

POLICY: ADVOCACY
POLICY#: 1005
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DATE CREATED: 11/13/04
DATE REVIEWED: 12/29/04, 09/20/08;
3/2011
DATE REVISED: 10/27/05

POLICY:

The policy of the Long Term Care Ombudsman (LTCO) is to plan, prepare and conduct community education programs, training events, legislative and other public relations contacts; to influence the outcome of the formation and implementation of public policy that affects consumers; and to represent consumers, both individually and collectively, to effect a positive change.

PROCEDURES:

- I. The planning, preparation details, and schedule for conducting community education programs and training events will be part of the annual marketing plan developed by the Development and Marketing Committee of the Board of Trustees.
- II. LTCO shall have contact with legislators and the media to influence the outcome of the formation and implementation of public policy that affects long term care consumers, as appropriate and as needed.
- III. LTCO shall maintain its membership and shall designate staff to participate in the activities of the Ohio Association of Regional Long Term Care Ombudsmen.
- IV. LTCO shall maintain its membership and shall designate staff to participate in the activities of the National Consumer Voice for Quality Long Term Care.

**LONG TERM CARE OMBUDSMAN 10A
POLICIES AND PROCEDURES**

POLICY: EMPLOYMENT CATEGORIES, OVERTIME, TIMEKEEPING POLICY#: 2002 PAGE: 1 OF 3	DATE CREATED: 03/24/08 DATE REVIEWED: 3/2011 DATE REVISED:
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POLICY:

LTCO's system of classification of employees determines the employee's status, benefit eligibility and employment category. To ensure correct calculation of employee pay and benefits, hourly/non-exempt employees of LTCO must accurately record their time worked during each pay period; all employees must request and record leave time. Since employment at LTCO is based on mutual consent, the employee or LTCO has the right to terminate the employment relationship at will at any time, with or without cause or advance notice.

PROCEDURES:

- I. Depending on the position, all employees are classified as either non-exempt or exempt based on guidelines established by federal wage and hour laws.
 - A. Nonexempt employees:
 1. Are eligible for overtime compensation according to the specific provisions of federal and state laws.
 2. Are paid on a set schedule for the hours worked according to this policy and must track the number of hours they work each day and week and are paid for each hour they work.
 3. Are entitled to overtime pay under specific provisions of federal and state laws and will be compensated for all hours worked in excess of forty (40) hours per week in conformance with appropriate statutory requirements.
 4. Must accurately record the time beginning and ending work each day, as well as the beginning and ending time of any split shifts, or if the employee leaves the workplace for personal reasons. Employees must always receive advance approval before working any overtime hours.
 5. Timekeeping is kept on the Non-exempt Employee Timesheet. Falsification and/or alteration of timekeeping records may result in disciplinary action, up to and including termination.
 - B. Exempt employees:
 1. Are generally salaried employees, i.e. are paid the same amount on a fixed schedule, i.e. the 15th and 30th of each month.

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**POLICY: EMPLOYMENT CATEGORIES,
OVERTIME, TIMEKEEPING
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2. Are excluded from specific provisions of federal and state wage and hour laws. They are not entitled to "overtime" pay should they work more than 40 hours in any given week. It is recognized that a certain amount of overtime is inherent in the job responsibilities of exempt personnel and such personnel are expected to work the hours necessary to meet the responsibilities of the position without reimbursement or compensatory overtime.
- II. Employment Categories: In addition to the Exempt and Nonexempt classifications, employees also belong to one of the following employment categories.
- A. Regular, full-time employees are those who are not in temporary status and who are regularly scheduled to work 25 or more hours per week and they are eligible for all regular, full-time employee benefits.
 - B. Regular, part-Time employees are those who are not in temporary status and who are regularly scheduled to work less than 25 hours per week.
 - C. Temporary employees are hired for a period not to exceed 90 days at which point a decision must be made by the Executive Director to offer the employee regular full or part-time employment or employment must end. Temporary staff members are not eligible for any employee benefits.
- II. Timekeeping:
- A. All employees are responsible for signing their time records to certify their accuracy. The supervisor will review and sign the time records before submitting for payroll processing. If corrections or revisions are made to the time record, the supervisor must initial the changes on the time record as being accurate and inform the employee.
 - B. All employees must also accurately record any paid time off (PTO), such as paid vacation or sick time, or any other paid time off that the employee is qualified for. Prior approval is required by the supervisor or the Executive Director.
 1. All employees are required to submit a PTO form containing the time used at the end of each month. This completed PTO form is to be returned to the Business/HR Manager by the end of the first week of each month.

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POLICY: EMPLOYMENT CATGEGORIES, OVERTIME, TIMEKEEPING POLICY#: 2002 PAGE: 3 OF 3	DATE CREATED: 03/24/08 DATE REVIEWED: 3/2011 DATE REVISED:
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III Work Schedule Changes

- A. Employees may request permission in writing to their supervisor to change their schedule from the assigned schedule.
 - 1. Changes may be requested either for a temporary period or permanently.
 - 2. Approval of any schedule changes will be made by the employee's direct supervisor in coordination with the Executive Director of LTCO so that all related schedules are considered.
 - 3. The supervisor will approve or disapprove the request within five working days and will notify the employee of the decision both verbally and in writing.
- B. In the event that an employee is going to be more than fifteen minutes late for their scheduled work hours, the employee shall notify the appropriate supervisor. The supervisor will notify the Business/HR Manager, or in the event that the supervisor is unavailable, the Executive Director shall be notified.
- C. Staff who are answering phones and need to be away from their desk should notify their supervisor or another staff person to answer the phones in their absence.
- D. If an employee shows a persistent pattern of unreliable attendance, punctuality, or failure to keep other commitments, the employee may face disciplinary action up to and including dismissal.

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POLICY: RESIGNATION & RELEASE OF POSITION
POLICY#: 2004
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DATE REVIEWED: 05/29/08,
01/05/05; 11/1/2010; 3/2011
DATE REVISED: 10/27/05

POLICY:

All employees of LTCO are at-will employees whose tenure can be terminated at any time for any reason. LTCO will attempt to provide as much notice as the circumstances permit, if a shortfall or cancellation of program funding requires LTCO to terminate positions. LTCO expects employees to give as much notice as possible if the employee decides to leave the agency.

1. "Resignation" is the voluntary termination of employment by an employee.
2. "Release" is the termination of employment by LTCO for reasons that bear no relation to job performance or conduct.

PROCEDURES:

I. Resignations

A. Regular, full-time exempt, part-time or temporary employees should give at least one month's notice.

1. A written notice on intent to terminate employment should include the intended last date of employment with LTCO.
2. The written notice should be given to the employee's immediate supervisor with a copy to the Business/HR Manager and Executive Director.

B. Upon resignation, an exit interview will be conducted with the employee's supervisor and the Business/HR Manager. The employee will be provided with the Exit Interview Form to complete prior to the interview. The employee may also request to meet with the Executive Director and/or with the Chairman of the Human Resources Committee of the Board of Trustees.

II. Releases

A. If because of budget cuts, reorganization, discontinuance of a project or funding, an employee can not be continued in their regular position, that employee shall be released.

B. LTCO will give written notification as soon as possible, but in no event, shall notification occur fewer than ten (10) working days before the date of the release.

III. Final Paycheck

The employee's final paycheck will include any pay earned minus any any premiums owed on benefits.

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B. If the employee has not returned all agency property, LTCO will hold the final pay until such time as the items are returned or their value reimbursed to LTCO. LTCO may also decide to deduct the value of the item from the final pay.

IV. Benefits

A. Participation in LTCO benefits programs ends the last day of the month in which the employee leaves the agency.

B. The employee, by law, usually has the right to continue medical coverage the agency plan under COBRA for up to 18 months by paying all costs as required by COBRA.

C. The employee will receive written notice of termination of benefits, the right to continue medical coverage and choices with respect to the retirement account.

D. It is the employee's responsibility to schedule a meeting with the Business/HR Manager prior to leaving the agency for assistance with completion of necessary forms including medical and pension plans.

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POLICY: DRUG AND ALCOHOL USE POLICY#: 2007 PAGE: 1 OF 2	DATE CREATED: 05/10/08 DATE REVIEWED: 3/2011 DATE REVISED:
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POLICY:

Drug and alcohol abuse can jeopardize an employee's ability to perform work, maintain good health and well being, and the safety of other people in the workplace. In addition, the Federal Drug-Free Workplace Act requires agencies that receive federal funding to maintain a drug-free workplace.

PROCEDURES:

- I. While on LTCO premises or while conducting business-related activities, employees may not use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs.
- II. LTCO permits the use of prescribed drugs on the job so long as the medication does not impair the employee's ability to perform the essential functions of the job effectively and safely without endangering others.
- III. If an employee is taking legally prescribed medication and has reason to expect that the medication will significantly impair their ability to perform their job safely, the employee must notify their immediate supervisor and the Business/HR Manager to discuss whether the employee's use of the medication will compromise job performance or job safety.
- IV. In addition to the criminal records check, all employees must disclose any criminal conviction, guilt plea, or plea of no contest for drug related activity that occurred or occurs in the workplace. The report must be made within five days of conviction or plea.
- V. If there is reasonable belief that an employee has violated this policy, the employee may be required to submit to drug and/or alcohol testing.
- VI. If the Supervisor or Business/HR Manager has a reasonable belief that an employee is acting under the influence of drugs and/or alcohol while performing their job responsibilities, the employee will be required to submit to immediate drug/alcohol testing at a facility of LTCO's choosing. LTCO will bear the expense of the testing. Anyone involved in an on-the-job accident can also be subjected to drug testing.
- VII. If the employee alters or falsifies test specimens, or test positive, or refuse to submit to a drug and/or alcohol test, the employee will be subject to disciplinary action up to and including termination.

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- VIII. If the employee tests positive for drugs and/or alcohol, s/he may be required to participate in regular testing for a designated period of time, and/or may be required to participate in a substance abuse rehabilitation or treatment program at the employee's expense as a condition of continued employment.
- IX. If an employee violates this policy, it may lead to disciplinary action, up to and including immediate termination of employment. In addition, the employee may be required to participate in a substance abuse rehabilitation or treatment program at the employee's expense as a condition of continued employment.
- X. If an employee recognizes that they have a drug or alcohol abuse problem, LTCO encourages seeking treatment. The employee may also discuss the situation with their supervisor, who may attempt to find the appropriate treatment resources.
- XI. LTCO wants to support an employee's recovery to the extent permitted by law and agency policy. If an employee discloses their condition, the employee will not face disciplinary action simply for disclosing it. However, LTCO will not excuse an employee from expected standards of conduct and job performance because of a substance abuse problem. In particular, an employee will face disciplinary action if any of the prohibited behaviors relating to substance abuse occurs while at work.

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POLICY: AGENCY PROVIDED BENEFITS POLICY#: 3001 PAGE: 1 OF 1	DATE CREATED: 06/02/2008 DATE REVIEWED: 5/17/10; 3/2011 DATE REVISED:
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POLICY:

LTCO provides benefits to employees based on specific categories.

PROCEDURES:

- I. Employees who regularly work 25 hours a week or more are eligible for several types of insurance coverage, which may include medical coverage, life insurance, long and short-term disability insurance, vision, and dental plans.
 - A. Temporary staff members and trainees such as student interns are not eligible for these benefits.
 - B. Eligible employees are required to pay a portion of or the entire premium depending on the selected type of insurance. LTCO will determine the insurance premium amounts to be paid by employees on an annual basis, and will inform all eligible employees of these amounts in writing, during the annual benefit review period.
- II. Employees who regularly work 25 hours or more per week are eligible to participate in the retirement plan.
 - A. Employees are vested for the retirement plan after six months of employment.
 - B. LTCO makes an automatic per pay contribution to the pension plan for each eligible employee after six months of employment.
 - C. Employees have the option of contributing to the retirement savings plan upon hire.
- III. The Business/HR Manager is responsible for administration and payments of all benefits on behalf of the employees.
 - A. Each new employee will receive a full explanation of these plans and be given the chance to enroll.
 - B. LTCO will conduct an open enrollment once per year which will allow employees to make any necessary changes to the applicable benefits.
 - C. It is the employee's responsibility to report any changes in status or coverage to the Business/HR Manager.
- IV. The specific details of the plans are governed by plan documents and the plans are subject to change without notice.

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HOLIDAY POLICY:

LTCO is closed on designated holidays.

PROCEDURES:

- I. Employees who regularly work 25 hours a week or more are eligible for holiday pay. If the employee would normally work on the holiday, they will receive the day off with usual pay. Part-time employees not scheduled to work on the holiday do not receive holiday pay.

- II. LTCO observes the following holidays:
 - New Year's Day – January 1
 - Martin Luther King, Jr. Day – Third Monday in January
 - Memorial Day – Last Monday in May
 - Independence Day - July 4th
 - Labor Day – First Monday in September
 - Thanksgiving – Fourth Thursday in November
 - Thanksgiving Friday – Day following Thanksgiving
 - Day before or after December 25
 - Christmas Day – December 25
 - A. A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday.

 - B. If employees are required to work on the holiday due to programmatic needs, a floating holiday will be given and must be taken before the end of the following month in which the holiday occurs.
 1. A request for the floating day must be given to the employee's supervisor who will review and approve/not approve the request within five working days of receipt.

 2. All conflicts regarding requests for time off will be decided by the Executive Director considering staffing needs.

 - C. Holiday scheduling includes all time within one working week before and after the actual day of the holiday.

- III. If a recognized holiday falls during an approved paid absence (such as vacation or sick days), holiday time will be utilized instead of the paid time off benefit that would otherwise have applied.

- IV. Holidays will not be paid during short or long-term disability leave, or during an unpaid personal leave of absence.

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PERSONAL DAYS POLICY:

LTCO provides personal days for eligible employees.

PROCEDURES:

- I. Employees who regularly work 25 hours a week or more are eligible for three personal days per year. One personal day will be allotted at the beginning of each of the first three quarters of the calendar year, and will be prorated for new eligible hires.
- II. Temporary staff members, trainees, and those working less than 25 hours per week are not eligible.
- III. Employees must submit a Leave Request form to their supervisor for use of personal days at least two weeks in advance. Although LTCO will try to accommodate employee requests, LTCO can require that personal days be taken at a time convenient for the program, or time may be lost at year-end.
- IV. Personal days must be used during the calendar year in which they are allotted. They may not be carried into the next year unless the employee was prevented from using them by extraordinary circumstances, in which case the carry-over must be approved by the Supervisor and the Executive Director.

VACATION POLICY:

LTCO encourages regular full and part-time employees to use vacation time.

PROCEDURES:

- I. Employees who regularly work 25 hours a week or more are eligible for vacation time. Temporary staff members, trainees, and those working less than 25 hours per week are not eligible.
- II. Accumulating Vacation Time
 - A. Vacation leave begins to accrue at the hire date.
 1. All Employees have 20 days of vacation time allotted each calendar year prorated on the numbers of days and hours worked. Example: An employee who works five days per week at eight

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hours per day = 5 x 7.5 x 4 weeks = 150 hours /7.5 hrs/day = 20 days

- B. The maximum permissible vacation allotment is 20 days or 150 hours. If an employee is an overtime-eligible staff member, vacation time will be calculated in hours; if overtime-ineligible it will be calculated in days.
- C. Hourly employees will be allotted vacation time based on the base numbers of hours scheduled in the pay period.

III. Using Vacation Time

- A. The employee earns vacation time during the course of the year at the rate of 1/12 of the annual allotment each month. In accordance with federal law, employees may take vacation time in increments of an hour or more.
- B. Employees must submit a Leave Request form to their supervisor for use of vacation time at least two weeks in advance. Although LTCO will try to accommodate employee requests, LTCO can require that vacation time be taken at a time convenient for the program, or time may be lost at year-end.
- C. If a holiday occurs during vacation time, that day is not counted as vacation.
- D. Vacation must be used during the calendar year in which it is allotted. It may not be carried into the next year unless the employee was prevented from using it by extraordinary circumstances, in which case the carry-over must be approved by the Supervisor and the Executive Director.
 - 1. After requests are submitted to the supervisor, he/she will review the requests based on previously scheduled leaves and other agency activities. Resolution of requests will be based on:
 - Departmental staffing needs
 - Overall agency staffing needs
 - Length of time off requested
 - Seniority of the staff person to the agency

IV. New and Existing Staff

- A. If the employee begins or ends employment with LTCO during the year, vacation time will be prorated by the portion of the year worked at LTCO,

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rounded to the nearest day or hour.

- B. Employees may use accrued vacation time during the first 6 months of employment utilizing the same policies as above.
- C. Employees who are leaving their job voluntarily will be paid for their earned but unused vacation time.
- D. If the employee's status changes from full-time to part-time or vice versa, he/she will begin to accrue vacation time based on the new status at the effective date of change.

OTHER LEAVE TIME

LTCO provides paid leave for some special circumstances that require employees to take time away from their duties.

PROCEDURES:

- I. Employees who regularly work 25 hours a week or more are eligible for other paid time off. Casual and seasonal labor, temporary staff members, trainees, and those working less than 25 hours per week are not eligible.
- II. Bereavement Leave
 - A. The employee is permitted three (3) paid days off following the death of the following: spouse, domestic partner, parent, stepparent, sibling, stepsibling, grandparent, child, stepchild, grandchild, or parents-in-law.
 - B. The employee will be granted one (1) day of bereavement leave upon the death of other family members defined as the employee's aunt, uncle, niece, nephew, brother-in-law, sister-in-law, and grandparent-in-law.
 - C. Employees are required to provide documentation of the death and the relationship to the deceased person.
 - D. The employee may also, with supervisory approval, use any available paid vacation time benefits for additional time off as necessary.

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III. Jury and Witness Duty

- A. All regular full-time and regular part-time employees are eligible for paid jury duty leave not to exceed four weeks annually.
- B. When a regular full-time or part-time employee is summoned to serve on a jury, LTCO encourages him/her to fulfill his/her civic responsibilities.
- C. If an employee receives a jury duty summons, the documentation must be provided to their supervisor as soon as possible. The employee must return to work on normal days when not required to be in court or when the jury is dismissed early.

SICK LEAVE POLICY:

Sick leave is intended to provide compensation for absence due to illness or injury of an employee or an employee's family member when such illness or injury necessitates the employee to remain with the ill or injured person. A family member is defined as an employee's spouse, mother, father, brother, sister, son, daughter, in-laws of same, and the employee's or spouse's grandparents.

PROCEDURES:

I. Eligibility

- A. Staff who regularly work 20 hours a week or more are eligible for sick time.
- B. Casual and seasonal labor, temporary staff members, trainees, and those working less than 20 hours per week are not eligible.

II. Using Sick Leave

- A. In accordance with federal law, overtime-eligible and ineligible employees may take sick time in increments of an hour or more.
- B. Employees may use sick leave for absence due to illness or an injury or for a member of their immediate family that necessitates the employee to remain or care for the ill or injured person.
- C. Sick time is based on average hours or days worked. The maximum permissible sick time allotment is five (5) days or 40 hours. If the employee is an overtime-eligible staff member, sick time will be calculated in hours; if overtime-ineligible it will be calculated in hours.

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1. Example: If an employee works five (5) days per week at eight (8) hours per day, then the employee will have a sick time allotment of five (5) days of eight (8) hours each or a total of 40 hours.
 2. If the overtime eligible employee uses sick time and has overtime in the week the sick time is taken, they will not be paid at the overtime rate until they have over 40 hours actually worked during the week. Any hours worked after the 40 hours will be paid at an overtime rate.
- D. When needing to use sick time, the employee is expected to notify their supervisor or the Business/HR Manager if the supervisor is not available, at least 15 minutes before the work day begins or as soon as they know they will not be coming to work.
- E. The employee may use the annual sick time allotment at any time during the year. However, sick time may not be used to increase the employee's pay to a level that results in overtime payment.
- F. If a holiday occurs when an employee is using sick leave, that day is not deducted from the accrued sick leave time.
- III. For any illness or injury which extends beyond three (3) working days, medical evidence may be required by the employee's supervisor upon return to work. The medical evidence must specify if the employee has any restrictions in the performance of their job.
- IV. If not already completed, the employee is required to complete a Request for Leave Form for any sick time used immediately upon return to work.
- V. **New Staff**
If employment is begun with LTCO during the year, the employee's sick time allotment will be as follows:
- | <u>Hire Date</u> | <u>Sick Time</u> |
|---------------------------|------------------|
| Before April 1 | 5 days |
| April 1 to June 30 | 4 days |
| July 1 to August 31 | 3 days |
| September 1 to October 31 | 2 days |
| After October 31 | 1 day |
- VI. There is no reimbursement of sick leave at termination of employment or change of status from full-time to part-time or temporary. If employment status changes to full-time, the past sick leave earned but not taken will be credited and the employee will begin to accrue sick leave based on their new status.

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OTHER LEAVE TIME POLICY:

LTCO provides paid leave for some special circumstances that require employees to take time away from their duties.

PROCEDURES:

- I. Employees who regularly work 20 hours a week or more are eligible for other paid time off. Casual and seasonal labor, temporary staff members, trainees, and those working less than 20 hours per week are not eligible.

- II. Bereavement Leave
 - A. The employee is permitted three (3) paid days off following the death of the following: spouse, domestic partner, parent, stepparent, sibling, stepsibling, grandparent, child, stepchild, grandchild, or parents-in-law.

 - B. The employee will be granted one (1) day of bereavement leave upon the death of other family members defined as the employee's aunt, uncle, niece, nephew, brother-in-law, sister-in-law, and grandparent-in-law.

 - C. Employees are required to provide documentation of the death and the relationship to the deceased person.

 - D. The employee may also, with supervisory approval, use any available paid vacation time benefits for additional time off as necessary.

- III. Jury and Witness Duty
 - A. All regular full-time and regular part-time employees are eligible for paid jury duty leave.

 - B. When a regular full-time or part-time employee is summoned to serve on a jury, LTCO encourages him/her to fulfill his/her civic responsibilities.

 - C. If an employee receives a jury duty summons, the documentation must be provided to their supervisor as soon as possible. The employee must return to work on normal days when not required to be in court or when the jury is dismissed early.

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- D. Either the employee or LTCO may request that the employee be excused from jury duty if necessary. LTCO may request an employee be relieved from serving on jury duty if LTCO believes that the employee's absence would cause serious operational difficulties for the program.
- E. If the employee is summoned to serve as a witness, the employee will be paid regular pay. Any monies received resulting from jury duty must be provided to the Business/HR Manager.
- F. If an employee receives a witness summons, documentation of the summons must be provided to the supervisor as soon as possible.

IV. Military Duty

- A. LTCO will comply with all applicable state and federal laws regarding an employee's military service.

V. Time Off to Vote

- A. LTCO encourages employees to exercise their right to vote, in national, state, and local elections and expects them to utilize extended voting hours or absentee voting whenever possible to avoid conflicts with job responsibilities..

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POLICY: WORKERS' COMPENSATION POLICY#: 3007 PAGE: 1 OF 1	DATE CREATED: 03/24/08 DATE REVIEWED: 3/2011 DATE REVISED:
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POLICY:

LTCO provides workers' compensation coverage for all employees.

PROCEDURES:

- I. Subject to applicable state law, workers' compensation covers injuries or occupational illness sustained in the course of employment that requires medical, surgical or hospital treatment and includes payment of reasonable and necessary medical expenses related to the injury or occupational illness and compensation for lost time.
- II. It is critical that the employee inform the supervisor and Business/HR Manager immediately about any work related injury, regardless of how minor it might appear at the time. The Business/HR Manager will ask the employee to fill out an incident report as soon as possible. Immediate reporting assists in qualifying the employee for benefits as quickly as possible and also allows LTCO to investigate the matter promptly.
 - A. The employee should seek medical treatment immediately.
 - B. If the employee is unable to drive, he/she should ask for assistance getting to the nearest medical facility. The employee should notify the medical staff that the injury is work related.
 - C. Employees will not be eligible for benefits for injuries that occur during a voluntary participation in off-duty recreational, social or other athletic activities.
- III. LTCO will involve a state approved managed care organization to file a workers' compensation claim and help the employee manage the medical treatment of the injury.
- IV. With the exception of emergency care, the employee must receive treatment from a medical provider certified by the Ohio Bureau of Workers' Compensation or the medical treatment may not be covered by this program.
- V. LTCO will assist the employee to complete the incident report and conduct an investigation.
 - A. The employee has an obligation to cooperate in the investigation.
 - B. The employee has the burden to prove that the presence of alcohol or a controlled substance is not the proximate cause of a work related injury. An employee who tests positive or refuses to submit to chemical testing may be disqualified for compensation and benefits under the Workers' Compensation Act and may be subject to disciplinary process pursuant to Policy #4002.

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POLICY:

Outcome-based performance appraisal will be conducted on a regular basis between supervisors and staff of the Long Term Care Ombudsman (LTCO) to ensure the ongoing and consistent review of job performance that will maintain high quality services to consumers of long-term care services and the general community.

The best communications about job performance happen on an informal, day to day basis. Employees and supervisors are strongly encouraged to talk about performance regularly. In addition, the supervisor will conduct scheduled, formal performance appraisals. These discussions give the employee and the supervisor the opportunity to discuss job responsibilities and goals, encourage and recognize strengths, identify and correct any weaknesses, develop plans for dealing with any obstacles, and plan for the future.

PROCEDURES:

- I. The performance of all employees will be evaluated on an ongoing 12-month cycle, with a mid-year review in June, and the year-end review in December annually. In January of each year, objectives for the current year will be determined and agreed upon by the staff and supervisor.
 - A. Performance of new employees is also evaluated at three months from hire date.
 - B. Employees who are in a disciplinary probation period will also be evaluated prior to the end of the period.
- II. The performance appraisal process is based on the LTCO operational plan and aligns each employee's performance measures and goals with the organizational goals.
- IV. LTCO may award pay adjustments based on employee performance. These adjustments are based on numerous factors, including the information documented by the formal performance appraisal process. A favorable performance appraisal does not guarantee a pay adjustment or continued employment.

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POLICY: DISCIPLINARY PROCESS POLICY#: 4002 PAGE: 1 OF 3	DATE CREATED: 10/01/08 DATE REVIEWED: 4/2011 DATE REVISED:
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POLICY:

Employees are responsible for complying with and adhering to all work rules, policies, procedures and directives of LTCO and and/or laws of the State of Ohio. Employees are expected to conduct themselves in a manner both on and off duty that does not adversely affect the ability of the employee to perform the duties of their position. Illegal conduct on the part of any employee, whether on or off duty, is not only unlawful, but reflects poorly on the integrity of LTCO and betrays public trust.

Supervisors are responsible for the appropriate and consistent application of the work rules, policies, procedures and directives of LTCO and SLTCO. Supervisors are also responsible for initiating the request for disciplinary action as soon as they are aware of a potential situation.

All LTCO staff is expected to meet established standards of attendance, performance, and conduct. Staff members who demonstrate poor attendance, substandard work performance, or unacceptable conduct will be subject to review and disciplinary action.

PROCEDURES:

- I. The supervisor has a variety of actions he or she can take to address staff member's performance and conduct
- II. Any action taken will be indicated on the *Disciplinary Action Report (DAR)*
 - A. The actions below are listed in order of seriousness:
 - *Troubleshooting session.* The supervisor identifies his or her concerns and a plan is developed to resolve any concerns. Documentation of this session is given to the employee and a copy placed in the personnel file.
 - *Minor warning.* The supervisor warns the employee that he/she must correct a specific behavior or problem. A minor warning may take the form of a verbal reprimand. A written memorandum documenting the warning should include the time, date and nature of the violation in addition to the proper course of behavior and future consequences if the behavior is not corrected. A copy of the memorandum is given to the staff member and a copy placed in his/her personnel file.

- *Major warning.* The supervisor advises the employee that he/she is required to correct specific conduct and details the consequences if the employee fails to do so. This warning should include the time, date and nature of the violation in addition to the proper course of behavior and future consequences if the behavior is not corrected. Written documentation including the details of the warning is provided to the employee and the Business/HR Manager and Executive Director and a copy is placed in the employee's personnel file.
 - *Suspension without pay.* The employee is suspended from work for a specific period of time. This action can only be taken with authorization of the Business/HR Manager and Executive Director. A letter with the terms of the suspension is given to the employee and a copy placed in his/her personnel file. A copy of the letter is also given to the Business/HR Manager and Executive Director.
 - *Termination of Employment.* Employment with LTCO is ended. This action can only be taken with authorization of the Business/HR Manager and Executive Director. A letter of termination is given to the employee at the point of termination, and a copy placed in his/her personnel file. A copy of the letter is also given to the Business/HR Manager and Executive Director.
 - *Referral for prosecution.* If the employee's conduct is illegal, LTCO will refer the case to the proper authorities for prosecution.
- III. The supervisor is not obliged to follow these actions in any particular order. Some situations call for immediate suspension or termination. Others may be addressed with lower level responses.
- IV. Disciplinary action may be taken against an employee for deterioration of job performance or engaging in inappropriate conduct.
- A. Each case will be decided on its individual merits.
 - B. The Executive Director and the employee's supervisor may determine when and what type of disciplinary action is necessary, depending upon the severity of the infraction, previous employee record and other factors deemed necessary.
- V. **Requesting a Review of a Disciplinary Action**
- A. If the employee disagrees with a disciplinary action taken s/he may ask that his/her supervisor review the action.

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1. If the employee is unsatisfied with the review, s/he may ask that the Business/HR Manager review the action, or if the Business/HR Manager is the supervisor, the Executive Director may be asked to review the action.
 2. If the employee is still unsatisfied, s/he may request a meeting with the Chair of the Human Resources Committee of the LTCO Board of Trustees. The Chair will review the action and recommend a process for resolving the situation.
 3. The final step of review can be a request for review to the President of the Board of Trustees.
- B. The Disciplinary Action Report also has a section for the staff member to write a response explaining his or her perspective.
- C. The original Disciplinary Action Report will be given to the Business/HR Manager for inclusion in the staff member's personnel file.

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POLICY: EQUAL EMPLOYMENT AND AFFIRMATIVE ACTION POLICY#: 1001 PAGE: 1 OF 2	DATE CREATED: 02/20/08 DATE REVIEWED: 11/2010 DATE REVISED:
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POLICY:

The Long Term Care Ombudsman (LTCO) will provide equal employment opportunity and treatment in hiring, retaining, transferring, and promoting of all employees regardless of age, handicap or disability, marital status, citizenship status, creed, national origin, color, race, religion, sexual orientation or gender.

PROCEDURES:

- I. LTCO affirms its continuing policy that its services and programs shall be offered to all qualified recipients regardless of age, handicap or disability, marital status, citizenship status, creed, national origin, color, race, religion, sexual orientation or gender according to Title VII of the Civil Rights Act of 1964; or any person with HIV or AIDS-Related Complex.
- II. LTCO affirms its continuing policy that recruitment, selection, training, and promotion of persons in all job classifications within LTCO will be accomplished regardless of age, handicap or disability, marital status, citizenship status, creed, national origin, color, race, religion, sexual orientation or gender according to Title VII of the Civil Rights Act of 1964; or any person with HIV or AIDS-Related Complex; or in any manner prohibited by the laws of the state of Ohio and the United States in the recruitment, selection, promotion, evaluation or retention of employees or volunteers, except where sex, age, or handicapping condition is a bona fide occupational qualification.
- III. LTCO affirms that all personnel actions such as rate of compensation, benefits, transfers, layoff, return from layoff, program supported training, and social and recreational programs shall be administered regardless of age, handicap or disability, marital status, citizenship status, creed, national origin, color, race, religion, sexual orientation or gender according to Title VII of the Civil Rights Act of 1964; or any person with HIV or AIDS-Related Complex; or in any manner prohibited by the laws of the state of Ohio and the United States in the recruitment, selection, promotion, evaluation or retention of employees or volunteers, except where sex, age, or handicapping condition is a bona fide occupational qualification.
- IV. LTCO affirms the policy of offering service through accessible sites upon any request for participation of a client or staff member whose handicapping conditions make access at other program sites difficult or impossible.
- V. LTCO is committed to the hiring of culturally diverse staff at all levels of the agency and these staff shall have the opportunity and ability to address the need for culturally specific and relevant programming for ethnic minorities, deaf or hearing impaired persons, and others.

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- VI. LECO affirms its goal for employment percentages of African Americans, Native Americans, Hispanics, and Asians that reflects, as nearly as possible, the composition of Cuyahoga, Geauga, Lake, Lorain, and Medina counties.
- VII. LECO affirms its designation of the Executive Director as having authority to administer this program throughout this non-profit corporation.
- VIII. LECO affirms its determination that willful or deliberate violation of this policy will be grounds for appropriate disciplinary action; and that agreement to give this policy full force and effect is a condition of employment for anyone exercising administrative or supervisory authority.

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POLICY: DISABILITY ACCOMMODATIONS POLICY#: 1002 PAGE: 1 OF 1	DATE CREATED: 06/02/08 DATE REVIEWED: 11/2010 DATE REVISED: 2/9/11
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POLICY:

Long Term Care Ombudsman (LTCO) is committed to the principles of nondiscrimination articulated in the Americans with Disabilities Act (ADA) and to be in compliance with all applicable state and local laws. It is LTCO's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability or perceived disability so long as the employee can perform the essential functions of the job with or without reasonable accommodation¹.

¹ A reasonable accommodation is any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions. Reasonable accommodation also includes adjustments to assure that a qualified individual with a disability has rights and privileges in employment equal to those of employees without disabilities.

PROCEDURES:

- I. Consistent with this policy of nondiscrimination, LTCO will provide reasonable accommodations to a qualified individual with a disability, as defined by ADA, who has made the Executive Director aware of his/her disability provided that such accommodations do not constitute an undue hardship² on the agency. LTCO complies fully with the standards set by law concerning making our facilities and services accessible to people with disabilities.

² Undue hardship is defined as an action requiring significant difficulty or expense when considered in light of factors such as an employer's size, financial resources and the nature and structure of its operation.

- II. Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should contact the Executive Director.
- III. Upon receipt of this request, a meeting will be arranged with the Business/HR Manager and Executive Director to discuss the precise limitation(s) resulting from the disability and the potential accommodation(s) LTCO might make to help overcome those limitations.
 - A. A determination will then be made as to whether the requested accommodation, or a reasonable alternative, is feasible without undue hardship on the agency and notify you of our findings.
 - B. The determination will take into account the nature and cost of the accommodation, the availability of tax credits, deductions and outside

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funding, the agency's overall financial resources, the accommodation's impact on other staff and program participants, and the agency's ability to conduct business, and other relevant factors.

- C. If the request is denied, the employee has the right to appeal the decision in accordance with the procedures explained in Policy #405.

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POLICY: WHISTLEBLOWER POLICY POLICY#: 1003 PAGE: 1 OF 2	DATE CREATED: 05/16/08 DATE REVIEWED: 11/1/2010 DATE REVISED:
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POLICY:

LTCO believes that the work environment must be a place where employees feel free to deal openly and directly with management. If an employee or volunteer suspects fraudulent activity or a serious breach of conduct covered by agency policies or law, the activity can be reported under the protection of this Whistleblower policy.

PROCEDURES:

- I. Any Board Member, employee or volunteer can make a report of suspected fraudulent activity or breach of conduct to the Executive Director, the Business/HR Manager, a supervisor, or to the Chair of the Human Resources Committee or the President of the Board of Trustees.
- II. All reports will be taken seriously, treated confidentially and investigated. If the reporting person has requested confidentiality and that confidentiality cannot be maintained due to the nature of the investigation, he or she will be notified in advance. If suspected fraud or breach of conduct is reported anonymously, it will be investigated as fully as the information provided allows. LTCO affirms prompt and fair resolution of all reports.
- III. Unless the subject of the report, the Executive Director and the President of the LTCO Board of Trustees will be notified immediately of the report. The Executive Director will assign the investigator unless the Executive Director is subject to the report, in which case the Executive Committee of the LTCO Board will assign the investigator.
- IV. The reporting person will be notified when the investigation is complete. The Business/HR Manager will securely maintain all reports and related documentation for a period of six years. Records will be shredded after six years.
- V. The Executive Director, Executive Committee members, the Board President, and legal counsel (if needed as determined by the Board of Trustees in Executive Session), will be regularly apprised of all investigations and will have full access to the complete records unless considered to be involved in the breach.
- VI. Retaliation will not be tolerated against any person who in good faith reports suspected fraud or breach of conduct. Any person who feels retaliated against should report that to the Executive Director, the Business/HR Manager or the LTCO Board President.

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- VII. Board members, employees or volunteers engaged in retaliatory behavior may be subject to disciplinary action including but not limited to suspension or termination.

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POLICY: SEXUAL AND OTHER PROHIBITED HARASSMENT POLICY#: 1004 PAGE: 1 OF 2	DATE CREATED: 05/10/08 DATE REVIEWED: 3/2011 DATE REVISIED:
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POLICY:

LTCO is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive, including sexual harassment. Action, words, jokes, or comments based on an individual's sex, race, color, national origin, age, religion, disability, sexual orientation or identify, or any other legally protected characteristic will not be tolerated. Any such harassment of our employees, applicants and client is prohibited.

PROCEDURES:

- I. Conduct prohibited by this policy includes, but is not limited to the following:
 - Unwelcome verbal conduct such as threats, offensive sexual remarks, innuendoes or comments, sexual, racial, or ethnic jokes; graphic sexual remarks about an individual's body; derogatory remarks, epithets or slurs based on an individual's sex, race, religion, national origin, disability, age, or other protected status;
 - Use of offensive stereotypes, and/or other offensive conduct pertaining to sex, race, religion, national origin, disability, age, or other protected status;
 - Unwelcome and offensive physical conduct, such as assault, unwanted touching, or blocking an employee's normal movement;
 - Unwelcome and offensive written communications, including e-mail, containing statements or materials which may be offensive to individuals in a particular protected group, such as racial or ethnic caricatures;
 - Unwelcome and offensive visual conduct such as leering, sexually explicit pictures, posters, drawings, cartoon, photographs, or offensive gestures;
 - Sexual advances, propositions, or requests for sexual favors;
 - Basing any employment decision on an individual's submission to or rejection of sexual conduct;
 - Reprisals of threatening reprisals for an employee's unwillingness to respond to requests.

- II. Violations of this policy will subject an employee to disciplinary action, up to and including termination. All employees are covered by this policy and are prohibited from engaging in any form of harassing conduct.

- III. No supervisor or other member of management has the authority to suggest to any employee or applicant that their employment or advancement will be affected in any way by the individual's entering into (or refusing to enter into) any form of personal relationship with him or her.

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- IV. LTCO's policy is to investigate thoroughly and to take appropriate action to remedy incidents of harassment, including any incidents of employee harassment created by a non-employee such as a client or vendor. In order to accomplish this, however, harassment must be brought to the attention of management. Accordingly, employees who have complaints of harassment or employees who witness or who are aware of incidents of harassment must bring any such conduct to the attention of the Executive Director.
- V. If after the investigation, the employee feels that the complaint has not been satisfactorily resolved, the employee may present the concern in writing to the Chair of the Human Resources Committee of the Board of Directors of LTCO.
- VI. Any supervisor who becomes aware of possible sexual or other unlawful harassment must immediately advise the Business/HR Manager or any member of management so it can be investigated in a timely and confidential manner. Any employees engaging in sexual or other prohibited harassment will be subject to disciplinary action, up to and including termination of employment.
- VII. All employees are to cooperate fully with any investigation of workplace harassment. Employees who interfere with, hinder, or refuse to cooperate in such investigations may be subject to disciplinary action, up to and including termination. To the extent possible, every reasonable attempt will be made to maintain confidentiality during the course of the investigation into a complaint of harassment.
- VIII. No employee will be subject to reprisal or retaliation for having made a good faith complaint of harassment or for having participated in an investigation into allegations of harassment. Any complaints of suspected reprisal or retaliation should be directed to the Business/HR Manager or Executive Director. However, employees shall not knowingly provide or make an untrue statement of fact regarding such a complaint. LTCO will take appropriate action if it is determined that deliberately false accusations have been made.