

# Bi-State Development Employee Handbook

2023

## Human Resources/Employee Relations

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## EMPLOYEE HANDBOOK DISCLAIMER

This Employee Handbook (“Handbook”) is designed to summarize certain personnel policies and benefits of Bi-State Development (BSD). This Handbook applies to all employees and compliance with BSD’s policies is a condition of employment. It is not comprehensive and your specific department may have additional guidelines that also apply to you. The policies contained in this Handbook supersedes all previous versions of these policies, written and oral, express and implied. BSD reserves the right to modify, rescind, delete, or add to the provisions of this Handbook from time to time in its sole and absolute discretion. This Employee Handbook is not a binding contract between BSD and its employees, nor is it intended to alter the at-will employment relationship between BSD and its employees. BSD reserves the right to interpret the policies in this Handbook and to deviate from them when, in its discretion, it determines it is appropriate.

Note: This employee handbook applies to all BSD employees. For employees who are covered by a Collective Bargaining Agreement (CBA), the terms of the CBA will control and apply to employees covered under the CBA. However, where the negotiated terms within a collective bargaining agreement are silent and do not cover or address a specific topic or policy that is addressed in this Handbook, the policy or provision in the BSD Employee Handbook shall be applied to employees covered by the CBA.

Any questions about the Handbook or any specific policies or provisions should be addressed to Human Resources/Employee Relations.

## CHANGES IN POLICY

Our business is constantly changing. BSD expressly reserves the right to revise, modify, delete, or add to any and all policies, work rules, or benefits stated in this Handbook or in any other document, except for the policy of at-will employment as described below. No oral statements or representations can in any way alter the provisions of this Handbook. Nothing in this Employee Handbook or in any other document, including benefit plan descriptions, creates or is intended to create a promise or representation of continued employment for any employee. Any changes to your at-will employment status, described below, must be in writing and must be signed by BSD.

## EMPLOYMENT AT-WILL

Employment with BSD is on an at-will basis. This means you are free to resign at any time, for any reason, with or without notice. Similarly, BSD is free to conclude the employment relationship at any time for any lawful reason, with or without cause, and with or without notice.

Nothing in this Handbook will limit the right of either party to terminate an at-will employment. No section of this Handbook is meant to be construed, nor should be construed, as establishing anything other than an employment at-will relationship. This Handbook does not limit BSD or its management’s discretion to make personnel decisions such as restructures, reassignment, change of wages and benefits, demotion, etc. All considerations must be approved through Human Resources.

# EMPLOYMENT PRACTICES

## CULTURE AND DIVERSITY, EQUITY AND INCLUSION (DEI)

Diversity, Equity and Inclusion and culture are synonymous. We are committed to creating, cultivating and sustaining a culture where all talent has equal access to opportunities and resources; are included, are valued for their perspectives, and they belong.

### Diversity

Representation, the range of traits and experiences, spectrum of human demographic differences.

### Equity

Creating fair access in processes, procedure and programs; and in the resources and opportunities provided.

### Inclusion

The degree to which people feel valued, respected, and encouraged to fully participate at work..

## EQUAL EMPLOYMENT OPPORTUNITY

It is BSD's policy to provide equal employment opportunities to all employees and employment applicants without regard to considerations of race, religion, creed, color, national origin, sex, pregnancy, sexual orientation, gender identity, age, ancestry, physical or mental disability, genetic information, marital status or any other classification protected by applicable local, state or federal laws. This policy prohibits discrimination based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. This policy applies to all aspects of employment, including, but not limited to, hiring, job assignment, working conditions, compensation, promotion, benefits, scheduling, training, discipline, and termination.

BSD expects all employees to support our equal employment opportunity policy and to take steps necessary to maintain a workplace free from discrimination and harassment, and to accommodate others in line with this policy to the fullest extent under the law. For further information or to address concerns, please contact BSD's Manager of Workforce Diversity/EEO.

## AMERICANS WITH DISABILITIES ACT (ADA)

In both its hiring and employee relations practices, BSD provides reasonable accommodations to otherwise qualified individuals with mental or physical disabilities as defined under the Americans with Disabilities Act.

BSD may require medical certification of both the disability and the need for accommodation. BSD can only seek to accommodate known physical or mental limitations of an otherwise qualified individual. Therefore, it is the employee's responsibility to come forward if you believe you may be in need of an accommodation. Please contact BSD's Employee Relations team for further information.

BSD will make reasonable accommodations for employees' observance of religious holidays and practices unless the accommodation would cause an undue hardship on BSD's operations. If you

desire a religious accommodation, you are required to make the request in writing to your manager as far in advance as possible. You are expected to strive to find co-workers who can assist in the accommodation (e.g., trade shifts) and cooperate with BSD in seeking and evaluating alternatives.

## CONFIDENTIALITY

In the course of employment with BSD, employees may have access to “Confidential Information” regarding BSD, which may include its business strategy, future plans, financial information, contracts, suppliers, customers, personnel information or other information that BSD considers proprietary and confidential. Employees must protect this information by safeguarding it when in use, using it only for the business of BSD, and disclosing it only when authorized to do so and to those who have a legitimate business need to know about it. This duty of confidentiality applies whether the employee is on or off BSD’s premises, and during and even after the end of the employee’s employment with BSD. This duty of confidentiality also applies to communications transmitted by BSD’s electronic communications. [See also the Internet, Email and Computer Use Policy, herein.](#)

Employees must adhere to the established standards and protocol relating to confidentiality, information protection and security. Questions pertaining to these standards should be directed to the Information Technology Department.

## FRAUD, WASTE AND ABUSE

BSD’s General Manager of Security, General Counsel, Associate General Counsel, and Director of the Internal Audit Division have the primary responsibility for investigative audits of fraud, waste, and abuse, and as defined below in this policy. If an investigative audit substantiates that a fraudulent act has occurred, Internal Audit will notify the Board of Commissioners as appropriate. If the substantiated fraudulent act has criminal implications, Associate General Counsel and or the Chief Audit Executive will consult with law enforcement agencies, as necessary.

**Fraud:** Deliberately pursuing a dishonest course of action, or concealment of a material fact, that results in obtaining money, property, or an unfair advantage.

**Waste:** The incurring of unnecessary costs as a result of careless or inefficient practices, systems, or controls.

**Abuse:** The intentional, wrongful, or improper use or destruction of Bi-State Development resources. It can also include an employee’s grossly improper use of time, position, or resources.

A current or former BSD employee who suspects fraud, waste, or abuse should:

- Report the situation to BSD’s Compliance and Fraud Helpline by either calling toll-free 855-465-2457 or submitting an incident report on-line at [EthicsPoint.com](https://EthicsPoint.com).
- When submitting the report, provide as much detail as possible of the incident(s).
- Cooperate with the investigative process through the furnishing of written statements, written and/or electronic documents, or data, interviews, etc. Investigations may lead to internal discipline, up to and including termination, criminal charges, or both.

## HIRING AND EMPLOYMENT

BSD considers applicants for positions without regard to ethnicity, race, religion, gender, national origin, age, veteran status, disability, sexual orientation, or any other legally protected status. BSD is an equal opportunity employer and hires individuals on the basis of their skill, ability, qualifications, and ability to perform the essential functions of the position to be filled.

To be eligible for consideration for a posted position, BSD employees and new applicants must meet the minimum qualifications for the position and be capable of performing the essential functions of the job with or without reasonable accommodation. The following BSD employees and former employees are not eligible to apply for an open position:

1. New employees within their 90-day orientation period.
2. Employees currently on a Performance Improvement Plan.
3. \*Former employees separated with cause and or who have previously been designated as not eligible for rehire.
4. Certain positions, such as in-line promotional assignments, will not be part of the job-posting program.

\*BSD reserves the right to consider the overturn of former employees separated with cause. Former employee ineligibility will be reviewed and considered on a case-by-case basis. For information on the overturn of ineligibility guidelines, contact Employee Relations.

## EMPLOYEE CLASSIFICATIONS

The following terms are used to describe employees and their employment status:

**Exempt:** employees are paid on a salaried basis and are not eligible to receive overtime pay.

**Non-exempt:** employees are paid on an hourly basis and are eligible to receive overtime pay for overtime hours worked.

**Regular, Full-Time:** Employees who are not in a temporary status and work a minimum of 30 hours weekly and maintain continuous employment status. Generally, these employees are eligible for the full-time benefits package and are subject to the terms, conditions, and limitations of each benefits program.

**Regular, Part-Time:** Employees who are not in a temporary status and who are regularly scheduled to work fewer than 30 hours weekly, but at least 20 hours weekly, and who maintain continuous employment status. Part-time employees are eligible for some of the benefits offered by BSD and are subject to the terms, conditions, and limitations of each benefits program.

**Temporary, Full-Time:** Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work BSD's full-time schedule for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status.

**Temporary, Part-Time:** Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work fewer than 30 hours weekly for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status.

**Seasonal, Part-Time:** Employees who only work during a specific time of the year. Each employee will be advised of his or her status at the time of hire and any change in status. Regardless of the employee's status, the employee is employed at-will and the employment relationship can be terminated by BSD or the employee at any time, with or without cause and with or without notice.

## IMMIGRATION LAW COMPLIANCE

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 on the date of hire and present documentation establishing identity and employment eligibility within three (3) business days of date of hire. Former employees who are rehired must also complete an I-9 form if they have not completed an I-9 form with BSD within the past three years, or if their previous I-9 form is no longer retained or valid. You may raise questions or complaints about immigration law compliance without fear of reprisal.

## ORIENTATION

BSD wants employees to succeed in their new job, whether they are new to BSD, or taking on a new position. Employees will have an orientation period during the initial three (3) months of employment with BSD and/or the first three (3) months after reassignment to a new position.

The orientation period allows the employee to determine whether the position is a good fit and also allows supervisors and managers to ensure that the employee will be successful in the role.

At the conclusion of the orientation period, the department Director will make one of the following recommendations:

- **Orientation complete:** generally occurs when it appears the employee has been and will continue to be successful in the position without any significant performance issues.
- **Performance Improvement Plan (PIP):** generally occurs if there are any significant performance issues that need to be corrected, but the employee otherwise appears to be capable of being successful in the position
- **Discharge:** generally occurs when it does not appear from the employee's work performance during the orientation period that the employee will be successful in the position.

Employees who successfully complete the orientation period maintain their status as an at-will employee.

## PERSONNEL RECORDS AND EMPLOYEE REFERENCES

BSD maintains personnel and payroll records for each employee as required by law. Personnel files and payroll records are the property of BSD and may not be removed from Company premises without written authorization. Because personnel files and payroll records are confidential, access to the records is restricted. Generally, only those who have a legitimate reason to review information in an employee's file are allowed to do so. Disclosure of personnel information to outside sources will be limited. However, BSD will cooperate with requests from authorized law enforcement or local, state, or federal agencies conducting official investigations and as otherwise legally required.



Employees may contact a Human Resources/Employee Relations representative to request a time to review their personnel records. With reasonable advance notice, an employee may review his or her own records in BSD's offices during regular business hours and in the presence of an individual appointed by BSD to maintain the records. No copies of documents in your file may be made, with the exception of documents that you have previously signed. You may add your comments to any disputed item in the file.

Employees may obtain copies of pay slips or W-2 statements by accessing the Employee Self-Service Portal in Oracle, accessible via the Hub.

All files with the exception of Safety Records, Payroll, and Supervisory Files (Station Records) will be kept in HR.

Employment Verifications are handled via The Work Number. The Work Number is an automated service that protects your personal information during the verification process. It's secure and fast. To access The Work Number, go to [TheWorkNumber.com](http://TheWorkNumber.com) or 1-800-367-2884.

## CHANGE IN PERSONAL STATUS

Employees have the responsibility to keep their personal information up to date. Changes can be made by visiting the Employee Self-Service Portal in Oracle, accessible via the Hub.

1. Name, address, and telephone number(s)
2. Marital Status\* (for benefits and tax withholding purposes)
3. Number of dependents\*
4. Addresses and telephone numbers of dependents, and spouse or former spouse (for insurance purposes only)
5. Beneficiary designations for BSD's insurance, disability, pension and 401(k)
6. Persons to be notified in case of emergency

Employees who have a decrease in the number of dependents or change in marital status must complete a new Form W-4 for income tax withholding purposes within **ten (10) days** of the change.

Employees who are enlisted in the Military or the Reserve should contact HR/Employee Relations to update their Military or draft status.

## PRIVACY

BSD is respectful of employee privacy. All employee demographic, health and personal information will be shared only on a need-to-know basis. Health care enrollment information is kept in a separate file from other personnel records. Workers' Compensation information is not considered private health care information; however, this information will be released only on a need-to-know basis.

## PAY PRACTICES

### DIRECT DEPOSIT

All employees are encouraged, but are not required, to use direct deposit and have their paychecks deposited into a bank account of an accredited participating bank or credit union.

### TIME CARDS

Non-exempt employees are required to keep an accurate and complete record of their attendance and hours worked.

### OVERTIME

Non-exempt employees will be paid in accordance with federal, Missouri and/or Illinois State law.

A standard workweek for employees should not usually exceed 40 hours. BSD's workweek starts at 12:00 AM on Monday and ends at 11:59 PM on Sunday.

Should Bi-State Development find it necessary to employ an employee in excess of this standard, overtime hours will apply. Employees shall be compensated at the rate of one and one-half times the regular rate of pay for any hours worked over 40.

A non-exempt employee's supervisor must approve overtime hours *in advance* of the overtime work being performed. If approval has been received in advance, all overtime hours are to be recorded and paid. However, a non-exempt employee who works overtime without prior approval may be subject to disciplinary action.

### PAYROLL DEDUCTIONS, GARNISHMENTS AND CORRECTIONS

Various payroll deductions are made each payday to comply with federal and state laws pertaining to taxes and insurance. Deductions will be made for the following: Federal and State Income Tax Withholding, Social Security, Medicare, State Disability Insurance and Family Temporary Disability Insurance, and other items designated by you or required by law (including a valid court order). You can adjust your federal and state income tax withholding by requesting and completing the federal or state tax form, and submitting it to Payroll or Human Resources. By January 31st of each calendar year, you will be supplied with your Wage and Tax Statement (W-2) form from the prior year. This statement summarizes your income and deductions, which is needed for your income tax return.

A garnishment is a court order requiring an employer to remit part of an employee's wages to a third party to satisfy a debt. Once BSD receives legal papers ordering a garnishment, Payroll is required by law to continue making deductions from your check until they have withheld the full amount or until they receive legal papers from the court to stop the garnishment. Even if the employee has already paid the debt, Payroll will need legal papers saying to stop the garnishment in order to actually stop.

# STANDARDS OF CONDUCT AND EMPLOYEE PERFORMANCE

## RESPECTFUL WORKPLACE

BSD is dedicated to creating and maintaining an atmosphere of diversity and inclusion for all.

BSD expects its employees and managers to exhibit respectful, polite, thoughtful, prompt and attentive responses toward employees, interns, contractors, consultants, customers, and vendors. Likewise, those outside our organization who interact with us are also to follow these same guidelines. BSD strictly prohibits bullying, discrimination, harassment, and violence of any kind. These extreme behaviors are defined below:

### What is Bullying?

Bullying is when someone repeatedly (i.e., once a week for several months) or severely harms another psychologically, with the intent to gain power over that person through intimidation or to look superior in the eyes of their peers. Examples of bullying include:

**Aggressive Communication:** Slandering, insulting, ridiculing, criticizing, accusing, argumentative, humiliating, harmful gossiping, or maligning a person or his/her family (includes social media and email). Persistent name-calling, public harsh reprimands, shouting or angry outbursts, using certain phrases that are likely to trigger a reaction from a past event, and/or making the person the subject of jokes. It may also include giving someone the silent treatment, staring, or laughing at the person.

**Physical Aggression:** Unwanted physical contact including grabbing someone's arm, pushing, poking, tripping, assault or threat of assault, or damage to a person's work area or property. It may also include gestures that convey obscene or threatening messages. Playing harsh practical jokes.

**Exclusion:** Refusing to socialize with the person, bullying other people who wish to socialize with the person, and criticizing the person's manner of dress, hair, and/or other socially-significant markers. Pointedly treating others in a group better than the person – or ignoring their presence.

**Work Manipulation:** Repeatedly ignoring or interrupting the person so that his/her ideas are not heard/acknowledged; showing anger to intimidate someone to get one's own goals accomplished to the detriment of the others' goals/time; interfering with mail, reports or other communications; excluding an individual or isolating him/her from work-related activities, such as emails, meetings or projects normally a part of the job; encouraging others to disregard a supervisor's instructions; refusing to cooperate/help a person when it is a job responsibility; manipulating the ability of someone to do his/her work (e.g., withholding pertinent information, setting unrealistic deadlines/making everything a priority, giving ambiguous instructions/arbitrarily changing tasks, removing tasks imperative to the job responsibilities, etc.)

### What is Discrimination?

Discrimination is treating one legally protected group or individual (i.e., sex, race, color, citizenship status, national origin, ancestry, gender, age, religion, creed, disability, marital status, veteran status, genetic information, or any other status protected by federal or state law) more or less favorably than another group of people for a non-work related reason. BSD is committed to not discriminate in regards to personnel actions such as hiring, evaluation, selection, work assignments, compensation, promotion, assignment, transfer, training, benefits, leave approval, discipline, termination, and all other terms and conditions of employment.

## What is Harassment?

Harassment also applies only to those in a legally protected group. Harassment is unwelcome conduct that is intimidating, hostile or abusive; interferes with an employee's ability to work; or is a condition of continued employment. Examples include using racially derogatory words, telling inappropriate jokes, making offensive remarks about skin color or age, hanging offensive posters, expressing negative stereotypes, etc.

**Sexual Harassment** includes unwelcome sexual advances, requests for sexual favors and all other unwelcome verbal, visual (email, posters, etc.) or physical conduct of a sexual nature, either by a person of the same or opposite sex.

## What is Workplace Violence?

Any act of obvious aggression, physical assault, or threatening behavior. Examples include: aggressively argumentative or belligerent behavior towards others; throwing things, becoming visibly angry; refusal to comply with company policies and procedures; sabotaging/damaging equipment and/or stealing property; making clear threats of violence such as suicidal or homicidal threats; physically fighting; or admitting to a murder, rape or arson.

## What is Retaliation?

All of the above matters are taken very seriously. No employee will be retaliated against for reporting a potential violation of these policies, or for participating in BSD's investigation of any such complaints. Examples of retaliation would include the type of things listed under the bullying/harassment definitions above. Retaliation does not include a manager requiring a person to do their job at the same level of performance as others in the group. Possible retaliation incidents may be reported in the same manner as listed below.

Likewise, known false or frivolous complaints, where the accuser is complaining of harassment or other policy violations to accomplish some end other than stopping the behavior is also not allowed. However, this does not refer to charges made in good faith, even if they cannot be proven.

## Reporting These Actions

BSD will not condone bullying, discrimination, harassment, violence, or retaliation of any kind. Reporting of actions or events described above may initiate a BSD investigation and may lead to ramifications up to and including termination for the offending party(ies).

If an investigation is warranted, it will be conducted promptly and thoroughly with due regard for the privacy of everyone involved. However, confidentiality cannot be guaranteed. If BSD determines that a violation of this policy has occurred, it will take prompt and appropriate corrective action.

Any questions about these issues, or to report a situation, contact a Department Manager, the office of EEO, Human Resources/Employee Relations, or the Managing Director. Alternatively, employees may also contact BSD's Associate General Counsel or the office of EEOC.

## Each Employee's Responsibility

Don't be misled into thinking that if you are not the perpetrator of disrespectful behavior that you are not at fault. Everyone has a responsibility to put a halt to this type of behavior. For instance, if you receive a violating email, you should immediately send it to your Supervisor to have it on record that you do not approve it and communicate that with the sender. Further, if you notice someone speaking and or acting in a manner that is making someone repeatedly feel uncomfortable, then you need to report it so that management may take action. Management cannot take action if they are unaware that a problem exists.

## Complaint Procedure

Employees who feel that they have been harassed or discriminated against, or who witness any harassment or discrimination by an employee, intern, contractor, consultant, customer, vendor or anyone else who does business with BSD, should immediately report such conduct to their supervisor or any other member of management, or Human Resources/Employee Relations.

Do not allow an inappropriate situation to continue by not reporting it, regardless of who is creating the situation. No employee, intern, contractor, consultant, customer, vendor or other person who does business with this organization is exempt from the prohibitions in this policy. In response to every complaint, BSD will conduct an investigation which may involve interviewing witnesses if warranted and, if improper conduct is found, take appropriate corrective action.

To the extent that an employee is not satisfied with BSD's handling of a harassment or discrimination complaint, he or she may also contact the appropriate state or federal enforcement agency for legal relief.

# ANTI-HARASSMENT AND DISCRIMINATION

## Diversity and Inclusion Policy

BSD is committed to providing a work environment free of sexual or any form of unlawful harassment or discrimination. Harassment or unlawful discrimination against individuals on the basis of race, religion, creed, color, national origin, sex, pregnancy, sexual orientation, gender identity or expression, age, ancestry, physical or mental disability, genetic information, marital status or any other classification protected by local, state or federal laws is illegal and prohibited by BSD. Such conduct by or towards any employee, contract worker, customer, vendor or anyone else who does business with BSD will not be tolerated. Any employee or contract worker who violates this policy will be subject to disciplinary action, up to and including termination of his or her employment or engagement. To the extent a customer, vendor or other person with whom BSD does business engages in unlawful harassment or discrimination, BSD will take appropriate corrective action.

## Prohibited Conduct

Prohibited harassment or discrimination includes any verbal, physical or visual conduct based on sex, race, age, national origin, disability or any other legally protected basis if:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or engagement;
- b. Submission to or rejection of such conduct by an individual is used as a basis for decisions concerning that individual's employment or engagement; or
- c. It creates a hostile or offensive work environment.

Prohibited harassment includes (but is not limited to) unwelcome sexual advances, requests for sexual favors and lewd, vulgar or obscene remarks, jokes, posters or cartoons, and any unwelcome touching, pinching or other physical contact. Other forms of unlawful harassment or discrimination may include racial epithets, slurs and derogatory remarks, stereotypes, jokes, posters or cartoons based on race, national origin, age, disability, marital status or other legally protected categories. Prohibited harassment might also be transmitted using BSD's electronic communications system, or through other on-line conduct.

## **Complaint Procedure**

Employees or contract workers who feel they have been harassed or discriminated against, or who witness any harassment or discrimination by an employee, contract worker, customer, vendor or anyone else who does business with BSD, should immediately report such conduct to their supervisor or any other member of management.

Do not allow an inappropriate situation to continue by not reporting it, regardless of who is creating the situation. No employee, contract worker, customer, vendor or other person who does business with this organization is exempt from the prohibitions in this policy. In response to every complaint, BSD will conduct an investigation which may involve interviewing witnesses if warranted and, if improper conduct is found, BSD will take appropriate corrective action.

To the extent that an employee or contract worker is not satisfied with BSD's handling of a harassment or discrimination complaint, he or she may also contact the appropriate state or federal enforcement agency for legal relief.

## **ATTENDANCE**

Punctuality and regular attendance are essential to the successful operation of BSD's business. If an employee is unable to report to work (or to report to work on time) for any reason, the employee must notify his or her supervisor before his or her starting time. If an employee desires to leave work for any reason during the workday, the employee must obtain the approval of his or her supervisor prior to leaving. In the event that the employee fails to call his or her supervisor or report for work for three (3) consecutive workdays, the employee will be deemed to have voluntarily resigned from his or her employment with BSD and will be removed from the payroll. Excessive absenteeism or tardiness may subject the employee to disciplinary action, up to and including termination.

Approved absences are not considered in determining if an employee's absences or tardiness are excessive. Approved absences include, but are not limited to, scheduled Paid Time Off (PTO), Family and Medical Leave (FMLA), or leave provided as a reasonable accommodation under the Americans with Disabilities Act (ADA).

## **WORKING REMOTELY**

BSD recognizes that certain positions, or under certain circumstances, working remotely can be an effective management tool to promote increased productivity, energy conservation, preservation of the environment, disaster preparedness, and work/life balance. However, some positions may require employees to work on-site because of the nature of the business. Employees interested in working remotely should talk to their immediate Supervisor for consideration.

## DISCIPLINE

As an at-will employer, BSD may impose discipline whenever it determines it is necessary or appropriate. Discipline may take various forms, including verbal counseling, written warnings, suspension, demotion, transfer, reassignment or termination. The discipline imposed will depend on the circumstances of each case; therefore, discipline will not necessarily be imposed in any particular sequence. Moreover, at any time BSD determines it is appropriate, an employee may be terminated immediately.

Every organization must have certain standards of conduct to guide the behavior of employees. Although there is no possible way to identify every rule of conduct, the following is an illustrative list (not intended to be comprehensive or to limit BSD's right to impose discipline for any other conduct it deems inappropriate). These standards of conduct apply to all employees whenever they are on BSD's property and/or conducting BSD business (on or off BSD property). Engaging in any conduct BSD deems inappropriate may result in disciplinary action, up to and including termination. This conduct includes, but is not limited to:

- a. Dishonesty
- b. Falsification of Company records
- c. Unauthorized use or possession of property that belongs to BSD, a coworker, or of the public
- d. Possession or control of illegal drugs, weapons, explosives, or other dangerous or unauthorized materials
- e. Fighting, engaging in threats of violence or violence, use of vulgar or abusive language, horseplay, practical jokes or other disorderly conduct that may endanger others or damage property
- f. Insubordination, failure to perform assigned duties or failure to comply with BSD's health, safety or other rules
- g. Unauthorized or careless use of BSD's materials, equipment or property
- h. Unauthorized and/or excessive absenteeism or tardiness
- i. Lack of teamwork, poor communication, unsatisfactory performance, unprofessional conduct, or conduct improper for the workplace
- j. Sexual or other illegal harassment or discrimination
- k. Unauthorized use or disclosure of BSD's confidential information
- l. Violation of any Company policy



## EMPLOYEE CORRECTIVE ACTION

BSD typically uses a progressive system of corrective action to address performance, behavior and attendance issues, consisting of the following steps:

- **Verbal Counseling:** The manager informs the employee that an issue exists and counsels the employee on ways to improve.
- **Written Warning:** A written warning is typically issued for repeated and/or ongoing work-related issues that the employee has failed to improve or resolve following verbal counseling. A Performance Improvement Plan (PIP) may accompany a written warning.
- **Performance Improvement Plan (PIP):** A formal written plan that describes in detail the expectations for improved performance and/or behavior, and the support and resources management will provide to help the employee succeed.
- **Discharge from employment:** All discharge decisions must be reviewed and approved by Human Resources/Employee Relations.

The corrective action process may be accelerated depending on the nature, frequency, and severity of the violations, and the employee's history of work-related issues. In addition, a suspension without pay may be utilized for issues of serious misconduct or unacceptable behavior. Human Resources/Employee Relations is available to provide counseling, guidance, and support to all employees and managers in resolving and improving performance, behavior and attendance issues.

## DRESS CODE

What we wear to work is a reflection of the pride we have in BSD, in what we do, and in ourselves. Although dress code requirements will vary according to job responsibilities, we ask that your appearance at all times show discretion, good taste, and appropriateness for the safe performance of your job.

## SAFETY

BSD is committed to providing a safe workplace. Accordingly, BSD emphasizes "safety first." It is the employee's responsibility to take steps to promote safety in the workplace and work in a safe manner. By remaining safety conscious, employees can protect themselves, their coworkers, and their customers. Employees are expected to promptly report all unsafe working conditions, accidents and injuries, regardless of how minor, so that any potential hazards can be corrected.



## DRUG FREE WORKPLACE

BSD's goal is to eliminate alcohol and drug abuse and its effect on the workplace, and to employ individuals who can perform their duties safely and efficiently, in the interest of their fellow employees and the public, as well as themselves. The presence of illegal drugs, controlled substances, and/or unauthorized alcohol on the job, and the influence of these substances on employees during working time, is inconsistent with this objective. Alcohol and drug abuse pose a threat to the health and safety of BSD employees, coworkers and customers, and to the security of our equipment and facilities. For these reasons, BSD is committed to the elimination of drug and/or alcohol use and abuse in the workplace. Violations of the policy may result in discipline, up to and including immediate discharge.

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the workplace. Consumption, possession or sale of alcohol in connection with BSD-sponsored business or social functions is permitted upon specific approval of senior management or Human Resources, and only to the extent that it does not result in impaired performance, inappropriate or unprofessional behavior, endangerment of any person, or violation of any applicable law or BSD policy.

BSD reserves the right to require you to submit to testing for the presence of illegal drugs and controlled substances, and for alcohol in accordance with applicable laws and regulations and BSD policy. Testing for alcohol will be based on probable cause that an employee has alcohol in their system. Testing for the presence of illegal drugs may be conducted based on probable cause, or after any work-related accident. If a positive test result is received indicating the presence of any illegal drugs, controlled substances and/or alcohol in your system, you will be subject to disciplinary action up to and including discharge.

Whenever you are working, operating any BSD vehicle, present on BSD's premises, or conducting BSD related work off-site, you are prohibited from:

- Using, possessing, buying, selling, manufacturing, or dispensing any illegal drugs and controlled substances (as defined by the Federal Controlled Substances Act). For purposes of this policy, unless otherwise required by applicable law, BSD considers the use of marijuana, even with a prescription or otherwise in compliance with state law, to be the "illegal" use of a controlled substance. In addition, prescription medication not prescribed to an employee, or not taken in accord with your healthcare provider's instructions are also considered "illegal" within the meaning of this policy
- Having any controlled substance illegally present in your body at any detectable level
- Having alcohol in your system
- Possessing or consuming alcohol

If the use of any drug, including alcohol, affects your performance or safety, or interferes with the job performance or safety of others, including while driving a BSD vehicle or while driving on BSD business, BSD may take disciplinary action up to and including discharge.

Any illegal drugs or drug paraphernalia discovered on BSD premises or in a BSD vehicle will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

If you are taking prescribed medication that contains a warning that would be violated by the performance of your regular job duties (such as “do not operate machinery” or “do not drive”), you must contact Human Resources prior to beginning work. Depending upon all of the relevant circumstances, including the nature of your job duties, the length of time you will be taking the medication and other factors, BSD may temporarily transfer you to another position, modify your job duties, or take other action as appropriate, but will not permit you to violate restrictions imposed by your healthcare provider and/or medication being taken.

If you feel that you have a drug or alcohol use or abuse problem, you may utilize BSD’s Employee Assistance Program (EAP) to obtain referrals to outside professional counselors and programs for diagnosis and therapy. Even if you are participating in a drug and alcohol awareness and/or rehabilitation or assistance program, if you violate the prohibitions against unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the workplace, you may be subject to disciplinary action up to and including discharge.

Employees who are subject to U.S. Department of Transportation regulations are covered by and must adhere to the DOT drug and alcohol testing policy administered by the Safety Department.

## **SMOKE-FREE WORKPLACE**

Bi-State Development will comply with all applicable federal, state, and local regulations regarding smoking in the workplace and will provide a work environment that promotes productivity and the well-being of its employees.

Smoking is not allowed at any time in BSD buildings, work areas, or BSD revenue and non-revenue vehicles. “Smoking” includes the use of any tobacco products (including chewing tobacco), electronic smoking devices, and e-cigarettes.

Smoking is only permitted during break times in designated outdoor areas. Smokers have a special obligation to dispose of any smoking materials safely, to keep authorized smoking areas litter-free and not to abuse break and work rules.

## **INTERNET, EMAIL AND COMPUTER USE**

BSD uses various forms of electronic communication including, but not limited to: computers, email, telephones, voicemail, instant message, text message, Internet, cell phones and smart phones (hereafter referred to as “electronic communications”). The electronic communications, including all software, databases, hardware, and digital files, remain the sole property of BSD and are to be used only for BSD business and not for personal use.

The following rules apply to all forms of electronic communications and media that are: (1) accessed on or from BSD premises; (2) accessed using BSD computer or telecommunications equipment, or via BSD-paid access methods; and/or (3) used in a manner which identifies BSD. The following list is not exhaustive and BSD may implement additional rules from time to time.

- a. Electronic communication and media may not be used in any manner that would be discriminatory, harassing, or obscene, or for any other purpose that is illegal, against BSD policy, or not in the best interest of BSD. Employees who misuse electronic communications and engage in defamation, copyright or trademark infringement, misappropriation of trade secrets, discrimination, harassment, or related actions will be subject to discipline, up to and including termination. Employees may not install personal software on BSD computer systems.

- b. Employee-owned electronic media may only be used during breaks. All other BSD policies, including BSD's no tolerance for discrimination, harassment, or retaliation in the workplace apply.
- c. All electronic information created by any employee on BSD premises or transmitted to BSD property using any means of electronic communication is the property of BSD and remains the property of BSD. You should not assume that any electronic communications are private or confidential, and should transmit personal sensitive information in other ways. Personal passwords may be used for purposes of security, but the use of a personal password does not affect BSD's ownership of the electronic information. BSD will override all personal passwords if necessary for any reason.
- d. BSD reserves the right to access and review electronic files, messages, internet use, blogs, "tweets", instant messages, text messages, email, voice mail, and other digital archives, and to monitor the use of electronic communications as necessary to ensure that no misuse or violation of BSD policy or any law occurs. All such information may be used and/or disclosed to others, in accordance with business needs and the law. BSD reserves the right to keep a record of all passwords and codes used and/or may be able to override any such password system.
- e. Employees are not permitted to access the electronic communications of other employees or third parties unless directed to do so by BSD management. No employee may install or use anonymous e-mail transmission programs or encryption of e-mail communications.
- f. Employees who use devices on which information may be received and/or stored, including, but not limited to, cell phones, cordless phones, laptops, tablets, fax machines, and voice mail communications are required to use these methods in strict compliance with the Confidentiality section of this Handbook. These communications tools should not be used for communicating confidential or sensitive information or any trade secrets.
- g. Access to the Internet, websites, and other types of BSD-paid computer access are to be used for BSD-related business only. Any information about BSD, its products or services, or other types of information that will appear in the electronic media about BSD must be approved before the information is placed on any electronic information resource that is accessible to others.

## CELL PHONE USE

The use of personal cell phones at work is discouraged because it can interfere with work and be disruptive to others. Therefore, employees who bring personal cell phones to work are required to keep the ringer shut off or placed on vibrate mode when they are in the office, and to keep cell phone use confined to breaks and meal periods. Conversations should occur away from areas where other employees are working. When cell phone use interferes with the satisfactory performance of an employee's duties or disturbs others, the privilege of using a personal cell phone at work may be taken away and other disciplinary action, up to and including termination, may be imposed.

BSD may provide cell phone allowances to employees in certain positions in an effort to improve efficiency and effectiveness. When cell phones are used for BSD business, employees must comply with all BSD policies governing conduct, including our policies prohibiting discrimination, harassment, and violence in the workplace. When using the cell phone in a public place, please remember to maintain the confidentiality of any private or confidential business information. As a courtesy to others, please shut cell phones off or place on silent/vibrate mode during meetings.

## SOCIAL MEDIA

BSD is committed to utilizing social media to inform the public, enhance its profile and brand reputation, to listen and respond to customer opinions and feedback, and to drive revenue, loyalty and advocacy.

For the purpose of this section, social media and networking refers to the use of web-based and mobile applications for social interaction and the exchange of user-generated content. Social media channels can include, but are not limited to: Facebook, Twitter, LinkedIn, YouTube, Instagram, blogs, review sites, forums, online communities and any similar online platforms.

Employees are expected to conduct themselves in a professional manner and to respect the views and opinions of others. BSD and its employees are committed to conducting ourselves in accordance with best industry practices in social networking, to being responsible citizens and community members, to listening and responding to feedback, and to communicating in a courteous and professional manner. Behavior and content that may be deemed disrespectful, dishonest, offensive, harassing or damaging to the company's interests or reputation are not permitted. The use of social media channels on company time for personal purposes is not allowed.

Employees must not disclose private or confidential information about BSD, its employees, clients, suppliers or customers on social networks. Employees must respect trademarks, copyrights, intellectual property and proprietary information. No third-party content should be published without prior permission from the owner.

Employees may engage in social media activity during work time **only** if it is **directly** related to their work, approved by their manager, and does not identify or reference BSD employees, customers or vendors without their express permission. BSD maintains the right to monitor company-related employee activity in social networks. Violation of policy guidelines is grounds for discipline, up to and including termination.

Employees may maintain personal websites or blogs and participate in social media on their own time using their own devices. Employees must ensure that social media activity does not interfere with their work. In general, BSD considers social media activities to be personal endeavors, and employees may use them to express their thoughts or promote their ideas.

### Disclaimers

If an employee identifies they are a BSD employee or discusses matters related to BSD on a social media site, the site must include a disclaimer on the front page stating that it does not express the views of BSD and that the employee is expressing only their personal views. For example, "The views expressed on this website/Facebook account are mine alone and do not necessarily reflect the views of my employer." Place the disclaimer in a prominent position and repeat it for each posting expressing an opinion related to BSD or its business. Employees must keep in mind that if they post information on a social media site that is in violation of BSD policy and/or federal, state, or local law, the disclaimer will not shield them from disciplinary action.

# EMPLOYEE LEAVES OF ABSENCE AND TIME OFF

## GENERAL

While regular attendance is crucial to maintain business operations, BSD recognizes that, for a variety of reasons, employees may need time off from work. BSD has a number of different types of leaves of absences available. Some are governed by law and others are discretionary. For all planned leaves, however, employees must submit a request at least seven (7) business days in advance. In the case of emergencies, employees should submit the request as soon as they become aware of the need for leave. All leaves must have the approval of BSD management. If, during a leave, an employee accepts another job, engages in other employment or consulting outside of BSD, or applies for unemployment insurance benefits, the employee may be considered to have voluntarily resigned from employment with BSD.

All requests for a leave of absence will be considered as to their effect on BSD and its work requirements, as determined by BSD management, which reserves the right to approve or deny such requests in its sole discretion, unless otherwise required by law. For disability-related leave requests, BSD will engage in an interactive process with the employee to determine if a leave is the most appropriate accommodation. The employee must provide a certification from his or her healthcare provider to BSD to support a leave for medical reasons. Failure to provide the required certification to BSD in a timely manner will result in delay or denial of leave. If an employee requires an extension of leave, the employee must request such extension and have it approved before the expiration of the currently approved leave.

While BSD will make a reasonable effort to return the employee to his or her former position or a comparable position following an approved leave of absence, there is no guarantee that the employee will be reinstated to his or her position, or any position, except as required by law.

## PAID TIME OFF DAYS

BSD provides salaried employees with Paid Time Off (PTO) to take time for rest and relaxation. Also, PTO can reduce the financial impact to employees who need to be away from work due to an illness.

### Accrual

PTO begins to accrue on the date of hire, but may not be used until the employee has worked for BSD for ninety (90) days. Employees hired by the 15th of the month will earn PTO for the month in which they were hired, while employees hired the 16th of the month or later, will not earn PTO for that month. PTO is subject to the same withholding elections as regular pay.

PTO accrues monthly based on years of service for both full-time and part-time employees. The monthly accrual amount is based on the employee's years of service. You must be an active employee through the last day of the month to be awarded PTO. PTO becomes available for use on the first day of the month following the month in which it was earned.

## Salaried Paid Time-Off (PTO) Accrual Schedule

### Full-time Employees

Years of Service	Hourly Accrual Per Month	Hours per Year
0 - 4	13.334	160 hours
5 - 9	14.667	176 hours
10 - 14	16.667	200 hours
15 - 24	20.00	240 hours
25+	23.334	280 hours

### Part-time Employees

Years of Service	Hourly Accrual Per Month	Hours per Year
0 - 4	6.667	80 hours
5 - 9	7.334	88 hours
10 - 14	8.334	100 hours
15 - 24	10.00	120 hours
25+	11.667	140 hours

Note: Represented employees should review the CBA.

### Carryover of Unused PTO

The maximum annual carryover of PTO to the next calendar year is 360 hours.

### Using PTO

Employees have the responsibility to personally notify their supervisor of the need to take unscheduled PTO no later than twenty-five (25) minutes prior to the start of the scheduled workday. Employees must call their supervisor every day they are absent unless excused by the supervisor for a specific duration.

PTO must be taken in a minimum of two (2) hour increments for non-exempt employees and in eight (8) hour increments for exempt employees.

Any employee absent due to illness for three (3) or more consecutive workdays may be asked to provide an attending physician's statement certifying the illness. A release is required whenever hospitalization of the employee occurs, regardless of the time period involved.

Any employee requesting PTO for more than five (5) consecutive workdays due to illness must apply for Family and Medical Leave (FMLA). FMLA is requested by contacting Absence Management ([See Family and Medical Leave Policy](#)).

PTO may not be used prior to its accrual, beyond the date of an employee's termination of employment, retirement, layoff, in excess of the employee's scheduled hours of work, or when an employee is receiving workers' compensation benefits. PTO is subject to the same withholding elections as regular pay.

No BSD employee may use available PTO after having given notice of retirement, resignation, or any other separation from employment. In addition, no BSD employee may use PTO after being notified of termination or layoff.

Should any supervisor or manager be aware that any employee has provided notice of resignation/retirement, the supervisor/manager must notify Human Resources as soon as possible. In addition, should any manager or supervisor intend to resign or retire, the manager/supervisor must advise Human Resources. While the supervisor/manager in such a situation will be paid out for all unused PTO upon separation up to the maximum of 360 hours, the individual is not permitted to stop working prior to the effective date of the resignation/retirement date and be paid for PTO during the time period prior to the last day of employment.

## Payout at End of Employment

Any accrued, unused PTO, up to a maximum of 360 hours, will be paid out **after** employment ends.

## HOLIDAYS

BSD employees receive eleven (11) paid holidays (floating holidays indicated by an asterisk):

1. New Year's Day (Observed)
2. Martin Luther King's Birthday\*
3. Presidents' Day\*
4. Memorial Day
5. Juneteenth\*
6. Independence Day
7. Labor Day
8. Thanksgiving Day
9. Day after Thanksgiving
10. Christmas Day (Observed)
11. Employee's Birthday\*

Full and part-time employees must take each holiday on the day designated as a holiday, with the exception of designated floating holidays. A holiday that occurs on a Saturday will be observed on the preceding Friday, and a holiday that falls on a Sunday will be observed on the following Monday. If a holiday occurs during an employee's PTO period, the employee will not be charged for PTO on the day of the holiday.

Eligible employees will be given a day off with pay for each holiday observed. Part-time employees are eligible to receive holiday pay on a pro-rated basis based on their regularly scheduled number of work hours for the day on which the holiday occurs. Temporary employees, and employees on leaves of absence for any reason, are not eligible to receive holiday pay.

Non-Exempt employees scheduled to work holidays in order to maintain essential services are paid for the holiday plus any hours worked.



Floating holidays may be taken at a later date within the same calendar year with permission from the supervisor. Floating holidays cannot be carried over from year to year and are forfeited without compensation if not taken by December 31 of the calendar year in which the holiday falls. In addition, floating holidays cannot be split in hour or other increments, but must be taken as an entire day off.

Employees hired after their birthday are not entitled to a birthday holiday until the following calendar year. Employees who terminate employment are not eligible for any holiday pay after the effective date of termination, including any floating holidays that have not yet been used.

It is possible that the observed holidays may change for a particular calendar year. When this occurs, the schedule of holidays to be observed for the upcoming calendar year will be published before the beginning of the new calendar year.

## SHORT TERM AND LONG TERM DISABILITY

Bi-State Development provides Salaried employees with Short Term Disability (STD) and Long Term Disability (LTD) coverage designed to protect them from the loss of income while being medically unable to work due to their own non work-related injury or illness (including pregnancy-related disability).

Note: Applies to non-represented employees only. Represented employees should review the CBA.

## FAMILY AND MEDICAL LEAVE (FMLA)

Eligible employees may request a family and medical leave of absence under the federal Family Medical Leave Act (“FMLA”) in the circumstances described below.

This summary provides employees with a general description of their FMLA rights. In the event of any conflict between this summary, BSD’s policies and procedures and the applicable law, employees will be afforded all rights required by law.

BSD may grant eligible employees up to a maximum of twelve (12) weeks of unpaid leave within a twelve (12) month period. If you have questions regarding the application of this policy to your particular situation, contact the Absence Management Department.

### Eligibility

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

1. Have been employed by BSD for at least twelve (12) months **and**
2. Have actually worked at least 1,250 hours during the 12-month period immediately preceding the start of the leave

### Reasons for Leave

An eligible employee may apply for FMLA leave for the following reasons:

1. The birth of a child or the placement of a child for adoption or foster care
2. To bond with a child (leave must be taken within one year of the child’s birth or placement)
3. To care for an employee’s spouse, child or parent who has a qualifying serious health condition



4. For the employee's own qualifying serious health condition that makes the employee unable to perform the essential functions of their position
5. 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 service member's spouse, child, parent or next of kin may also take up to twenty-six (26) weeks of FMLA leave in a single 12-month period to care for the service member with a serious injury or illness.

## Requesting a New Leave

If the reason for the FMLA leave is foreseeable, such as for childbirth or a scheduled surgery, then an employee must request the leave at least thirty (30) calendar days before the start of the leave. Failure to provide the required notice may result in denial of all or part of the leave. Notice must be given to Absence Management.

If the reason for the leave is not foreseeable, such as an emergency hospitalization or an unforeseeable event, then the request must be made as soon as possible, but no later than five (5) business days after the requested start date of the leave.

An employee does not have to share a medical diagnosis with Management, but must provide enough information to BSD's Absence Management Department so it can determine if the leave qualifies for FMLA protection. Sufficient information will be supplied by the submission of a completed medical certification indicating that the employee is unable to perform the essential functions of the position, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform BSD if the need for leave is for a reason for which FMLA leave was previously taken.

Once BSD becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, BSD must notify the employee if the employee 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, BSD must provide a reason for ineligibility.

BSD will notify an employee if leave will be designated as FMLA leave, and, if so, how much leave will be designated as FMLA leave.

## Pay While on FMLA Leave

If FMLA leave is approved for an employee's serious health condition, the employee must use any compensation continuation (e.g., PTO or Short Term Disability) before going unpaid.

If the leave is requested for any other reason (e.g., care of the dependent child's serious health condition or to care for a family member), the employee **MUST** use all accrued PTO as paid FMLA leave before unpaid FMLA leave.

If the leave is requested for the birth of an employee's child or the placement of a minor child with an employee in connection with adoption or foster care, BSD will provide up to four (4) weeks of paid parental leave to employees. Employees must exhaust all compensation after the four (4) weeks of paid parental leave before going unpaid.

All leave taken under this policy and for any other reason that would qualify under FMLA (e.g., workers' compensation, medical hold) will run concurrently and be counted against the employee's leave entitlement under FMLA.

Note: Represented employees should review the CBA.

## Healthcare Provider Certification/Recertification

The FMLA Medical Certification form, fully completed by the employee's healthcare provider (or the healthcare provider of the family member with the serious health condition), must be received by Absence Management within fifteen (15) calendar days of the date of the leave request. It is the employee's responsibility to ensure that this deadline is met. If the certification provided by an employee is incomplete, BSD will provide the employee with a written statement of what additional information is required. BSD may require the employee to provide recertification on a periodic basis under certain circumstances.

## Return to Work

When the FMLA leave is for the employee or the employee's spouse, child or parent's serious health condition (including Military Caregiver Leave), leave may be taken intermittently (in separate blocks of time as opposed to a continuous leave period) or on a reduced schedule if the healthcare provider of the individual with the serious health condition determines that taking the leave in that manner is medically necessary.

If the employee does not return to work on the first workday following the expiration of an approved family and medical leave, the employee will be deemed to have resigned from his or her employment. Upon returning from such a leave the employee will normally be reinstated to his or her original or an equivalent position and will receive pay and benefits equivalent to those the employee received prior to the leave, as required by law. In certain circumstances, "key" employees may not be eligible for reinstatement following a family and medical leave. BSD will provide written notice to any "key" employee who is not eligible for reinstatement.

## Insurance Premiums

During a period of approved FMLA leave, an employee will be retained on BSD's health plan under the same conditions that applied before the leave commenced. To continue health coverage, the employee must continue to make any contributions at the same rate as before taking the leave. Employees who fail to pay their share of the health insurance premium may result in loss of coverage, at which time COBRA will be offered. If the employee subsequently returns to work, health coverage will not be reinstated until all past due premiums are paid.

If the employee fails to return to work after the expiration of the FMLA leave, the employee will be required to reimburse BSD for payment of health insurance premiums during the leave, unless the reason the employee fails to return is the presence of a serious health condition which prevents the employee from performing the job or to circumstances beyond the employee's control.

## Job Restoration

At the end of a FMLA-approved leave, under most circumstances, the employee will be returned to the same or an equivalent position without loss of seniority or benefits that would have accrued if the FMLA leave were not taken. An employee who takes an approved FMLA leave will not lose any seniority or employment benefits that accrued before the date the leave began.

Before returning to work, an employee who is on FMLA leave as a result of their own serious health condition may be required to submit a healthcare provider's written certification that the employee is able to return to work. Failure to provide this certification, when requested, may result in delay or denial of job restoration.

## No Discrimination

BSD will not discriminate against an employee for exercising rights under the FMLA, nor will it interfere with, restrain, or deny the exercise of any rights under the FMLA. BSD will also not retaliate against any person for opposing a practice that is illegal under the FMLA, for filing a charge, or for testifying in any inquiry or proceeding relating to any rights under the FMLA.

Employees may file a complaint with the U.S. Dept. 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.

## WORKERS' COMPENSATION LEAVE

Workers' compensation provides compensation for medical expenses and wage losses to employees who are injured or become ill because of their employment with BSD. BSD pays the entire cost of workers' compensation coverage which provides payment of related medical and rehabilitation expenses and a portion of lost wages to employees who sustain an injury on the job.

BSD abides by all applicable state workers' compensation laws and regulations. If an employee sustains a job-related injury or illness, it is important to notify your supervisor immediately. In cases of medical emergencies, report to the nearest emergency room.

Workers' compensation benefits will run concurrently with FMLA leave where permitted by state and federal law.

## BEREAVEMENT LEAVE

In the event of the death of an immediate family member, eligible employees will, upon approval by immediate supervisor, be granted up to three (3) consecutive workdays off from work with pay to attend to funeral arrangements and attend the services of an immediate family member. Up to one (1) day of funeral leave may, upon their supervisor's approval, be granted for non-immediate family members. All time off under this policy must be taken during either the week of the death or the week of the funeral/memorial service.

### Eligibility

All full and part-time employees who are paid benefits and who have completed three (3) months of continuous service are considered to be eligible employees. Full-time employees will be paid their regular base pay for any of the three consecutive workdays which fall on their regularly scheduled workdays. Pay for part-time employees will be prorated based on their regular work schedule.

Employees are paid this leave on a regular straight-time basis. Bereavement leave does not count as time worked when computing overtime.

#### Immediate and Non-Immediate Family Members

Immediate family members are: Spouse; Child; Son/Daughter-in-Law; Parent; Parent-in-Law; Brother, Sister, Brother/Sister-in-law, Grandparent, Grandchild, Step-Parent, Step-Brother/Sister or a person who has acted as the employee's legal guardian.

Non-immediate family members are: Uncle; Aunt; or Cousin.

## Requesting Leave

To take bereavement leave, the employee must notify their supervisor of the need for time off in accordance with the department's policy for reporting time off. Upon return from leave, non-exempt employees should record on their respective time keeping reports, the day, and number of hours away from work as bereavement leave.

Employees may request approval for additional time off to be charged against accrued PTO. If no accrued PTO is available for requested additional time off, the supervisor may suggest the use of floating holidays or grant leave without pay. Leave without pay is limited to two (2) consecutive workdays. Consideration will be given on an individual basis to requests for Bereavement Leave for the death of a person not listed as an immediate or non-immediate family member.

The supervisor may request verification of death and verification of the relationship with the deceased before authorizing payment of Bereavement Leave. Employees should, whenever possible, request Bereavement Leave prior to their absence. Additional time off must be approved in advance. If a family death occurs during an employee's scheduled vacation, the time-off should be charged as bereavement leave and the vacation rescheduled for a later date.

Supervisors may grant, depending upon staffing requirements, time off to attend the funeral of other relatives or friends. This time may be taken as PTO, personal holiday or unpaid time.

## JURY DUTY

U.S. citizens have a civic obligation to provide jury duty service when called. All regular, full-time employees who are called to jury service are paid their regular rate of pay for the time served on jury service and may retain the jury fee. The employee must bring in the jury duty notice as soon as it is received so that appropriate arrangements can be made to cover his or her duties. Employees are required to call in or report for work on those days or parts of days when their presence in court is not required.

BSD also allows employees time off with pay to appear in court on behalf of BSD. An employee who is a victim, witness or immediate family member of a victim of a crime will be granted time off with pay and will not be discharged or disciplined for honoring a subpoena to testify in a criminal proceeding, attending a criminal proceeding or participating in the preparation of a criminal proceeding related to such crime. Employees not subpoenaed, but who wish to attend a criminal proceeding involving an immediate family member, may be asked to provide supporting documentation.

Employees needing to participate in or attend any civil proceeding will be required to take PTO. If PTO has been exhausted, the employee will be required to take unpaid leave. BSD reserves the right to require supporting documentation.

Upon returning to work, employees must submit to their supervisor a copy of the notice from the court indicating their jury or witness time served.

## VOTING TIME

Employees who are registered voters and who lack three (3) consecutive non-work hours when polls are open to vote in any local, state, and national election may take off three (3) hours of work with pay for this purpose.

Employees must request time off for voting *prior* to Election Day and receive approval from their supervisor. Supervisors have the right to specify the time that employees will be allowed to leave work to create a situation where the employee does have three (3) consecutive hours off work while the polls are open.

Employees whose work schedule provides three (3) consecutive hours between the opening and the closing of the polls when they are not on duty will *not* be eligible for any paid time off for the purpose of voting.

## MILITARY LEAVE

An employee is entitled to time off at full pay for certain types of active or inactive duty in the National Guard or as a Reserve of the Armed Forces. Any full-time or permanent part-time employee is entitled to military leave.

A full-time employee working a 40-hour work week will accrue 120 hours (15 days x 8 hours) of military leave in a fiscal year, or the equivalent of three 40-hour workweeks. Military leave will be prorated for permanent part-time employees on the number of hours in the employee's regularly scheduled pay period.

Inactive Duty Training is authorized training performed by members of a Reserve or National Guard component not on Active Duty. It is performed in connection with the prescribed activities of the Reserve or National Guard. It consists of regularly scheduled unit training periods, additional training periods, and equivalent training.

Eligible employees may use 15 calendar days per year for Active Duty, Active Duty Training, and Inactive Duty Training. An employee can carry over a maximum of 15 days into the next fiscal year.

Up to 22 workdays of military leave may be granted per calendar year for emergency duty as ordered by the President or a State Governor. This can be for law enforcement or the protection of life and property.

Reserve and National Guard Technicians are entitled to 44 workdays of military leave for duties overseas under certain conditions.

Military leave should be credited to a full-time employee on the basis of an 8-hour workday. The minimum charge to leave is one (1) hour. An employee may be charged military leave only for the hours that the employee would otherwise have worked and received pay.

Employees who request military leave for Inactive Duty Training (which generally is two (2), four (4), or six (6) hours in length) will be charged only the amount of military leave necessary to cover the period of training and necessary travel.

An employee's pay remains the same for periods of military leave. The employee's pay is reduced by the amount of military pay for the days of military leave. However, an employee may choose not to take military leave and instead take annual leave in order to retain both BSD pay and military pay.

When the employee requests military leave, they must make an appropriate request and provide copies of their military orders to Human Resources/Employee Relations.

# TERMINATION/RESIGNATION AND MISCELLANEOUS

## EXIT INTERVIEW

In most cases, Human Resources/Employee Relations will conduct an exit interview on or before the last day of employment to obtain information from employees who voluntarily separate from BSD.

## RETURN OF AGENCY PROPERTY

Supervisors are responsible for securing any and all BSD property in the employee's possession, such as BSD identification cards, keys, tools, etc. HR will notify terminating employees who are covered by BSD's group health plan of their right to continue coverage under that plan by electing Consolidated Omnibus Budget Reconciliation Act ("COBRA") continuation coverage.

## RE-EMPLOYMENT

A former employee who is eligible for rehire may be granted one (1) opportunity for re-employment. When a former employee is being considered for re-employment, the complete personnel record will be reviewed by the Human Resources/Employee Relations Department prior to an offer of employment. The Human Resources/Employee Relations Department will discuss employment with the former employee's supervisor to determine suitability for re-hire. No person may be re-hired without the authorization of Human Resources/Employee Relations.

## HIRING OF RELATIVES/NEPOTISM AND DATING

Relatives and domestic partners may be hired by BSD as long as (1) the individuals do not work in a direct supervisory relationship, and (2) the employment will not pose difficulties for supervision, security, safety, or morale. For the purposes of this policy, "relatives" are defined as spouses, children, siblings, parents, or grandparents. A "domestic partnership" is generally defined as a committed relationship between two individuals who are living together.

Current employees, who marry each other, develop a domestic partnership or date will be permitted to continue employment with BSD provided they do not work in a direct supervisory relationship with each other or otherwise pose difficulties for supervision, security, safety, or morale. If employees who marry or form a domestic partnership do work in a direct supervisory relationship with each other, BSD will attempt to reassign one of the employees to another position for which they are qualified, if such a position is available. If no position is available, the employees will be permitted to determine which one of them will resign from BSD.

## OUTSIDE EMPLOYMENT

Employees are permitted to work another job so long as the employee can fully perform their job duties for BSD. A BSD employee may not perform a job for another employer that would compete, conflict with, or compromise BSD's interests. Employees are prohibited from soliciting or conducting any outside business during paid working hours. Use of BSD property, equipment or supplies to conduct outside business is prohibited. Outside employment will not be considered an excuse for poor performance, absenteeism, tardiness, leaving early, or refusal to work overtime or different hours.

## EMPLOYEE ASSISTANCE PROGRAM

The Employee Assistance Program (EAP) is a resource designed to provide highly confidential and experienced help for employees dealing with issues that affect their lives and the quality of their job performance. BSD wants employees to be able to maintain a healthy balance of work and family that allows them to enjoy life. The EAP is a confidential counseling and referral service that can help employees successfully deal with life's challenges.

Employees who choose to use these counseling services are assured the information disclosed in their sessions is confidential and not available to BSD, nor is BSD given any information on who chooses to use the services. Currently, EAP services are provided through CIGNA and can be reached at 1-877-622-4327.