Operator I

Salary: Per wage rate

Exemption Status: non-exempt

Responsible to: Trades Instructor / Executive Director

Directly/Indirectly Supervises: None

General Statement of Duties:

Responsible primarily for the handling and stacking of production pieces and banding. May be required to operate some wood saws, nail gun, and other equipment as needed.

Essential Duties

- Place boards on saw table; take cut pieces off table and stack neatly on a pallet
- Place end boards on saw table; adjust boards to meet the saw stop
- Assist with Cutting boards to length using stops for measurements
- Assist with Re-sawing boards to width/thickness
- Place boards into a jig for a crate; nail boards together using nail gun
- Remove waste to dumpster
- Keep work area clean
- Work Safely in a Manufacturing environment.

Nonessential Duties:

perform related work as required

Knowledge/Skills Requirements:

- Understand and follow basic verbal and written instructions
- Effectively communicate
- Possess basic mathematical skills: must be able to count to 50
- Perform basic visual quality inspections on products
- Maintain and set the production pace of other workers
- Work effectively with Supervisor and coworkers

Required Physical Activities:

- May be required to stand for long periods of time
- May involve some repetitive motions

- Must be able to lift up to 30 pounds
- May also engage in frequent bending, stooping, squatting, lifting, pushing and pulling of lumber
- Due to the open environment of the warehouse, must be able to work in various weather and temperature conditions to include heat, humidity and cold

-

Driving Requirements:

must have current, valid driver's license and/or dependable transportation

Other Requirements:

- ability to understand written or oral communication
- ability to communicate effectively
- ability to establish rapport and communicate effectively with people

Experience and Training:

High school diploma or equivalent preferred but not required. No prior experience necessary.

JOB DESCRIPTION

Material Handler/Machine Operator II

Salary: Per wage rate

Exemption Status: non-exempt

Responsible to: Trades Instructor / Executive Director

Directly/Indirectly Supervises: None

General Statement of Duties:

Responsible primarily for operating wood saws, nail gun, and other equipment as needed. May be required to perform the handling and stacking of production pieces and banding.

Essential Duties

- Must be certified by the trades instructor to operate all saws, nailguns and other production equipment.
- Place boards on saw table; take cut pieces off table and stack neatly on a pallet
- Place end boards on saw table; adjust boards to meet the saw stop
- Cutting boards to length using stops for measurements
- Re-sawing boards to width/thickness
- Place boards into a jig for a crate; nail boards together using nail gun
- Remove waste to dumpster
- Keep work area clean
- Work Safely in a Manufacturing environment.

Nonessential Duties:

perform related work as required

Knowledge/Skills Requirements:

- Understand and follow basic verbal and written instructions
- Effectively communicate
- Possess basic mathematical skills: must be able to count to 50
- Perform basic visual quality inspections on products
- Maintain and set the production pace of other workers
- Work effectively with Supervisor and coworkers

Required Physical Activities:

- May be required to stand for long periods of time
- May involve some repetitive motions
- Must be able to lift up to 30 pounds
- May also engage in frequent bending, stooping, squatting, lifting, pushing and pulling of lumber
- Due to the open environment of the warehouse, must be able to work in various weather and temperature conditions to include heat, humidity and cold

-

Driving Requirements:

must have current, valid driver's license and/or dependable transportation

Other Requirements:

- ability to understand written or oral communication
- ability to communicate effectively
- ability to establish rapport and communicate effectively with people

Experience and Training:

High school diploma or equivalent preferred but not required. No prior experience necessary.

JOB DESCRIPTION

Material Handler/Machine Operator III

Salary: Per wage rate

Exemption Status: non-exempt

Responsible to: Trades Instructor / Executive Director

Directly/Indirectly Supervises: None

General Statement of Duties:

Responsible primarily for operating all manufacturing equipment. May be required to perform operation of wood saws, nail gun, and other equipment as needed the handling and stacking of production pieces and banding.

Essential Duties

- Must be certified by the Trades Instructor to operate the main production line.
- Must be certified by the Trades Instructor to operate all saws, nailguns and other production equipment.
- Place boards on saw table; take cut pieces off table and stack neatly on a pallet
- Place end boards on saw table; adjust boards to meet the saw stop
- Cutting boards to length using stops for measurements
- Re-sawing boards to width/thickness
- Place boards into a jig for a crate; nail boards together using nail gun
- Remove waste to dumpster
- Keep work area clean
- Work Safely in a Manufacturing environment.

Nonessential Duties:

perform related work as required

Knowledge/Skills Requirements:

- Understand and follow basic verbal and written instructions
- Effectively communicate
- Possess basic mathematical skills: must be able to count to 50
- Perform basic visual quality inspections on products
- Maintain and set the production pace of other workers
- Work effectively with Supervisor and coworkers

Required Physical Activities:

- May be required to stand for long periods of time
- May involve some repetitive motions
- Must be able to lift up to 30 pounds
- May also engage in frequent bending, stooping, squatting, lifting, pushing and pulling of lumber
- Due to the open environment of the warehouse, must be able to work in various weather and temperature conditions to include heat, humidity and cold

-

Driving Requirements:

must have current, valid driver's license and/or dependable transportation

Other Requirements:

- ability to understand written or oral communication
- ability to communicate effectively
- ability to establish rapport and communicate effectively with people

Experience and Training:

High school diploma or equivalent preferred but not required. No prior experience necessary.

Appendix C:

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION



LEAVE ENTITLEMENTS

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within 1 year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

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

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

BENEFITS & PROTECTIONS

ELIGIBILITY REQUIREMENTS

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

*Special "hours of service" requirements apply to airline flight crew employees.

REQUESTING LEAVE

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

EMPLOYER RESPONSIBILITIES


Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

ENFORCEMENT

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

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



For additional information or to file a complaint:

1-866-4-USWAGE
(1-866-487-9243) TTY: 1-877-889-5627

www.dol.gov/whd

U.S. Department of Labor | Wage and Hour Division



WH-620 REV 04/18