

A Publication of the National CASA Association

**Employment Practices Handbook:  
A Management Guide to Effective Employment  
Practices for CASA/GAL Programs**

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THE NATIONAL COURT APPOINTED  
SPECIAL ADVOCATE ASSOCIATION

# Employment Practices Handbook: A Management Guide to Effective Employment Practices for CASA/GAL Programs

*2005 Edition*

A National CASA Association  
Resource Library Publication

National Court Appointed  
Special Advocate Association  
100 West Harrison Street  
North Tower, Suite 500  
Seattle, WA 98119  
(800) 628-3233  
nationalcasa.org



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# **The National CASA Association Mission Statement**

The National CASA Association, together with its state and local members, supports and promotes court-appointed volunteer advocacy for abused and neglected children so that they can thrive in safe, permanent homes.



# Acknowledgements

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# Getting Started

In your role as a manager, you will face employment-related situations regularly ranging from simple questions about sick and vacation leave to complicated questions about employee harassment or discharging an employee. These types of situations will challenge you with questions about the personnel policies and procedures of your CASA/GAL program. There are numerous resources of information to assist you in resolving these issues:

- Personnel policies and procedures for your program
- Personnel Committee of your Board of Directors
- Outside employment counsel
- This Employment Practices Handbook

**In resolving employment-related issues, you must be cognizant of the employment laws of the state in which your CASA/GAL program operates. Often, state laws afford more liberal protection for employees than the corresponding federal laws provide. Prior to making any significant decision about an employment matter, consult the chair of the personnel committee of the board of directors, the human resources department or outside employment counsel.**

The sample policies included in this *Handbook*, including the documents in the Appendix, are simply examples of standard human resources policies, procedures, and forms that you may review and adopt or adapt for your program. National CASA does not require implementation of *specific* policies, procedures or forms other than those required by law or within the *Standards for National CASA Association Member programs*. Please also refer to *Achieving Our Mission: A Management Guide for CASA/GAL programs* and the resources listed in Appendix A.

This handbook is formatted to include a sample policy (highlighted in a shaded box) followed by a discussion of legal and other considerations pertaining to each policy. In addition to the samples of standard policies included in this handbook, your program may want to establish other written policies and procedures appropriate to your workplace. **These policies and procedures apply to employees, not to volunteers.**

As the local program manager, you have the discretion, with the approval of your board of directors, to determine which policies and procedures are suitable for your particular program and staff. While you are not required to adopt any certain policy or procedure, other than those required by law, implementing basic, standard policies and procedures promotes fairness and consistency in managing employees. Moreover, employment policies and procedures are critical to communication with staff. These measures result in a positive work environment and increased retention of employees. Solid employment policies and procedures strengthen our organization and therefore serve to further the mission of CASA/GAL nationwide.

The last part of the *Handbook* includes appendices that focus on best employment practices and sample forms that correspond to specific sample policies. When the CASA/GAL program adopts personnel policies and procedures, each staff member should sign an acknowledgement and receipt form, documenting receipt of the policies and procedures and agreeing to abide by them. A sample acknowledgement and receipt form is included in this *Handbook*.

**Note:** Throughout the manual, the title program manager is used to describe the decision maker in each employment policy situation. For your program, the responsible individual may be the executive director, program coordinator, CASA manager or another member of your staff management.

If you have questions about any specific sample policy in the *Handbook*, consult your personnel committee or your National CASA program specialist. If you have questions about the legal requirements of any policy, please consult the chair of your personnel committee or outside employment counsel.

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# Chapter 1

## Employment Policies

### Equal Employment Opportunity

**SAMPLE**

[Insert your CASA/GAL program name here] is deeply committed to a policy of equal employment opportunity for all of its employees. This commitment means [Insert your CASA/GAL program name here] actively seeks and employs qualified persons in all job classifications, and administers all personnel actions affecting employees without discrimination on the basis of race, color, religion, sex, age, national origin, disability, veteran status, marital status or sexual orientation. This policy applies to recruitment, placement, promotion, transfer, retention and training, as well as to all other privileges, personnel programs, policies, procedures and terms and conditions of employment. [Insert your CASA/GAL program name here] does not tolerate discrimination against applicants for employment or employees.

Equal employment opportunity (EEO) simply means that regardless of an individual's race, color, religion, gender, national origin, citizenship, age, disability, or veteran status (collectively referred to "protected classes"), all employment decisions, including those involving hiring, promotions and compensation, will be based solely on the individual's qualifications. Some state and local laws add marital status or sexual orientation as protected categories. All personnel decisions must be made on a nondiscriminatory basis. As a manager, you must ensure that all decisions regarding the terms and conditions of employment are handled fairly and equitably on the basis of the employee's qualifications, job performance or seniority. These decisions must not be made on the basis of race, color, sex, age, religion or any other classification protected by state and federal laws. **Simply stated, all employees must be treated equally.** To avoid a claim of discrimination, it is imperative that all employment-related actions be properly documented.

### Recruiting

All advertisements for positions should include the language "Equal Employment Opportunity", EEO, or some other statement to help demonstrate your commitment to hiring a diverse workforce. See National CASA's *A World of Difference: A Manual for Achieving Greater Inclusion* for more information on recruitment efforts to help create and strengthen diversity.

## Posters

Some state and federal fair employment laws, including equal opportunity laws, wage and hour laws and job safety and health laws, must be posted in the workplace in a conspicuous location. Contact your local or state Department of Labor to obtain a poster of these laws.

## Reasonable Accommodation for Individuals with Disabilities

**SAMPLE**

[Insert your CASA/GAL program name here] is committed to employing all individuals on the basis of ability and complies with applicable federal, state and local laws prohibiting employment discrimination against qualified individuals with disabilities. This commitment includes making reasonable accommodation, upon request to the program manager or a designee, for the physical or mental limitations of an otherwise qualified employee with a disability. A reasonable accommodation may include any action that enables an employee with a disability to perform the essential functions of the position, but which does not result in an undue hardship to the program, or pose a direct threat to the health and safety of the employee or to others.

The Americans with Disabilities Act (ADA) covers employers that employ 15 or more employees. Most CASA/GAL programs, therefore, are not covered by the ADA. Nonetheless, the majority of states and many cities and counties have enacted laws that specifically prohibit an employer from discriminating against a disabled employee. These laws typically mirror the requirements of the ADA. For that reason, this discussion will focus on the basic components of the ADA, which may also be included in your state and local anti-discrimination laws.

Under the ADA an employer must extend employment opportunities to “**qualified individuals with disabilities who can perform the essential functions of the job with or without reasonable accommodation**”. The ADA does not require employers to give preference or preferential treatment to disabled individuals. Rather, the ADA ensures that if a disabled individual possesses the requisite qualifications for a job and can perform the job with or without reasonable accommodation, then the employer must consider that individual for employment.

The term “**disability**”, as defined under the ADA, is not synonymous with the term “disability” as defined in a short-term disability insurance policy or under the Social Security Act. Rather, a disability under the ADA is a physical or mental impairment that substantially limits one or more major life activities, such as caring for oneself, walking, seeing, hearing, speaking or working. The law also protects individuals with a record of having an impairment, for example, a former cancer patient.

An impairment is a **disability** only if it substantially limits a major life activity. The nature and severity of the impairment, its duration and its permanent or long-term impact are factors to be considered in determining whether a disability is substantially limiting. Temporary conditions, such as broken legs, pregnancy, certain knee and back conditions are not disabilities covered by the ADA. Nor are minor impairments, such as vision problems that are correctable with glasses, or high blood pressure that is mitigated with medication, considered disabilities under the ADA. For these reasons, it is imperative that you obtain medical certification to substantiate the existence or non-existence of a disability. Never unilaterally make the determination that an individual is disabled under the ADA and, therefore, entitled to a reasonable accommodation.

**Essential job functions** are the duties that are fundamental to performing the job. Generally, the essential functions of a job are detailed in the job description for that position.

A **reasonable accommodation** is typically an adjustment or modification to the job or the work environment to enable the disabled individual to perform the essential functions of the job. The ADA requires employers to make a reasonable accommodation for an individual with a disability, unless it would impose an undue hardship on the employer. There is no set definition of a reasonable accommodation. Generally, it is the responsibility of the employee to request a reasonable accommodation. If the employer, however, knows that the disabled employee is having difficulties in performing the job duties because of the disability, then the employer should approach the employee to inquire about any assistance or accommodation that the employee may need. The employee may suggest an accommodation, but the supervisor makes the final decision. Always consult outside employment counsel to determine whether a reasonable accommodation can be made, and if so, the correct reasonable accommodation.

If providing a reasonable accommodation would create a significant difficulty or expense for a program, the accommodation would create an **undue hardship**. In that case, the program is not required to provide the accommodation. Always consult outside employment counsel to determine whether providing a reasonable accommodation would pose an undue hardship on the program. Never unilaterally make the determination that a certain device, modification of duties or change in work schedule is necessary as a reasonable accommodation.

## ADA's Impact on Manager's Decisions

### Interviewing Applicants

A manager cannot ask an applicant about health or disabilities during job interviews. For example, a manager cannot ask an applicant about workdays missed due to illness, medications being taken or past medical leaves of absence. All questions asked should be job-related and the same questions should be asked of all applicants for the position. The manager may describe the job duties to the applicant and ask the applicant if they can perform a particular duty. The manager, however, may not ask if the applicant has any mental or physical condition that would impede or interfere with job performance. See Appendix C, Recruiting and Interviewing Checklist.

### Pre-employment Physicals

Pre-employment physical examinations and medical inquiries are prohibited under the ADA. Post-job offer physicals, however, are permitted and job offers may be conditioned on the results of the examination. That is to say, you may make a conditional offer of employment based on the results of a physical examination. If post-job offer exams are conducted, they must be conducted for all applicants in that particular job category. Information about the physical examination and any results must be maintained in a separate, confidential medical file, not in the employee's personnel file. If the results of the post-job offer examination or inquiry would exclude an otherwise qualified applicant, you need to consider whether there is some reasonable accommodation that would enable the applicant to perform the essential functions of the job. In making this decision, always consult either outside employment counsel or the chair of your board or personnel committee.

### Drugs

Individuals currently engaging in the use of illegal drugs are not protected under the ADA. Drug addicts who have been rehabilitated or who are participating in a supervised rehabilitation program and are not using drugs, or employees who are erroneously regarded as engaging in the use of illegal drugs, are protected by the ADA. Notwithstanding this statutory protection, an employer may hold

a drug user, a rehabilitated drug user and an employee who is regarded as a drug user to the same employment and performance standards as any other employee. For example, a drug user who reports to work obviously impaired, or who misses an excessive amount of work, may be disciplined for violating the program's policies on satisfactory work performance and regular attendance. An employee who tests positive for drug use, or an employee who refuses to undergo a drug screen may be discharged in accordance with the program's drug-free workplace policy.

### **Alcohol**

Alcoholism is a disability under the ADA. Therefore, an employer may not discharge an alcoholic simply because the employee is an alcoholic. Alcoholics, however, who cannot safely perform their jobs, are not protected by the ADA. Employers may hold alcoholics to the same performance and conduct standards as any other employee. For example, an alcoholic is expected to report to work on a regular basis. An alcoholic with excessive absenteeism may be discharged, just as any other employee. The alcoholic is discharged because of absenteeism, not because of alcoholism.

## **Employee Harassment**

### **SAMPLE**

[Insert your CASA/GAL program name here] has adopted a policy of zero tolerance with respect to unlawful employee harassment. The program expressly prohibits any form of unlawful harassment based on race, color, religion, sex, national origin, age, disability, veteran status, marital status or sexual orientation. Interference with the ability of staff members to perform their expected job duties is not tolerated. Harassment infringes on an employee's right to a comfortable work environment, and undermines the integrity of the employment relationship. All employees should enjoy a work atmosphere free from all forms of harassment. With respect to sexual harassment, [Insert your CASA/GAL program name here] prohibits the following:

Unwelcome sexual advances, requests for sexual favors and all other verbal or physical conduct of a sexual or otherwise offensive nature especially where:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment
- Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment
- Such conduct has the purpose or effect of creating an intimidating, hostile or offensive work environment

Types of conduct that are expressly forbidden include, but are not limited to, the following:

- Unwanted pressure for sexual favors and/or dates
- Deliberate touching of hair, clothing or body, leaning over, cornering or pinching
- Sexual looks, gestures, jokes, remarks or sounds
- Giving inappropriate personal gifts, such as lingerie or underclothes
- Asking personal questions about social or sexual life
- Turning work discussions to sexual topics
- Making sexual comments or innuendoes
- Violating "personal space" or blocking a person's path
- Foul or obscene language

- Suggestive or sexually explicit posters, calendars, photographs, faxes, graffiti or cartoons
- Same sex harassment
- Unwanted or offensive letters or poems, email, voice messages or telephone calls
- Sexual favors in return for employment rewards, or threats if sexual favors are not provided
- Sexual assault or rape
- Any other conduct or behavior deemed inappropriate by the **[Insert your CASA/GAL program name here]**.

Each member of management is responsible for creating an atmosphere free of discrimination and harassment, sexual or otherwise. Employees are responsible for respecting the rights of their co-workers. An employee who experiences any job-related harassment based on race, color, religion, sex, national origin, age, disability, veteran status, marital status, sexual orientation or another factor, or believes they are being treated in an unlawful, discriminatory manner, should confront and request the harasser to stop. The employee should promptly report the incident to the supervisor. If it would be inappropriate to discuss the matter with the supervisor, the employee may report the situation to the program manager. Supervisors must refer all complaints to the program manager. Upon notice of the complaint, the program manager, with the assistance of the board chair and/or personnel committee, will immediately conduct a thorough, objective investigation of the harassment allegation. The complaint of harassment will be kept confidential to the maximum extent possible.

If the program manager determines that an employee is guilty of harassing another individual, appropriate disciplinary action, up to and including discharge, will be taken against the offending employee.

**[Insert your CASA/GAL program name here]** prohibits any form of retaliation against any employee for filing a bona fide complaint under this policy or for assisting in a complaint investigation. If after investigating any complaint of harassment or discrimination, the program manager determines that the complaint is not bona fide and was not made in good faith, or that an employee has provided false information regarding the complaint, disciplinary action, up to and including discharge, will be taken against the employee who gave the false information. We trust that all employees will act in a responsible and professional manner to establish a pleasant work environment free of discrimination and harassment.

Harassment is a form of discrimination, which is prohibited by state and federal laws. All programs should have a zero-tolerance policy against any form of harassment and take prompt, corrective action against any employee who engages in any form of harassment. Managers have an important role to play in implementing this policy. While the following discussion will focus on sexual harassment, it applies equally to all forms of harassment.

It is a manager's responsibility to:

1. know what sexual harassment is
2. educate employees about the program's sexual harassment policy

3. thoroughly and confidentially investigate any complaint of sexual harassment
4. appropriately discipline any employee who is determined to have violated the program's sexual harassment policy.

Sexual harassment is a form of sex discrimination. It is generally defined as unwelcome conduct based on an employee's sex or gender that affects a term or condition of employment. The law defines two types of sexual harassment:

1. **Quid Pro Quo Harassment.** Quid pro quo harassment occurs when someone demands sexual favors in exchange for a job benefit or continued employment. Courts recognize that discrimination occurs when a supervisor or someone with authority over an employee lets the employee know that being fired, demoted, given an undesirable assignment or otherwise subjected to an adverse employment action will occur if the employee does not submit to sexual demands.
2. **Hostile Environment Harassment.** This type of harassment is harder to recognize and can occur even if no request for sexual favors is made. Sexual slurs, innuendo, insults and other unwelcome sexual conduct can make a workplace so offensive and intolerable that it impedes on the employee's ability to perform job duties. Typically, this form of sexual harassment occurs between co-workers, although supervisors, volunteers, board members and visitors can engage in hostile work environment sexual harassment.

## Manager's Responsibility

Annual harassment training should be conducted by a human resources consultant or outside employment counsel. Managers should be observant and anticipate circumstances in which harassment may occur. Discourage unprofessional conduct when you see it, even if it does not rise to the level of harassment. Remind employees that the program expects employees to behave in a professional and ethical manner at all times. Promptly investigate any rumors you hear of harassment. Do not wait for an employee to lodge a complaint. As an employer, the CASA/GAL program is responsible for the environment in which its employees work. If harassment is prevalent, openly practiced or well known to employees, the program is responsible for eliminating it even if no one complains of the conduct. A manager who sees or hears of any conduct that could be construed as harassment must do whatever possible to stop the conduct. To that end, the manager must take the following steps:

- Take all complaints seriously. If an employee describes behavior that could be harassment, listen to the employee's concerns and assure the employee that you will investigate the complaint. Implying that the employee should tolerate the behavior, or that the employee is over sensitive, could result in substantial liability for the CASA/GAL program. Even if you doubt the validity of the complaint, treat it seriously and investigate.
- Complaints do not need to be in writing. No matter how information of possible harassment reaches is discovered, you must follow up on your own to find out what transpired.
- Explain to the employee that once an allegation of harassment is raised, you have an obligation to investigate the allegation, even if the employee requests that the complaint remain confidential and no investigation conducted. If the CASA/GAL program is made aware of harassment and fails to investigate, it could be liable for not doing all it could to prevent harassment in the workplace. Assure the employee that the investigation will be conducted as confidentially as possible and counsel the employee against discussing the

complaint with any one else. Advise the employee that only those within the program with a “need to know” status will learn of the complaint.

- Assure the employee that no retaliatory action will be tolerated for lodging the complaint of harassment. Ask the employee to let you know immediately if anyone retaliates against the employee for lodging the complaint of harassment.
- Assure the employee that the appropriate disciplinary action will be taken, if the investigation proves that harassment actually occurred.
- Thank the employee for coming forward and calling attention to offensive behavior in the workplace.

If the investigation reveals that harassment occurred, the appropriate disciplinary action will depend on the severity of the harassment and the employee’s work history. Verbal counseling may be appropriate for first-time occurrences of relatively mild harassment. Verbal counseling should be documented in writing and placed in the employee’s personnel file. Written warnings, suspension or discharge may be appropriate in more severe or pervasive situations. Always consult outside employment counsel or the board chair or personnel committee to determine the appropriate disciplinary action.

If after investigating a complaint of harassment or discrimination, you determine that the complaint was not bona fide and was not made in good faith, or that an employee has provided false information regarding the complaint, take the appropriate disciplinary action against the employee.

Liability in harassment cases may depend on how quickly and thoroughly you investigated the complaint and whether effective disciplinary action was imposed. Check back with the employee to confirm that the offensive behavior stopped and that no one is retaliating against the employee for reporting the behavior. If the employee reports that the harasser is continuing to engage in the harassment the investigation should be reopened. **Please note that this process applies to complaints of any form of harassment or discrimination.**

Always treat a report of harassment or discrimination seriously and carefully. Courts hold employers liable if the investigation was incomplete or inadequate.

## Types of Liability

**Quid Pro Quo Sexual Harassment:** If the supervisor took no tangible employment action against the employee, the program is vicariously liable, unless it exercised reasonable care to prevent and correct any sexually offensive behavior *and* the employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the program to stop the harassment. This is why it is imperative to implement an anti-harassment policy and provide training to all employees. If the employee suffered a tangible job loss, such as demotion, poor performance evaluation or freeze in wages, the CASA/GAL program is strictly liable and has no affirmative defense.

**Hostile Work Environment Sexual Harassment:** The CASA/GAL program is liable only if it knew or should have known of the harassment, and did not take prompt remedial action to cease the sexually offensive behavior.

### Individual Liability

Typically, an individual employee or supervisor cannot be held personally liable for harassment. Check your state law, however, to determine if individual liability is imposed for harassment in the workplace. Further, some state laws hold an individual employee or supervisor personally liable if the person retaliates against the employee for reporting the harassment. For this reason, it is critical that the alleged harasser understand that negative or adverse action will not be tolerated against an individual or employee who accuses the supervisor of harassment. Examples of retaliation include demotion, diminished duties, reduced compensation, undesirable schedule, poor performance evaluation and discharge.

## Drug and Alcohol Free Workplace

**SAMPLE**

[Insert your CASA/GAL program name here] is committed to maintaining a safe and productive work environment that promotes both the health and the welfare of its employees and the children whom we serve. The abuse of drugs and alcohol is incompatible with that goal.

With respect to a drug and alcohol free workplace, the program requires every employee to comply with the following substance abuse policy:

1. Employees are prohibited from unlawfully manufacturing, distributing, dispensing, possessing, selling or using a controlled substance in the workplace, or while engaged in agency business off agency premises.
2. Reporting to work under the influence of drugs or alcohol is a violation of this policy, and shall subject the employee to disciplinary action, up to and including discharge.
3. Drug and alcohol abuse during non-work time that, in the program's opinion, impairs an employee's ability to perform on the job, or threatens the reputation or integrity of the program is a violation of this policy.
4. Any positive drug test result will constitute a violation of this policy and will result in immediate discharge.
5. Where justified by reliable information and/or observation, criminal violations shall be referred to the appropriate law enforcement authority for further investigation and prosecution.
6. All employees must report any drug-related conviction to the program manager within five days of that conviction.
7. Employees will not be terminated for voluntarily seeking assistance for a substance abuse problem. Continued unacceptable job performance, attendance, and/or behavioral problems will result in disciplinary action, up to and including discharge. Assistance or treatment for a substance abuse problem will be at the expense of the employee.
8. Any employee found to be in violation of any of the provisions of this policy will be subject to disciplinary action, up to and including discharge.

## Use of Prescription Drugs

The program's policy prohibiting the use or possession of a controlled substance does not apply if the controlled substance is being used pursuant to a valid prescription for the employee issued by a medical practitioner while acting in the course of the practitioner's professional practice, or pursuant to other uses authorized by law. The employee must use the controlled substance, however, at the prescribed or authorized dosage level, and such level must be consistent with the safe performance of the employee's duties. Employees who must use a prescription drug that causes or may cause adverse side effects (for example, drowsiness, impaired reflexes or reaction time) should inform the supervisor or the program manager, without identifying the drug, of the possible adverse effects of the drug on performance and the expected duration of use. Employees may be requested to take sick leave or temporarily assigned to different duties.

## Drug and Alcohol Testing Procedures

### **SAMPLE**

The program reserves the right to require employees, as a condition of continued employment, to submit to tests for the detection of alcohol and/or controlled substance when the program has reasonable suspicion that an employee is under the influence of alcohol or drugs. Furthermore, the program may require such alcohol or drug testing as part of, or as a follow-up to, counseling or rehabilitation for alcohol abuse or illegal drug use. Any employee who refuses to submit to a drug/alcohol test, or is found to have identifiable traces of alcohol, illegal drug or other prohibited substance in their system will be subject to disciplinary action, up to and including discharge.

## Drug Testing

Employers are free to require an applicant for employment to undergo a drug screen, provided that the employer has placed the applicant on notice of the requirement and obtained the applicant's consent to submit to a drug test. Typically, this notice and consent are included in the job application or a separate consent form. With respect to employees, an employer may require an employee to submit to a drug screen, provided that the employer has implemented a published drug policy that includes the provisions for drug testing and the employer has disseminated that policy to employees. Most drug-free workplace policies provide that drug screens may be required when there is reasonable suspicion of the use of drugs. Random drug testing should never be conducted unless your program has implemented a written drug-free workplace policy that includes random drug testing and only on the advice of outside employment counsel. Some states have enacted laws on drug testing in the workplace. To ensure compliance with these laws, outside employment counsel should be consulted prior to implementing a drug free workplace policy.

## Workplace Violence Prevention

### **SAMPLE**

[Insert your CASA/GAL program name here] prohibits any behavior that could be construed as threatening, aggressive, confrontational or violent. Prohibited activity includes any threatening behavior or acts of violence, including but not limited to, conduct that is harassing or intimidating, presents a challenge to fight, constitutes veiled or direct threats, sabotage, assaults or attempts to assault, or the use of any obscene, abusive or threatening language or gestures. Absolutely no weapons will be allowed on agency premises, which include the parking lot and grounds. Immediately warn a supervisor, the program manager or any security personnel of any potentially dangerous or suspicious workplace activity, situations or incidents observed, or known that involve other employees, former employees, visitors, volunteers or outsiders who appear threatening. This includes threats of violence, harassment, intimidation, attempted assaults, assaults, challenges to fight, presence or suspected presence of weapons, obsession with weapons, irrational behavior, fear of physical harm and potential violent incidents or concerns. The program manager will conduct a confidential investigation of all reports of violence. Employees who confront or encounter an armed, violent or dangerous person should not attempt to challenge or disarm the individual. Any employee who violates this policy will be subject to disciplinary action, up to and including discharge. Violations of this policy by employees, former employees, visitors or outsiders may be reported to local law enforcement personnel. Such individuals may be prosecuted to the maximum extent of the law. Employees will not be retaliated against for making good faith reports under this policy.

All weapons should be banned from the workplace. If your state has a concealed weapons law, consult outside employment counsel to determine whether you may place a sign at the entrance of the office, advising visitors that weapons are not allowed on the premises. If an employee or visitor appears threatening, violent or aggressive, immediately summon law enforcement personnel. Do not attempt to disarm the individual. You may reserve the right to require an employee, upon request, to submit to a search of any vehicle parked on agency premises and/or personal effects. If so, a statement to that effect should be included in your policy.

Unfortunately, domestic disputes may carry over to the workplace. If an employee reports to you that a current or former spouse or boyfriend/girlfriend has made threats, take the report seriously. Advise the employee to seek legal counsel to consider injunctive relief. Furthermore, advise the employee to seek professional counseling. Do not allow the current/former spouse or boyfriend/girlfriend on agency premises.

## Computers, Software, Electronic and Voice Mail

### SAMPLE

Computers, software, Internet access, electronic mail (email), voice mail and other technological tools are provided to employees to assist them in the performance of their job functions. These technological tools are the property of **[Insert your CASA/GAL program name here]** and may be accessed by management in the ordinary course of business. Employees should have no expectation of privacy in the information contained in their computers or voice mail. Employees are allowed to use the Internet for personal business during breaks and before or after work. Downloading of software is prohibited, unless approved by a supervisor or other appropriate manager. Any difficulties or malfunctions with a computer or software, or the need for assistance with any feature or program, should be reported to a supervisor or other appropriate manager. Email is available to employees and offers the benefits of easy communication with reduced paper use. Employees, however, must keep in mind that anything that is placed on email belongs to the CASA/GAL program.

Employees must follow these guidelines:

- Computers and email system are intended to facilitate business communications. Management has access at all times to email communications sent or received on its computers and email system.
- All communications sent or received on our computers or email system are the property of **[Insert your CASA/GAL program name here]**.
- Employee privacy doesn't extend to such communications – whether intended for business or personal purposes.
- Employees may not use our computers or email system for commercial purposes unrelated to our company, or for sending offensive, harassing or defamatory messages.
- Employees who violate these policies may be subject to disciplinary action and may be discharged.

With the proliferation of technology, most employers have implemented policies on computer and Internet use and voice mail. Most employees do not realize that the files and contents on their desktop or laptop are the property of the employer and not the personal property of the employee. Employees are surprised to learn that the employer may access the contents of the employee's computer or voice mail at any time without the consent of the employee. In other words, employees have no claim to privacy with respect to their computer or voice mail. While no manager wishes to police an employee's use of the computer, managers should observe periodically employees' computer use. This practice deters an employee from accessing the Internet or sending emails for personal use. Of course, all employees, including managers, use the computer for personal use. But this should be limited to avoid excessive personal use. Furthermore, email messages can be used to harass an employee, for instance, sending a co-worker jokes, videos and graphics of a sexual nature or love letters. This type of email or Internet use must be prohibited.

## Confidentiality

### SAMPLE

In the course of employment, employees may become privileged to confidential information, such as information related to the children we serve. It is important that all employees maintain the confidentiality of such information. Employees must never divulge or improperly use confidential information. Misuse or divulgence of confidential information will result in disciplinary action, up to and including discharge. The obligation of confidentiality is not extinguished by termination of employment. Additionally, **[Insert your CASA/GAL program name here]** has taken measures to protect the confidentiality of personal employee information. Only those with a legitimate business reason have access to the information in employee files.

This policy ensures that employees are notified that information regarding the children served by your CASA/GAL program, case management or the internal operations of your program is never disclosed to third parties who have no need for such information. Because of the staff's unique role in serving as a liaison between the judicial system, social workers and children, trust and confidence are critical. Staff members must understand that breaching that trust and confidence will not only harm the children served but also the continued viability and success of the CASA/GAL program. Moreover, disclosing confidential information could result in legal proceedings initiated against the employee and the program.

## Disclosure of Employee Records and Information

### SAMPLE

A request from an outside party for an employee's personnel file or wage records must be referred to the program manager. **[Insert your CASA/GAL program name here]** will honor requests from properly identified and duly authorized law enforcement officials and state agency investigators, as well as legally issued summons or judicial orders, including subpoenas, search warrants and verification of employment requests.

## Personnel Records

Personnel files are maintained on all employees and contain information pertinent to employment. Personnel files and records are confidential. Upon request to the supervisor, an employee may review the personnel file in the supervisor's presence at a mutually agreeable time. If the employee finds inaccurate information, the employee may write a note of correction to the supervisor. This information will be placed in the personnel file.

Typically, the following documents are included in personnel files:

- Job application and resume
- Job description
- Orientation checklist
- Payroll and benefits deduction authorization forms
- Employee status change documents
- Performance reviews
- Leave of absence forms

- Vacation and sick leave requests
- Disciplinary actions
- Education or training records
- Achievement awards
- Attendance records
- Termination records

Employment records are confidential and the program manager should maintain these records in a confidential, locked file. No other staff member should have access to employment records. Furthermore, employment records are the property of the program, not the property of the employee. In most states, employees are not legally entitled to a copy of their personnel file. Some states, however, have granted this right to employees. Notwithstanding a statutory right, it is a good practice to allow employees to review their personnel files in the presence of the program manager. The employee should be given a copy of any disciplinary action or performance evaluation in their file. Presumably, this documentation was given to the employee at the time of the disciplinary session or evaluation review.

## Attendance & Call-in Policy

### SAMPLE

Regular attendance and punctuality are essential to providing high quality and effective teamwork with co-workers. All duties and work schedules have been thoughtfully planned so that the daily operations of **[Insert your CASA/GAL program name here]** are uninterrupted. An employee who is going to be late or unable to report for work must notify the supervisor before the normal reporting time. Every employee should notify the supervisor on each day of absence or illness, unless the employee is on an approved medical leave of absence. If an employee is absent from work without giving proper notice to the supervisor, the employee may be considered as having voluntarily resigned. Notifying anyone other than the supervisor will not be considered proper notification. Failure to follow this policy, excessive absenteeism or tardiness will result in disciplinary action, up to and including discharge.

This policy is a “no-fault” policy, which means that an employee is simply expected to report to work on a regular and consistent basis. In other words, this policy is not “occurrence-based”, which means that for X number of absences, an employee receives a specific disciplinary action, such as a verbal warning or written warning. Because the trend in today’s work environment is to promote flexibility, most organizations have adopted a “no-fault” attendance policy. The manager has sole discretion to determine when an employee’s absenteeism becomes an issue and hinders the smooth operations of the organization. As with all disciplinary actions, excessive absenteeism or tardiness should be documented and each absence or tardy should be listed on the disciplinary form.

Monitoring and taking disciplinary action for tardiness and excessive absenteeism is a responsibility that most managers ignore until the employee’s absences become a major issue. This is a mistake, as an employee needs to understand the expectation of reporting to work on a regular and consistent

basis. Typically, an employee will improve attendance once the manager has expressed intolerance of tardiness or absenteeism. But if the manager indicates that regular and consistent attendance is not important, then the employee will continue to report to work at their own schedule and not the schedule set by the manager.

Managers often believe that they cannot counsel or discipline an employee who misses an inordinate amount of work if that employee has accrued sick days. This is a common misperception with managers. Employees should never be entitled to sick leave, regardless of the reason. Rather, sick leave is a benefit for employees who are too sick to report to work. If an employee develops a pattern of using sick days on Fridays, or before holidays, then the employee should be disciplined. Conversely, if the employee becomes ill with a legitimate illness and misses four days of work, the employee is not establishing a pattern of absenteeism. In this case, the employee's absenteeism does not warrant disciplinary action.

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# Chapter 2

## Personnel Administration

### Employment at Will

**SAMPLE**

The employment relationship with the [Insert your CASA/GAL program name here] is at-will. This means that either the employee or the program may terminate the employment relationship at any time, with or without reason and with or without notice.

Unless an employee is employed pursuant to an employment contract, and typically only high-level executives fall in this category, employees are employed at the will of the employer. This means that an employer may terminate the employment relationship for any reason or no reason, as long as the basis for the termination is not discriminatory. That is to say, a manager may not discharge an employee because the employee falls into a protected class under federal and state anti-discrimination laws. A few states, however, have diluted the employment-at-will doctrine and provided certain protections to employees. Therefore, prior to discharging an employee, it is wise to consult with the board chair and/or the personnel committee or outside employment counsel.

A manager must be able to prove that the employee was discharged for a non-discriminatory reason, such as unsatisfactory work performance, insubordination, excessive absenteeism or other objective factor. To prove that the discharge was based on a legitimate, objective factor, the manager must have sufficient documentation of the reason(s) supporting discharge. Otherwise, the manager could be faced with an allegation of discrimination.

### Compliance with the Immigration Reform and Control Act

**SAMPLE**

[Insert your CASA/GAL program name here] complies with the Immigration Reform and Control Act and hires only those individuals who are legally authorized to work in the United States. Within the first three days of employment, an employee will be required to submit proof of identity and employment eligibility as well as a completed Immigration and Naturalization Service Form I-9. If the employee is authorized to work in this country for a limited period of time, the employee will be required to submit proof of employment authorization at the time the employment authorization expires and update Form I-9. If the employee fails to provide updated information, the employee will be discharged for failure to provide certification of authorization.

The I-9 form is required for all employees. This form may be obtained from the local Department of Labor or online at dol.gov. Proof of eligibility to work in this country must be produced within the first three days of hire. If the employee cannot produce proof of eligibility, the employee must produce a receipt, showing that the employee has applied for work authorization. Documentation must be produced within 90 days of hire. If the employee cannot produce the required documentation, the program must discharge the employee. I-9 forms must be kept in a separate, confidential file, not in employee personnel files. I-9 forms of terminated employees should be kept in a separate, confidential file. I-9 forms must be maintained for at least three years after the date of hire or one year after the date of termination, whichever is later.

## Reference and Background Checks

**SAMPLE**

In compliance with state law, **[Insert your CASA/GAL program name here]** conducts reference checks and criminal background checks on all new hires. Applicants for employment must consent to these checks. A candidate whose background check is unacceptable to **[Insert your CASA/GAL program name here]** will not be considered for employment. If the individual is hired prior to the program receiving the results of the background check, the employment will be conditional on results that are acceptable to the program. If the results are unacceptable, the offer of employment will be revoked and the employee will be discharged.

In some states, you are required to conduct criminal background checks on all individuals considered for employment in certain positions, such as those working directly with children. To conduct this check, you should obtain the consent of the applicant. References should be checked on all final candidates for employment. The candidate should provide the names of references. These references should be individuals with whom the candidate has worked previously, not family and friends.

Typically, the job application includes a consent clause that authorizes the CASA/GAL program to verify past employment and conduct a reference and criminal background check. If the job application does not include this consent, then a separate consent form may be used and signed by the applicant. Reference check information collected should pertain only to the quality and quantity of work performed by the applicant, the applicant's attendance record, education, and other work-related issues.

The Fair Credit Reporting Act (FCRA) is the federal law that governs investigative consumer reports, such as criminal background checks. This law requires an employer to notify an applicant who has been denied employment due to an unacceptable consumer report and to notify the applicant of their rights to dispute the report under the FCRA.

## Categories of Employees

### SAMPLE

All employees of **[Insert your CASA/GAL program name here]** are classified in one of the following categories:

*Regular, Full-time/Non-exempt:* Regularly scheduled to work at least **[X hours]** per week. Employee is entitled to overtime compensation for all hours worked in excess of **[X]** in a workweek. Employee is eligible for benefits.

*Regular, Full-time/Exempt:* Regularly scheduled to work **[X hours]** per week. Employee is not entitled to overtime compensation. Employee is eligible for benefits.

*Regular Part-time (Exempt or Non-exempt):* Regularly scheduled to work fewer than **[X hours]** per week. Employee **(is or is not)** eligible for benefits.

*Temporary:* Scheduled to work on an “as-needed” basis. Employee **(is or is not)** eligible for benefits.

The Fair Labor Standards Act (FLSA) governs whether an employee is classified as exempt or non-exempt and the wage and hour laws of most states have adopted the federal classification.

Under wage and hour laws, non-exempt employees are entitled to overtime compensation at time and one-half of the employee’s hourly rate for all hours worked in excess of 40 in a workweek, unless state law requires the payment of overtime on a daily basis. Exempt employees are paid a salary for all hours worked, regardless of the number of hours worked in a particular workweek. Exempt employees do not receive overtime pay.

Exempt or non-exempt status depends solely on the actual duties performed by the employee. The position title, educational level and experience in the position are irrelevant. Furthermore, paying an employee a salary, as opposed to an hourly rate, does not make the employee exempt. It is extremely important that all employees be classified correctly. If a non-exempt employee is misclassified as an exempt employee, the employer will be liable for overtime compensation, fines and penalties. Fines and penalties are cumulative and can be substantial. For this reason, all job descriptions should be reviewed by either a human resources professional or outside employment counsel to determine whether the specific job is correctly classified. Do not unilaterally designate a position “exempt” or “non-exempt”. Check your state laws and the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division at [dol.gov](http://dol.gov) for detailed information on the FLSA and exempt/non-exempt classifications.

## Orientation/Introductory Period

### SAMPLE

The first [X days or X months] of employment are an orientation or introductory period for all employees. This gives the employee the opportunity to determine if the [Insert your CASA/GAL program name here] and the position are suitable, and gives the program manager an opportunity to determine the employee's suitability for the job. At any time during the orientation period, the program may discharge the employee without warning or cause. If, after [X days] the employee's supervisor determines a further orientation period is needed, the supervisor may extend the orientation period. Any decision to extend the orientation period must be in writing.

Prior to the completion of the orientation period, the employee's supervisor will evaluate the employee's performance and recommend whether to continue employment. The successful completion of the orientation period does not create a contractual relationship, guarantee employment for any specific duration or establish a termination for cause standard. The employment relationship with [Insert your CASA/GAL program name here] is at-will.

An orientation period is typically set at either 90 days or six months. During this time period, the employee becomes acclimated to the CASA/GAL program and the position. Conversely, the manager determines whether the employee is a good fit for the position. Note that the period is referred to as "orientation" or "introductory" instead of "probation". "Probation" implies that once the employee has completed this introductory period of employment, the employee can be discharged only for cause. Thus, most policies now are styled "orientation" and include language to the effect that the successful completion of the orientation period does not alter the at-will employment relationship.

The orientation performance evaluation is a useful tool to assess the new employee's competency and suitability for the job. If the employee's performance or attendance is not satisfactory, then the supervisor may decide to either terminate the employee's employment or extend the orientation period for 30 days to give the employee a last chance to improve. See Appendix I: Sample Personnel Forms.

Typically, it is easier to terminate an employee during the orientation period, as opposed to months later. Conversely, with a marginal employee whose performance may improve with additional instruction or coaching, it benefits the organization to extend the orientation period. In this event, the extension should be in writing and a follow-up date should be listed. Doing so underscores to the employee that employment is in jeopardy and the employee has a defined period of time in which to improve the deficiency. See Appendix I: Sample Personnel Forms.

## Performance and Salary Reviews

### SAMPLE

A performance review or appraisal provides an opportunity for ongoing communication between the employee and the supervisor about job performance. On or about the anniversary date or at least annually, the supervisor and employee will meet to review and discuss job performance, goals, career development and any concerns about job duties. These review sessions provide an excellent opportunity for on-going, constructive feedback and a means for the employee to develop skills and abilities. A supervisor may hold informal or more frequent review sessions as needed. While every effort will be made to conduct performance reviews timely, certain circumstances may prevent or delay such reviews.

On or around the anniversary date in the present position or at least annually, a supervisor may conduct a salary review. During this meeting, total compensation and performance will be discussed. A salary review does not always result in a salary increase. If a salary increase is recommended, it will be based upon performance since the last increase, years of service and placement in the salary range. Other factors affecting the award of salary increases are the financial position of **[Insert your CASA/GAL program name here]**, the local and national economy, local and national salary trends and trends in the nonprofit arena.

See Appendix E: Performance Evaluations and Appendix I: Sample Personnel Forms.

## Promotions

### SAMPLE

**[Insert your CASA/GAL program name here]** promotes from within to fill a vacancy whenever practical. Vacancies, however, will be filled in the manner determined by the program to best serve its interest. If an employee's work performance has been rated satisfactory or above by the supervisor and the employee meets the qualifications of a vacant position, the employee may be eligible for a promotion. An employee who feels qualified for a vacant position should discuss the possibilities with the supervisor.

## Training and Development Opportunities

### SAMPLE

**[Insert your CASA/GAL program name here]** encourages the professional development of all employees. If a training opportunity becomes available, the employee should discuss it with the supervisor. Any workshop or seminar that may qualify for financial assistance from the agency must be related to the current job or enhance the potential for future assignments. Approval for all seminars and workshops will be at the discretion of the employee's supervisor.

Because most CASA/GAL programs employ relatively few employees, promotional opportunities are infrequent. Nonetheless, when these opportunities occur, promoting from within is good practice. Promoting from within encourages employees to maintain a positive attitude towards their jobs and the program and to strive to do their best. This, of course, results in positive employee relations and morale. CASA/GAL programs that offer few promotional opportunities can provide

training to enhance employees' skills. By far, most employees do not want to maintain the status quo. Rather, they want to learn new skills, take on new projects and expand their expertise. By providing these development opportunities, a manager will be more successful in retaining employees and creating a positive work environment.

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# Chapter 3

## Pay Practices

### Payroll Deductions

#### **SAMPLE**

As required by law for all employers, certain deductions must be made from all employees' wages:

- Federal Income Tax
- FICA—Federal Insurance Contribution Act (Social Security and Medicare)
- SDI—State Disability Insurance (where applicable)
- State Income Tax (where applicable)
- Wage Attachments and Garnishments (if applicable)
- Other deductions required by law

Deductions for employee benefits plans will be taken upon receipt of an employee's signed benefit election form.

Because state and federal laws require certain deductions, the employer does not need a written authorization from the employee to make those deductions. Rather, the employee completes the W-4 form, which may be obtained from your state Department of Labor or online at [dol.gov](http://dol.gov). The information listed on the W-4 form determines the amount of state and federal taxes that are required by law to be deducted from an employee's wages. Most state wage and hour laws provide that an employer may deduct amounts for insurance benefits from an employee's paycheck, as long as the employee has completed a benefit election form. Deducting amounts for other reasons, such as damage to property or failure to return employer-issued property, is illegal under state wage and hour laws. To make any type of deduction, other than those required by law, the employer must have a written authorization from the employee that states the amount to be deducted and the purpose for the deduction.

### Pay Periods

#### **SAMPLE**

All employees are paid **[weekly, every two weeks, semi-monthly or monthly]**. Paychecks reflect the pay an employee earned for the hours worked in the previous pay period. Employees should review their paychecks for errors. Any mistake should be reported immediately to the employee's supervisor or the program manager. If a paycheck is lost or stolen, inform the program manager immediately.

State wage and hour laws require an employer to pay an employee on the designated payday. An employer may not withhold an employee's paycheck because the employee engaged in some type of misconduct, failed to complete all work or performed work unsatisfactorily. Withholding an employee's wages results not only in the payment of wages, but also the payment of fines and penalties. When an employee's employment is terminated, the final wages are due either the next regular payday, within a certain number of days from the termination or on the final day of work. Consult your state wage and hour laws to determine your obligations to pay final wages.

## Timekeeping

### SAMPLE

Federal and state laws require employers to keep accurate records of the time worked by non-exempt employees. **[Insert your CASA/GAL program name here]** requires exempt employees, as well, to record their work hours and paid time off. These records are used to ensure that employees are paid correctly for all hours worked, for all paid time off and for all approved absences. Accordingly, all employees must maintain daily time records. All time records should be approved and signed by the employee's supervisor.

Exempt employees should keep their supervisor informed of work schedules, meetings outside of the office and out of town travel.

Any false or inaccurate reporting of time worked or paid time off by an employee will be cause for disciplinary action, up to and including discharge.

State wage and hour laws require employers to maintain time records of all hours worked of its non-exempt workforce. If an employer fails to maintain time records and the employee claims overtime compensation, the Department of Labor will defer to the employee's own time records. Employers in this situation typically are faced with an employee's claim for inflated hours and are at the mercy of the Department of Labor. This is especially problematic when an employee who is non-exempt has been misclassified as exempt and no overtime compensation has been paid to the employee for all hours worked in excess of 40 in a workweek. It is critical that all employees be classified correctly as either exempt or non-exempt. See Categories of Employees on page 17.

Falsifying time records is a serious workplace offense that is tantamount to theft. Most employers regard falsification of time records a dischargeable offense. In some cases, prosecution of the employee is warranted. Consult outside employment counsel if an employee has misappropriated agency funds or claimed wages falsely.

## Breaks

### SAMPLE

A one-half hour or one hour unpaid lunch break is scheduled for all regular, full-time employees. Lunch breaks are not considered time worked. Supervisors schedule lunch breaks and approve any variation in the length of time of the lunch break. Lunch breaks may not be used to make up time for tardiness or to leave work early without the approval of the supervisor.

Supervisors schedule work breaks in accordance with applicable state and federal laws. Work breaks are considered time worked. Employees should take their lunch break and other breaks away from their workstation.

Employees often believe that they are entitled to a scheduled ten or fifteen minute break each morning and afternoon. If employees are free to go to the bathroom or get coffee when they wish, then the employer is not required to grant scheduled work breaks. The employee, in essence, takes breaks whenever necessary. Work breaks are considered time worked and, therefore, the employee's wages may not be docked for break time. If an employee takes lengthy breaks or excessive breaks, the supervisor should reiterate the expectations of the workplace.

Lunch breaks are unpaid, unless the employee performs work while eating lunch. To minimize an employee's claim to a paid lunch break, an employer should require the employee to leave the workstation for lunch. Allowing non-exempt employees to work during their unpaid lunch break will result in additional hours worked and overtime compensation, unless time off is granted in the same day or workweek.

Check your state's wage and hour regulations for specific laws governing payment for meal and rest breaks.

## Overtime

### SAMPLE

Overtime will be paid to all non-exempt employees in compliance with applicable federal and state wage and hour laws. Payment of overtime will be paid at the rate of one and one-half times an employee's regular hourly rate for all hours worked in excess of [40 hours] per workweek. The workweek at [insert your CASA/GAL program name] begins on \_\_\_\_\_ and ends on \_\_\_\_\_. Employees are expected to work any overtime requested by their supervisor.

The employer determines the necessity of overtime. Written authorization by an employee's supervisor is required before any overtime may be worked. Failure to obtain supervisory approval to work overtime will result in disciplinary action, up to and including discharge.

Non-exempt employees are paid an hourly rate and must be paid for all hours worked in excess of 40 in a workweek.

**Note:** A non-exempt employee may be paid a salary. Paying the employee a salary, however, does not negate the obligation to pay overtime compensation. To determine the amount of overtime compensation due, the weekly salary is divided by the total number of hours worked. Time and one-half of the hourly rate is paid for all hours worked in excess of 40 in a workweek.

It is a violation of wage and hour laws to grant a non-exempt employee compensation time in lieu of overtime compensation. The employees in your program may be scheduled to work 37.5 hours per week. You may elect to pay them overtime compensation for all hours worked in excess of 37.5 in a workweek, although you are not required legally to do so.

The hours worked in a pay period, typically a two-week period, may not be averaged to determine the amount of overtime due. In other words, if an employee works 44 hours in one workweek and 36 hours in the next workweek, the employer may not apply the four excess hours to the second workweek to reach 40 hours worked in each week. This is a violation of wage and hour law. In the

example, the employer must pay the employee four hours of overtime compensation for the first workweek. Some states have unusual regulations pertaining to overtime compensation. To determine your state's obligations to pay a non-exempt employee overtime pay, check your state's wage and hour laws.

Exempt employees are paid a pre-determined salary, not an hourly rate, for all hours worked. Exempt employees are not eligible for overtime compensation. See also Categories of Employees in Chapter 2 and Timekeeping in Chapter 3.

Granting compensation time to exempt employees is permitted under most wage and hour laws. Published compensation time policies are not advisable, as they create a sense of entitlement to comp time for each additional hour worked. It is more prudent to simply grant an extra day off with pay to an exempt employee who has worked extraordinary hours.

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# Chapter 4

## Employee Conduct

### Standards of Conduct

#### **SAMPLE**

Work standards are necessary to make sure we all have a common understanding of what types of behavior and conduct are expected. This allows us to consistently enforce a set of standards that creates a positive work environment and earns the respect of each other and those we serve. Examples of improper conduct include falsification of agency records, insubordination, theft or dishonesty, excessive absenteeism or tardiness, possession of a weapon or firearm, unsatisfactory job performance, engaging in harassment, disclosing confidential information, reporting to work under the influence of alcohol or drugs and using obscene, abusive or threatening language. These examples are not all-inclusive, but present the types of conduct and behavior that are unacceptable to **[Insert your CASA/GAL program name here]** and are contrary to its standards. Violation of these standards and any other type of conduct the program considers contrary to its standards will result in disciplinary action, up to and including discharge. The employee's supervisor, in consultation with the program manager, has the discretion to decide appropriate disciplinary action, depending on the infraction and the employee's work record.

This policy does not alter the at-will status of the employment relationship. **[Insert your CASA/GAL program name here]** reserves the right to terminate an employee's employment at any time, with or without cause and with or without notice.

The policy above lists examples of workplace offenses, but is not all-inclusive. Essentially, a manager has the discretion to determine the type of conduct that is adverse to the best interest of the CASA/GAL program, and the appropriate disciplinary action for the specific misconduct. You may, of course, adopt a policy that is more extensive and lists all workplace offenses. If such a policy is adopted, the policy should state that the CASA/GAL program reserves the right to determine the type of conduct that constitutes misconduct and unacceptable behavior. For more on counseling, disciplining and discharging employees, see Appendices F, G and H. Sample Personnel Forms can be found in Appendix I.

## Code of Ethics

### SAMPLE

[Insert your CASA/GAL program name here] conducts all facets of its operations in an ethical and professional manner, and adheres to all applicable federal, state and local laws and regulations. We treat each other and those associated with our program with respect and dignity. To that end, our organization adheres to six essential values. We are:

- Service Oriented
- Committed to Quality
- Ethical
- Fair, Honest, & Human
- Accountable
- Mission-directed

All staff members are responsible for adhering to these six essential values in executing the responsibilities of their jobs and in representing [Insert your CASA/GAL program name here].

It is important to define organizational expectations in the areas of ethical and professional behavior. Staff members appreciate knowing what is expected of everyone within your workplace culture. Once guidelines have been established, preferably with staff input, refer to them often in day-to-day operations as well as during employee performance review meetings.

## Open Door

### SAMPLE

At times, problems may develop between an employee and supervisor or an employee and co-worker. To resolve the problem, the employee should discuss it with the supervisor or co-worker. If the discussion does not result in a satisfactory solution, the employee may seek assistance through a problem resolution process. If the employee still has questions after meeting with the supervisor or co-worker or the employee would like further clarification on the matter, the employee may request a meeting with the program manager. The program manager will review the situation and determine the appropriate course of action. If the employee is not satisfied with the determination by the program manager, a written statement by the employee about the situation should be submitted to the personnel committee chair. The decision of the personnel committee chair will be final and binding.

Most employees leave employers because of management issues. For example, the employee regards the manager as a poor communicator, uninterested in the employee, incompetent or untrustworthy. Employees seldom leave an organization because of pay and benefits issues. To promote a positive work environment and to minimize turnover, most employers provide an open door for employees to voice concerns. This is a mutual benefit because it provides an avenue of redress to the employee and an opportunity for management to resolve the issue and retain the employee. The employee's supervisor should always be the first line of communication. Often, however, the supervisor is the root of the problem. For that reason, open door policies generally instruct an employee to approach

a higher-level manager or the human resources department. The policy above provides three avenues of communication: the supervisor, the program manager and the personnel committee chair. Open door policies are excellent communication tools and foster a sense that the employee's input is valued. Ignoring an employee's concern and input may result in employee morale issues and turnover. For this reason, if your CASA/GAL program implements an open door policy, make sure that it is carried out fully and the issues raised by employees are resolved.

## Outside Employment

### **SAMPLE**

An employee may accept outside employment when it will not conflict with job performance for **[Insert your CASA/GAL program name here]**. Employees may not engage in any outside activity that would involve the use or disclosure of any confidential information regarding the program or the children we serve. Outside employment must not interfere with an employee's work schedule, adversely affect the efficient performance of the employee's regular duties or cause the employee to be ill or accident-prone through fatigue, worry or other condition.

Most nonprofit organizations strive to provide a flexible work environment for employees. Because compensation and benefits are not competitive with those provided in the for-profit arena, flexibility is critical to your CASA/GAL program in recruiting and retaining good employees. Therefore, most programs do not restrict an employee's ability to work elsewhere, as long as the outside employment does not interfere with the employee's job performance and does not present a conflict of interest. Employees, however, should be required to apprise their supervisor or the program manager of outside employment.



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# Chapter 5

## Employee Paid and Unpaid Leave Benefits

### Vacation

#### **SAMPLE**

[Insert your CASA/GAL program name here] provides paid vacation time to regular, full-time and part-time employees, depending on the length of service. Employees who have completed [X days or X months] of continuous service are eligible to use vacation time. Regular, full-time employees accrue [X hours] of vacation time during the [first X years] of service. During the [X year] of service, regular, full-time employees accrue [X hours] of vacation time. Part-time employees accrue vacation time on a pro rata basis. Employees earn vacation time upon the completion of [each X months] of service.

All requests for vacation must be submitted to the supervisor for approval at least one month before the date of the vacation. [Insert your CASA/GAL program name here] encourages all employees to use earned vacation prior to the end of each [X month] period. An employee who is unable to use earned vacation time due to operational or scheduling needs may carry forward unused vacation up to a total of [X hours] of vacation per calendar year with supervisory approval.

Upon separation of employment, employees are paid earned but unused vacation time, unless otherwise required by state law. Employees who are terminated for misconduct, or who fail to give sufficient notice of intent to resign will not be eligible for vacation payout, unless otherwise required by state law.

An employer is free to establish a vacation policy to suit its workforce and operations. Once a policy is established, however, the employer must administer it in a non-discriminatory manner. Most states regard earned vacation time as wages that must be paid to an employee upon separation of employment. Check your state's wage and hour laws to determine your obligations to pay out accrued or earned vacation time upon termination of employment.

A vacation policy may stipulate that employees earn, or become vested in, vacation time either upon the accrual of the time, or upon the completion of a certain time period. Typically, employees

“accrue” vacation time each pay period. They “earn” the right to use the vacation upon completion of a certain time period (for example, three months, six months or 12 months of service).

Most vacation policies permit the carry over of a limited number of earned, but unused vacation days. To prevent an employee from saving an inordinate amount of vacation, most vacation policies cap the number of vacation days an employee may carry over to the next year.

An employee’s vacation request is always subject to advance supervisory approval. An employee does not determine which weeks will be taken as vacation. The supervisor always reserves the right to require the employee to elect another vacation week if the employee’s first choice will result in the office being short-staffed, or will hinder the smooth operations of the agency.

## Sick Leave

### SAMPLE

Regular, full-time employees accrue **[X hours]** of sick time each calendar year upon completing **[X days or X months]** of continuous service. Part-time employees accrue sick time on a pro rata basis. Employees who have been absent for more than **[X]** consecutive days for medical reasons are required to provide their supervisor with a medical release prior to returning to work. Failure to provide such medical release will result in an unauthorized absence. A statement from an employee's doctor may be required at other times as determined by the employee's supervisor. An employee who exceeds the allotment of sick days will have the option of using vacation days or personal days. If the employee has exhausted all accrued and earned paid time off, the missed days will be unpaid.

Employees who are unable to report to work because of illness are required to notify their supervisor before their normal reporting time. Failure to do so may result in an unauthorized absence.

Eligible employees may carry over up to **[X hours]** of unused sick time per year for a total of **[X hours]** of sick time. Unused sick time is not paid out upon separation of employment.

Employers are free to establish a sick leave policy that suits both its workforce and operations. Most states do not regard sick leave as earned time tantamount to wages and, therefore, sick leave is not typically paid out upon separation of employment. Of course, an employer is free to include in its sick leave policy a provision for payout of accrued but unused sick leave. In those cases, most employers cap the number of sick days to which an employee is eligible for payout upon termination.

Most sick leave policies permit an employee to carry over to the next year a limited number of unused sick days. This provision is especially helpful to employees who, because of a medical condition, need an extended leave of absence.

Employers should not be reluctant to discipline an employee for the excessive or unwarranted use of sick leave. See Attendance & Call-In Policy in Chapter 1.

## Holidays

### SAMPLE

[Insert your CASA/GAL program name here] observes the following paid holidays: New Year's Day, Martin Luther King Jr. Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. Regular, full-time employees are eligible for holiday pay after completing [X days or months] of continuous service.

Employees may be scheduled to work a holiday as staffing and operational needs require. If a non-exempt employee works on a holiday, the employee will be paid time and one half for all hours worked on the holiday. An exempt employee who works a holiday may take another day as the paid holiday with the approval of the supervisor. This day must be taken within [X days] of the scheduled holiday. When a scheduled holiday falls on a Saturday or Sunday, [Insert your CASA/GAL program name here] will observe the holiday on either the preceding Friday or the following Monday, as determined by the program manager.

Employers are free to designate paid holidays and the program may grant holidays fewer than, or in addition to, those listed in the above policy. To reward employees who must work a holiday, most employers pay the equivalent of overtime compensation to non-exempt employees and grant another day off with pay to exempt employees.

## Personal Leave of Absence

### SAMPLE

Regular, full-time employees who have completed [X days or months] of continuous employment may be eligible for a personal leave of absence up to [X weeks]. A personal leave of absence is time off from scheduled work without pay for non-medical reasons. Personal leave is not a privilege and in no instance is a leave granted automatically. Requests for a personal leave may or may not be approved at the discretion of [Insert your CASA/GAL program name here]. Considerations for approving a personal leave will depend on: (1) the reason for the leave, (2) the length of the requested leave, (3) the employee's overall performance and dependability record, (4) the employee's length of service and (5) the program's staffing needs.

An employee who wishes to take a personal leave of absence must submit a written request to the supervisor at least [X days] in advance of the leave date. To maintain benefits during a personal leave of absence, an employee should make advance arrangements with the program manager. Group benefits for an employee and dependents will continue as long as the employee remains on an approved personal leave of absence, and the employee pays the required benefit premium payments.

Upon return from a personal leave of absence, [Insert your CASA/GAL program name here] will attempt to assign the employee to the former or a similar position. The program, however, cannot guarantee that the employee's former position or any position will be available following a personal leave of absence. If the employee's former or a similar position is unavailable, the employee will be assigned to a

position for which the employee is qualified, if such a position is available. If no position is available, the employee's employment will be terminated.

Personal leaves of absence are unpaid, but an employee must use earned vacation and personal days as part of the leave. Employees are not eligible for holiday pay during a personal leave. Paid time-off benefits will not accrue during an unpaid personal leave.

Working while on personal leave is not permitted. Failure to return from a personal leave of absence on the date agreed upon will be treated as a voluntary resignation.

Typically, requests for a personal leave of absence are infrequent for the simple reason that most employees cannot afford to be off of work for an extended period of time. Nonetheless, an employee may need a personal leave due to extenuating circumstances. In that case, you may wish to grant the employee's request for a leave of absence. That decision, however, is strictly at the discretion of the program manager. Employees should be required to use all vacation time and personal days, if awarded, as part of the leave. While you may intend to allow the employee to return to work at the end of the personal leave of absence, you should not guarantee the employee reinstatement. Doing so may result in a hardship to you and the staff, especially with programs that employ only a few staff members.

## Medical Leave of Absence

### SAMPLE

Employees who have completed **[X days or X months]** of continuous service are eligible for a medical leave of absence. If an employee is unable to work because of medical reasons, the employee may request a medical leave of absence up to **[X weeks]** of unpaid leave in a 12-month period (or longer if required by state or local law).

An employee who elects to take a medical leave of absence must submit a written request to the supervisor at least 30 days in advance if the leave is foreseeable. If the leave is unexpected, the employee must notify the supervisor and provide written notice as far in advance of the anticipated leave date as practical. Normally, this would be within two business days of when the need for leave becomes known to the employee. An employee should request a Medical Leave of Absence application form from the supervisor. The employee must provide medical certification to support the request for medical leave. If the employee fails to complete and submit the application forms and medical certification, the request for a leave will be denied.

Before an employee may return from a medical leave, the employee will be required to produce a "Fitness to Return-to-Work" certificate, indicating that the employee is able to return to work and stating a return to work date. An employee who needs an extension of the leave beyond the projected return to work date must obtain supervisory approval in advance.

The employee must use all accrued sick days as part of a medical leave. The remainder of the leave will be unpaid. Employees, however, may use earned vacation as part of the leave.

**[Insert your CASA/GAL program name here]** will maintain the employee's health coverage under its group health plan during a medical leave. If part of the leave is paid,

premium contributions will be deducted from this pay. If the leave is unpaid, the employee must submit the premium payment to the program manager by the first of the month for which coverage is effective. If an employee's medical leave of absence is extended beyond **(X weeks)**, benefits will terminate, and the employee may elect COBRA coverage (where applicable).

An employee's election to take a medical leave will not result in loss of any employment benefits that accrued before the start of the employee's leave. Paid time off benefits, however, will not accrue during any unpaid leave. Employees are not eligible for holiday pay while on medical leave.

An employee who takes a medical leave of absence has no guarantee of reinstatement, unless otherwise required by state law. The program, however, will attempt to assign the employee to the former or a similar position. If the employee's former or a similar position is not available, the employee will be assigned to a position for which the employee is qualified, if one is available. If no position is available, employment will be terminated. Employees who fail to return to work on the return-to-work date and who have not been granted an extension will be considered to have voluntarily resigned. Working while on medical leave is not permitted.

The above policy provides that an employee may take a medical leave if unable to work for an extended period of time due to the employee's medical condition. It does not cover adoptions or illnesses of immediate family members. The program is free, of course, to include adoptions and family illnesses in a medical leave of absence policy. Indeed, many employers have implemented liberal leave of absence policies to promote a family-friendly work environment and work-life balance. Some states have enacted laws that entitle an employee to a leave of absence for reasons other than the employee's own medical condition. Check your state's employment laws to determine if you are legally obligated to provide a medical leave or time off without pay in the case of adoptions or family illnesses.

Often, employers will place an employee who needs an extended period of time off of work for a medical reason on extended sick leave. The better practice is to place the employee on a medical leave of absence and require a physician's certification as to the diagnosis and expected time away from work. Sick leave is counted as part of the medical leave of absence. In some states, the law requires employers to provide medical leave or maternity leave for a prescribed period of time to employees with guarantee of reinstatement. Consult outside employment counsel for the legal requirements, if any, of your state. Unless state law requires an employer to guarantee reinstatement, a medical leave of absence policy should not impose this obligation on the employer. Of course, most employers want the employee to return to work but it is not always advisable to guarantee the employee's job in the policy. See Appendix I: Sample Personnel Forms.

## **Family and Medical Leave Act (FMLA)**

Most CASA/GAL programs employ an insufficient number of employees to be covered under the FMLA, which applies to employers of 50 or more employees. A few states, such as California, require employers to grant the same rights to employees that the FMLA grants. Check state law to determine whether your employees have any rights to a medical leave of absence with job reinstatement guaranteed.

While your CASA/GAL program may not be covered under the FMLA, it may be helpful to have a basic understanding of the provisions of this federal law. The following is a brief outline of the FMLA:

- A qualified employee is an employee who has completed 12 months of service, has worked at least 1,250 hours during the preceding 12 months, and who works at a location that employs at least 50 employees within 75 miles of the location.
- A qualified employee may take up to 12 weeks of unpaid leave in a 12-month period (or longer if required by state or local law).
- An eligible employee may take FMLA leave for the following reasons:
  - Birth and care of a child, or the adoption or placement of a child in the employee's home for foster care (eligibility expires 12 months after the child's birth or placement in the employee's home).
  - The care of the employee's spouse, child or parent with a serious health condition.
  - The employee's own serious health condition that renders the employee unable to perform the job.
- The employee must provide medical certification to support the request for FMLA leave due to the employee's serious health condition.
  - Employees must be restored to their original or an equivalent position with equivalent pay, benefits and other employment terms, provided the employee returns at the end of the 12-week leave. Exceptions may apply if business circumstances have changed; for example, the position was eliminated due to reorganization.
  - Before an employee may return from FMLA leave for a serious health condition, the employee may be required to produce a "Fitness to Return-to-Work" certificate, indicating that the employee is able to return to work and to perform the essential functions of the position, with or without reasonable accommodation.

## Funeral or Bereavement Leave

### **SAMPLE**

Regular, full-time employees who have completed [**X days or months**] of continuous employment may take up to three days of leave with pay if a death occurs in the employee's immediate family, as approved by the employee's supervisor. Immediate family includes spouse, child, parent, brother, sister, grandparent, grandchild and all the above relatives who are in-laws or step-relatives. Funeral leave benefits will be paid at the employee's regular hourly rate, up to a maximum of eight hours per day. An employee who needs additional time may use vacation time or personal days, or request a personal leave of absence, without pay, to cover the lost time.

The above policy is fairly standard, although funeral or bereavement leaves are not legally required. Of course, most employers provide time off to an employee to attend the funeral of a family member. Some employers, however, do not pay the employee for this missed time.

## Jury Duty and Witness Leave

### SAMPLE

Regular, full-time employees who have completed **[X days or months]** of continuous employment are eligible for jury duty pay. Employees must notify their supervisor immediately when called for jury duty, and must provide a copy of the jury summons to their supervisor. If the employee has given prompt advance notice of jury duty, then **[Insert your CASA/GAL program name here]** will pay the employee the difference between regular earnings and jury pay for up to a maximum of **[X days]** in a calendar year, unless otherwise required by state law. Payment will be limited to eight hours per day and 40 hours during any single workweek. An employee required to be available for jury duty but not required to be in court during regular work hours must report to work. Failure to do so will result in forfeiture of jury duty pay.

An employee who receives a subpoena to appear in court will be given the time off without pay. Employees who are subpoenaed by **[Insert your CASA/GAL program name here]**, or requested to appear as a witness for the program will be paid for such time away from work.

All states require employers to grant time off from work when the employee is summoned to jury duty. A few states require employers to pay employees the difference between their regular wages and the fee paid for jury service. Check your state's laws to determine your obligations to pay an employee's regular wages for time missed due to jury duty. Any employee who must miss work because of jury duty should be required to return to work on any day when released from jury duty.

## Military Leave

### SAMPLE

Regular, full-time and part-time employees called into regular active military service, National Guard or Reserve or who enlist will be placed on military leave without pay in accordance with applicable federal statutes. An employee called into military service must submit copies of the military orders to the supervisor as soon as is practical. When the employee's military service ends, the employee will be eligible for reinstatement under the terms of applicable federal law.

If the employee is a member of the Armed Forces Reserves and is called to serve the regular two-week annual active duty-training period, the employee will be granted a military training leave without pay upon written request. The employee must produce a copy of the official orders or instructions. Upon the employee's written request, vacation days or personal days may be used during a military training leave.

The Uniformed Services Employment and Reemployment Rights Act (USERRA) governs military leave for employees. Certain states have also enacted similar legislation. If a staff member is called for military service, consult outside employment counsel for your obligations to the employee. With respect to the two-week annual reserve training duty, employers are not required to pay employees wages for this two-week period, unless otherwise required by state law.

## Workers Compensation

### SAMPLE

All employees are covered by workers' compensation insurance, which provides medical reimbursement and lost wages for job-related illness or injury. The workers' compensation insurance policy and applicable state laws determine specific benefit coverage. **[Insert your CASA/GAL program name here]** pays the full cost for the insurance required for this protection.

If an employee is injured while on the job, no matter how minor, the employee should report the circumstances to the supervisor immediately. Reporting procedures are critical to qualification for payment under the workers' compensation program. Failure to follow this policy may result in a loss of benefits. An employee may not supplement worker's compensation benefits with vacation, sick leave or with short-term disability benefits.

Each state has its own mandated system of compensation for work-related injury and occupational disease, generally known as "workers' compensation". A few states require workers' compensation coverage only if you have three or more employees. Workers' compensation benefits pay for the employee's work-related medical treatment and for lost income while off work. All work-related injuries and illnesses must be reported promptly to the workers' compensation carrier. If the work-related injury or illness requires the employee to be absent from work for an extended period of time, the employee should be placed on either a Family and Medical Leave of Absence, if eligible, or a Medical Leave of Absence. If the employee is unable to return to work upon the expiration of the leave of absence, you must decide whether to extend the leave. The decision to extend the leave, or discharge the employee should be made with the input of both the claims manager assigned to the workers' compensation claim and outside employment counsel. In certain cases, the employee's work-related injury or illness may constitute a disability, as defined under the ADA, and a reasonable accommodation must be considered. Under no circumstances should an employee on workers' compensation be discharged without first consulting outside employment counsel and the workers' compensation insurance carrier.

If the treating physician releases the employee to return to work without restrictions, then the employee may be returned to the former position or to a position for which the employee is qualified. An employee who does not return to work when released by a physician is usually considered to have voluntarily resigned. If the employee is released to return to work with physical restrictions, you must decide whether the employee can perform the job duties within those physical restrictions. If the employee's physical condition constitutes a "disability", as defined by the ADA or state anti-discrimination laws, determine whether a reasonable accommodation can be made to enable the employee to perform the essential functions of the job. Consult outside employment counsel to make this decision.

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# Chapter 6

## Employee Benefit Plans

### Group Insurance Plan Offerings

**SAMPLE**

[Insert your CASA/GAL program name here] offers a variety of benefits programs as part of the total compensation package, designed to assist the employee and dependents in meeting the financial burdens that can result from illness, injury or death and to help the employee plan for retirement. This will provide an overview of the benefits programs. Complete descriptions of the group health, disability insurance and retirement plans are contained in the respective plan document, which is available to eligible employees. [Insert your CASA/GAL program name here] reserves the right to amend or terminate any of the benefits programs or to require or increase employee premium contributions toward any benefit, with or without advance notice and in its sole discretion.

### Health Insurance

**SAMPLE**

[Insert your CASA/GAL program name here] provides health insurance to regular full-time and eligible part-time employees and their dependents. Health insurance coverage becomes effective the **X day** of the month following **X days** of continuous employment. [Insert your CASA/GAL program name here] retains the right to change the terms and conditions of any health plan, group health plan, or similar plan offered by it, as well as change providers, as it deems necessary, with or without notice to plan participants. The health insurance benefits are described in summary plan descriptions, which are the only official and binding materials describing [Insert your CASA/GAL program name here] health insurance. Eligible employees may obtain a copy of the summary plan descriptions from the program manager.

The health insurance plan has an employee premium. Employees must pay their portion of the premium with pre-tax dollars through payroll deduction.

## Group Term Life Insurance

**SAMPLE**

[Insert your CAS/GAL program name here] provides group term life insurance and accidental death and dismemberment insurance to all regular, full-time employees and eligible part-time employees. The effective date for life insurance coverage for eligible employees is the first day of the month following **X days** of continuous employment. Employees who meet the eligibility requirements are automatically eligible for life insurance benefits, and are not required to enroll in the plan, although a beneficiary should be designated on the benefit enrollment plan.

Eligible employees receive a life insurance benefit of **X dollars**. [Insert your CASA/GAL program name here] pays the entire cost of the premium for the insurance. Eligible employees may obtain a copy of the summary plan description from the program manager.

## Disability Income Plans

**SAMPLE**

[Insert your CASA/GAL program name here] provides short-term and long-term disability income benefits to regular, full-time and eligible part-time employees. Employees are eligible for the disability income plan upon completing **X days** of continuous employment. Employees who meet the eligibility requirements are automatically eligible for short-term and basic long-term disability benefits, and are not required to enroll in these plans. Eligible employees may obtain a copy of the summary plan description from the program manager.

## Retirement Plan

**SAMPLE**

[Insert your CASA/GAL program name here] offers regular, full-time and eligible part-time employees the opportunity to save regularly and defer taxes by participating in a retirement plan. After meeting the eligibility requirements, an employee may invest a portion of gross pay in a variety of funds through regular payroll deductions.

Though not required by law, benefits programs attract and retain high quality staff. When benefits are offered, they must be made available to all employees who are eligible within the definition of the policy. In other words, there may be no favoritism in granting benefits. If your CASA/GAL program adopts benefits plans, it is important to include specific policy language to the effect that the program reserves the right to amend, modify or discontinue any benefit plan with or without notice to plan participants. Benefits, especially health insurance coverage, are becoming more expensive and restrictive each year. Therefore, it is advisable to poll comparable organizations in the community to ascertain whether the benefits offered by your CASA/GAL program are competitive and cost-effective. The benefits offerings listed are a sample of common insurance benefits. Other benefits to consider include employee assistance program (EAP), medical and day care spending accounts (IRS Section 125 plans), paid or subsidized parking or public transportation and discount programs (for rental cars, dry cleaning, etc.). Design a benefits plan to fit your program needs and budget. When describing benefit offerings to new and existing employees, remember that paid time off, flexible scheduling, telecommuting, employee development, employee recognition, employee

social functions and other programs should also be emphasized as they are also considered as valuable workplace benefits. Employees who elect to participate in the program's benefit plans should complete a benefit election form.



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# Chapter 7

## Separation from Employment

### Resignation

#### **SAMPLE**

Resignations may be voluntary or mutually agreed upon by the employee and supervisor. In either case, **[Insert your CASA/GAL program name here]** requests that notice of an employee's intent to resign be submitted in writing to the supervisor, stating the specific reason for the resignation. Non-exempt employees should submit a resignation two weeks prior to the effective date. Exempt employees should submit a resignation four weeks prior to the effective date. This courtesy becomes a part of the employee's work record and is a factor if the employee seeks re-employment. At the program's discretion, the employee may be granted pay in lieu of notice. Employees who do not give sufficient notice of resignation will not be eligible for payout for earned, but unused vacation, unless otherwise required by state law, and will not be considered for rehire.

An employee who is absent from work for more than two consecutive days without notice to the supervisor, or fails to return to work after an approved leave of absence or vacation, will be considered to have resigned employment.

Standard workplace practice requires two weeks notice from an employee of their intention to resign. If the employee fails to give this notice, however, the employer cannot force the employee to continue working to the resignation date. To deter this situation, most employers do not pay out vacation pay, unless state law holds otherwise, and do not consider the employee for rehire. These conditions, however, should be stated in a termination policy, like the policy above. Of course, an employer is at liberty to accept the employee's resignation early. Some states require employers to pay out the balance of the notice period to the employee; other states have no such requirement. Check your state laws to determine an employee's right to pay in lieu of notice.

### Termination for Business Reasons and Layoffs

#### **SAMPLE**

**[Insert your CASA/GAL program name here]** may need to make the difficult and complex decision to reduce the employee work force, either permanently or for a substantial period of time. An employee's job classification, years of service, job performance, attendance, disciplinary record and qualifications may be considered in determining work force reductions.

While a reduction in force may result in a short-term benefit in decreasing labor costs, in the long run a reduction in force can have adverse effects. Typically, employee morale plummets, good employees seek alternative employment, employees are assigned more work for no additional pay and employees feel insecure. For these reasons, a reduction in force should be a last resort. Alternatives such as reducing work hours, freezing wages, reducing wages, freezing hiring or requiring the use of vacation time, should be seriously considered.

If a reduction in force is inevitable, the board of directors and outside employment counsel should be consulted to ensure the reduction in force is carried out in full compliance with applicable state laws, and the CASA/GAL program will not be subject to a claim of discrimination or wrongful discharge.

## Involuntary Termination

### SAMPLE

Termination for misconduct can result from refusal to obey instructions or perform a work assignment, falsification of business records, theft or dishonesty, disloyalty, negligence, excessive absenteeism or failure to comply with standards of conduct as outlined in this handbook. All employees are responsible for avoiding such violations of work rules and standards. Employees who are discharged for gross misconduct are not eligible for payout of earned, but unused vacation, unless otherwise required by state law.

## Re-employment

### SAMPLE

Former employees who leave **[Insert your CASA/GAL program name here]** in good standing may be considered for rehire. Former employees who resign without adequate notice or who are discharged for cause will not be considered for rehire. A former employee who is rehired will be considered a new employee from the date of rehire for purposes of pay, benefits and years of service.

Rehire policies serve two purposes:

1. Deter employees from leaving the organization on a whim
2. Award employees who remain with the organization by ensuring that an employee who leaves will not be able to return with the original date of hire.

A program, of course, is free to rehire an employee who returns within a certain amount of time (for example, one month) with no penalty for the break in service. A rehire may not, however, be the best course of action and you should carefully examine reasons for the resignation before considering a rehire.

## References

**SAMPLE**

It is the policy of **[Insert your CASA/GAL program name here]** not to give oral employment references or letters of recommendation to terminated employees, unless the employee signs an authorization for release of information. In the absence of such a release, the program will confirm only date of service, job position and salary.

This policy protects the CASA/GAL program from a claim of defamation of a former employee for providing a negative reference. Your program should establish guidelines as to what information is provided about former employees when asked to provide a reference to other employers. To limit liability, some employers will provide only job title, dates of employment and salary range. You may provide more detailed information as long as any negative information is factual and would not come as a surprise to the former employee.

## Effect-on-Benefits

**SAMPLE**

The last day worked is considered the termination date. Benefits are generally discontinued as of the last day worked, unless otherwise specified in the plan document. In this case, please refer to the appropriate benefit booklet or contact the program manager for information on the benefit termination date.

Cancellation of benefits depends solely on the language in the benefit plan. In some cases, benefits end on the final day of work. With other plans, benefits end at the end of the month in which employment was terminated. Check the program's benefit plan for details.

## Final Paycheck

**SAMPLE**

Final paychecks reflect regular compensation due for days/hours worked up to the effective date of termination. Employees will also receive pay for earned but unused vacation, unless the employee is terminated for gross misconduct, or fails to give CASA adequate written notice of resignation, unless otherwise required by state law. Final paychecks are mailed to employees on **[the first regular payday following the last workday, X days after the last workday, or on the last workday]**, unless otherwise required by state law.

Under state wage and hour law, the employee's final paycheck must be processed on the next payroll cycle within a certain number of hours from the last day of work, or on the last day of work. Check state laws regarding payment of final wages. Paychecks can not be withheld past the time stipulated under state wage and hour laws because an employee has failed to complete work, failed to return agency-issued property or for another reason. Moreover, unless the employee has given the program a written authorization to deduct monies from the final paycheck to cover the cost of agency-issued property, in most states the program may not make deductions. Check state law regarding payment of final wages and deductions for monies owed to the employer.

## Exit Interviews

### **SAMPLE**

Before the last day of employment, an employee may have a confidential exit interview. [Insert your CASA/GAL program name here] uses this opportunity to obtain information and suggestions from the employee that may help improve the quality of the work environment, identify problem areas and advise the employee of benefits and benefit conversion privileges to which an employee may be entitled. At this time, the employee may settle all outstanding financial issues and arrange for the return of all agency property, including any equipment such as computers, cellular phones, keys, identification badges, credit cards, building access cards, parking cards, records, notebooks, handbooks, computer-generated data, photocopies, photographs, letters and other similar documents that contain confidential information, whether prepared by the employee or by others. We encourage employees to be candid in this interview and to ask any questions about employee separation from the program.

Exit interviews are an excellent opportunity to learn why the employee is leaving the CASA/GAL program as well as what the employee thinks of the program's policies, procedures, benefits, compensation and management. An employee should also be asked about observed or learned unethical or illegal conduct while employed. See Appendix F: Counseling Employees.

Exit interviews, of course, are more successful with employees who are voluntarily leaving the program. For obvious reasons, it is not beneficial to interview employees who are involuntarily terminated. Because most employees, regardless of the reason for their termination of employment, may not be candid with their supervisors, either the program manager or the personnel committee chair should conduct the interview.

Assure the employee that the interview is confidential and any information disclosed will be used only to improve the work environment. Explain the employee's right to continue or convert benefits, the program's post-employment reference policy, the payment of final wages and vacation payout and the employee's duty not to disclose confidential or proprietary information of the program. The interviewer's notes should be retained in a confidential file, not in the employee's personnel file. See Appendix I: Sample Personnel Forms.

# Appendices

**Appendix A: Resources**

**Appendix B: Overview of Federal Employment Laws**

**Appendix C: Recruiting and Interviewing Checklist**

**Appendix D: Coaching and Motivating Employees**

**Appendix E: Performance Evaluations**

**Appendix F: Counseling Employees**

**Appendix G: Disciplining Employees**

**Appendix H: Discharging Employees**

**Appendix I: Sample Personnel Forms**

**Employee 90-Day Review Form**

**Six-Month Performance Review**

**Counseling Record**

**Exit Interview Questionnaire**

**Medical Leave of Absence Application**

**Employee Handbook Acknowledgment and Receipt Form**

## Appendix A: Resources

### National CASA Resources:

*Achieving our Mission: A Management Guide for CASA/GAL Programs*

*Achieving our Mission: A Management Guide for State CASA/GAL Organizations*

*Standards for National CASA Association Member Programs*

*Standards for National CASA Association State Programs*

*A World of Difference: A Manual for Achieving Greater Inclusion*

### Other Resources:

**American Society of Association Executives (ASAE)**—Known as the association of associations, ASAE is considered the advocate for the nonprofit sector. ASAE is dedicated to advancing the value of voluntary associations to society and supporting the professionalism of the individuals who lead them. [asaenet.org](http://asaenet.org)

**Council on Education**—Organization that conducts local seminars on various topics related to employment laws and human resources policies and procedures; speakers are local employment/labor attorneys and human resources consultants. [counciloned.com](http://counciloned.com) or (800) 942-4494.

**Department of Labor (DOL)**—Federal agency that administers and enforces federal employment laws, such as the Fair Labor Standards Act, Child Labor, Employee Retirement Income Security Act, Occupational Safety and Health Act, Consolidated Omnibus Budget Reconciliation Act, Immigration Reform and Control Act; Family and Medical Leave Act, Uniform Services Employment and Reemployment Rights Act and Worker Adjustment and Retraining Notification Act; includes subtopics, such as State Labor Law Offices, State Labor Law Topics, eLaws Advisor (includes a link for Human Resources) and FAQ's; links to other relevant websites. [dol.gov](http://dol.gov)

**Equal Employment Opportunity Commission (EEOC)**—Federal agency responsible for enforcing Title VII of the Civil Rights Act of 1964, the Equal Pay Act, the Age Discrimination in Employment Act, the Pregnancy Discrimination Act, and the Americans with Disabilities Act. [eoc.gov](http://eoc.gov)

**HRHero.com**—Publishes a state monthly employment law newsletter; human resources policies and procedures; federal and state fair employment laws and regulations; sample forms; and employer's forum. [hrhero.com](http://hrhero.com) or (800) 274-6774.

**HRpro Online**—Provides support for everything from accident reports to vacation leave forms. Scroll to HR Center then to HR Tools and HR Links. [hrproonline.com](http://hrproonline.com)

**Idealist.org**—Supports and promotes the work of nonprofit and community organizations around the world. Includes resources for nonprofit managers in its ‘Tools for Nonprofits’ section where information on HR Resources, Nonprofit Management Resources, and Diversity in the Workplace can be found. [idealist.org](http://idealist.org)

**Lorman Education Services**—Organization that conducts local seminars on various topics related to employment laws and human resources policies and procedures; speakers are local employment/labor attorneys and human resources consultants. [lorman.com](http://lorman.com) or 715.833.3940.

**Management Assistance program for nonprofits**—Offers a Free Management Library covering HR topics from management to employee policies to legal information. [mapfornonprofits.org](http://mapfornonprofits.org)

**Management Information Exchange (MIX)**—Offers a free, reliable and consistent source of management information and expertise. It addresses the nuts and bolts challenges of motivating people, managing change, communicating for results, etc. [lcmmix.org](http://lcmmix.org)

**Nonprofit Risk Management Center**—An independent nonprofit organization dedicated to helping community-serving nonprofits conserve assets, prevent harm and free up resources for mission-critical activities. [nonprofitrisk.org](http://nonprofitrisk.org)

**Society for Human Resources Management (SHRM)**—National human resources professional association that offers a variety of resources for an annual fee; lists local SHRM Chapters for events, consultants, seminars, publications and speakers. [shrm.org](http://shrm.org)

**State and Local Bar Associations**—Most state and local bar associations offer programs focused on employment laws and human resources policies and procedures. Contact your local Bar Association for a list of seminars, publications and speakers.

## Appendix B: Overview of Federal Employment Laws

The following provides a summary of the major federal laws that affect employment practices. Individual states may have similar statutes.

<b>Law/Statute</b>	<b>Brief Description</b>
Age Discrimination in Employment Act of 1967 (ADEA)	Prohibits discrimination in all employment practices affecting workers over 40 years of age. It is illegal to treat workers over 40 differently than workers under 40 due to their age. Covers public and private employers of 20 or more employees.
Americans with Disabilities Act of 1990 (ADA)	Prohibits discrimination against qualified individuals with disabilities and requires employers to provide reasonable accommodation to employees with disabilities to enable them to perform their job. Covers public and private employers of 15 or more employees.
Civil Rights Act of 1964 (Title VII) and 1991 Amendments	Prohibits discrimination in employment on the basis of race, color, sex, religion, or national origin. Sexual harassment claims are filed under this Act. Covers public and private employers of 15 or more employees.
Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA)	Guarantees continued group health insurance coverage for eligible employees and their dependents at their own expense. Covers employers of 20 or more employees.
Child Labor Laws	These state laws regulate working hours for those under 18 years of age.
Employee Retirement Income and Security Act of 1974 (ERISA)	Governs the administration of certain employee benefit plans and prohibits discrimination in such plans and benefits.
Equal Pay Act of 1963	Requires employers to pay equal wages, regardless of sex, for work equal in skill, effort and responsibility. Covers public and private employers of 15 or more employees.

Executive Order 11246 of 1965

Prohibits discrimination in employment in organizations having contracts of \$10,000 or more. The order mandates these organizations institute affirmative action programs and recruit and promote women and minorities where necessary. Covers employers of 50 or more employees.

Fair Credit Reporting Act (FCRA)

This Act requires employers who deny employment or take any other adverse action on the basis of a credit report and/or other background check to so notify the applicant or employee and to provide the name and address of the consumer reporting agency used.

Fair Labor Standard Act of 1938 (FLSA)

This Act sets standards for determining whether an employee is exempt (salaried) or non-exempt (hourly) and sets some overtime requirements. In addition, this Act establishes minimum wage. States usually have their own overtime requirements as well. Covers private employers and state employers with limited exceptions.

Family and Medical Leave Act of 1993 (FMLA)

Provides for up to 12 weeks of unpaid leave for personal or family medical care to qualified employees (e.g. employed at least 12 months). Covers private employers of 50 employees and state employers, regardless of number of employees.

Health Insurance Portability and Accountability Act (HIPAA) of 1996

HIPAA was enacted to make health insurance more “portable” from one employer to another. The Privacy Rules of HIPAA contain requirements for employers when handling protected health information of employees.

Immigration Reform and Control Act of 1986 (IRCA)

Bars employers from hiring individuals not authorized to work in the United States. Requires verification of employment eligibility and identity of all new hires. I-9's must be obtained from all new hires to comply with this Act. Covers all employers.

Occupational Safety and Health Act of 1970 (OSHA)

Requires employers to provide employees with a workplace free from recognized hazards. Covers all employers.

Pregnancy Discrimination Act of 1978 (PDA)

Bars employers from discriminating on the basis of pregnancy-related medical conditions. Employers must treat pregnancy the same as other disabilities. Covers public and private employers of 15 or more employees.

Rehabilitation Act of 1973

Prohibits discrimination of physically and mentally handicapped applicants and employees in organizations having contracts of \$10,000 or more with the federal government.

Uniformed Services Employment and Reemployment Rights Act (USERRA)

Employers must reinstate employees returning from military leave (of up to 5 years) to the position and benefits they would have attained if they had remained with the employer (and not been on military leave). Covers all employers.

Vietnam Era Veteran's Readjustment Assistance Act of 1974

Prohibits discrimination of disabled veterans and veterans of the Vietnam War in organizations having contracts of \$25,000 or more with the federal government.

#### **UPDATES**

The laws affecting employment are still developing and may change rapidly. Federal, state, and local governments may enact new laws, or amend old ones. Changes may also come as a result of court decisions. For example, The U.S. Congress declared sexual discrimination illegal when it enacted the Civil Rights Law in 1964. Sexual harassment, however, was not recognized as a form of sexual discrimination until the Supreme Court so ruled in a court decision in 1976. Consult outside employment counsel, or the other resources listed in this handbook, for the most recent updates in federal, state, and local fair employment laws.

#### **POSTING REQUIREMENTS**

Many of these laws require that information about them be conspicuously posted in the workplace. Contact your local or state Department of Labor for which laws need to be posted and how to order the posters.

## Appendix C: Recruiting and Interviewing Checklist

### Determine Staffing Needs

- A. Monitor staff turnover and determine the reasons why employees leave the organization. Analyze exit interviews and take measures to reduce the turnover rate.
- B. Anticipate staffing needs:
  - 1. Retirements
  - 2. Discharges
  - 3. Promotions
  - 4. Resignations
- C. Determine what skills and abilities are lacking in the organization.
- D. Identify exceptional performers and provide development and training opportunities.
- E. Identify substandard performers and address performance issues. If performance does not improve, then discharge the employee. Do not retain substandard performers.

### Recruiting Candidates

- F. Internal candidates
- G. Employee referrals
- H. Former employees
- I. Colleges
- J. Community organizations
- K. Professional organizations and associations
- L. Retirees
- M. High school students (Check child labor laws)
- N. Job fairs
- O. *Advertising in newspapers and trade journals (All ads should include the language “Equal Employment Opportunity” or “EOE” to comply with anti-discrimination laws.)*
- P. Internet recruiting sources, including the Job Center at CASANet

With respect to diversity recruitment, contact the following sources:

- Minority newspapers and magazines
- Minority television and radio stations
- Minority small business owners
- Minority community leaders
- Minority social organizations, such as fraternity and sorority alum groups
- Minority civic and neighborhood organizations

### Reviewing Resumes

- Q. Determine whether skills and experience listed on resumes match those of the job position. If not, let the candidates know their skills and experience do not match your needs for the current opening and thank them for applying.
- R. Look for “red flags”.
  - Gaps in work history
  - No dates of work history

- Numerous jobs in a short period of time Note: entry-level candidates may have shorter tenures as they may find mobility allows the ability to gain more varied experience in a shorter period of time. Short tenures for mid and higher level positions should be a cause for further investigation.
- History of entry-level; no progression or advancement
- Step down in title, position, duties or salary
- Inflated description of abilities or responsibilities
- Grammatical errors and typos

### **Prehire Paperwork**

- A. Job application—disclaimer and consent to conduct reference and background checks, drug screening, etc.
- B. I-9 form and supporting documentation.
- C. Reference, background checks (criminal, educational, credit, etc.) and drug screens—If applicant is rejected because of the background or reference check, comply with requirements of Fair Credit Reporting Act (FCRA).
- D. Job description—specific duties, reporting structure, Fair Labor Standards Act (FLSA) classification (exempt or non-exempt) and physical requirements.
- E. Offer letter—disclaimer that offer is not a contract of employment, employee is employed at-will of the agency, and description of benefits, days of work and hours, reporting structure, etc.

### **Maintain Applications and Resumes**

- A. Maintain two files:
  1. Inactive—applications that you will not consider.
  2. Active—applications that you will consider; maintain active file for definite period, i.e., 3 months or 6 months; make notes about your contact with the applicant, i.e., “called, but phone disconnected”, “called but stated no longer interested”, “called but stated considering another offer”. Do not make notes on the job application or resume.
- B. Maintain interview notes, reference checks and criminal background checks in a confidential file separate from personnel files.
- C. Review the resumes of the most qualified candidates and determine which candidates to interview on the telephone.
- D. Notify rejected applicants—good business practice and promotes good will.

### **Illegal Questions in an Interview**

- A. Protected Classes Under Federal, State and Local Anti-Discrimination Laws
  - Race
  - Color
  - Sex
  - National Origin
  - Age
  - Religion

- Disability
- Veteran Status
- Sexual Orientation

B. Questions Prohibited Under the Americans with Disabilities Act (ADA) and state anti-discrimination laws

- Do you have any physical defects that preclude you from performing certain kinds of work? If yes, describe such defects and specific work limitations.
- Do you have any disability or impairment that might affect your ability to perform the duties of this position?
- Have you had a major illness in the last five years?
- Is there any health-related reason why you may not be able to perform the job for which you are applying?
- Are you taking any prescribed drugs or medications?
- Have you ever been treated for drug addiction or alcoholism?  
*Note: Information may not be requested regarding treatment for drug and alcoholism addiction because the ADA protects people addicted to drugs who have been successfully rehabilitated, or who are undergoing rehabilitation. Alcoholism is considered a disability under the ADA.*
- Have you ever filed for workers' compensation benefits?
- Have you ever been hospitalized? If yes, for what conditions?
- Do you smoke?
- Have you ever been treated for any emotional problems? Have you ever been treated by a psychiatrist or a psychologist?
- How many days were you absent from work because of illness last year?

You may ask an applicant with a known disability that would appear to interfere with job performance to demonstrate how the applicant would perform the essential functions of the job. Unless the disability will clearly interfere with performance of essential job functions, you may not ask for such a demonstration unless the request is made to all applicants for the position.

You may explain the agency's attendance policy and inquire whether the candidate will be able to comply with the policy.

C. Questions Prohibited Under Other Anti-Discrimination Laws

- Do you have children? How old are your children?
- Are you pregnant, or planning to become pregnant?
- Have you ever been arrested? (*May ask about criminal convictions*)
- What is your nationality? What country are you from?
- Do you speak fluent English?
- How old are you? What is your date of birth? What year did you graduate from high school or college?
- What are the names of your relatives who live in this area?

- What religion are you? Where do you go to church?
- Are you a member of any societies, clubs or organizations?
- Have you ever filed for bankruptcy? Do you have good credit?
- Have you ever had your wages garnished?
- Do you rent or own your home?
- Of what country are you a citizen?
- Do you have a driver's license? (*Permissible if the job requires a license*)

*Ask questions related only to the specific job position and the applicant's qualifications and experience to perform the job.*

## **Behavioral Interviewing Questions**

### A. Open-ended Questions

Open-ended questions are intended to produce a lengthy response. Ask many open-ended questions to elicit from the applicant as many real-world, behavioral examples as possible.

- Give me an example of a time when your supervisor complimented you; criticized you.
- Describe a time when you were faced with a problem on the job that tested your patience.
- Tell me about a time when you had to deal with a difficult person.
- Tell me about a difficult situation you were involved in and how you handled it.
- What are you seeking in a new position that you are not getting in your present one?
- Explain what you did during the previous two years that show no employment on your resume.
- What interests you about this particular position?
- How would you evaluate the organization you are currently working for?
- How well organized are you?
- If I asked former co-workers or supervisors to describe you, what would they say?
- Of the supervisors you have had, describe the one who most impressed you.
- Do you prefer to work alone or as part of a team?
- Describe your strengths and weaknesses.
- What motivates you to put forth your greatest effort?
- What life experiences have contributed to your professional success?
- What are your career aspirations?
- What did you like most about your last job? The least?
- Tell me about a project or procedure you developed or initiated at your last job.
- Describe your most rewarding professional experience.
- Tell me about your qualifications for this job.
- In what ways do you think you can make a contribution to our organization?

- If you were hiring for this position, what qualities would you look for?

## B. Closed-ended Questions

Closed-ended questions are answered with “yes” or “no”, and are used typically to verify or confirm information.

- Are you willing to travel?
- Are you willing to work extra hours and on weekends if an emergency arises, or a project requires more time than anticipated?

## C. Why Questions

Questions beginning with “why”, referring to feelings and desires, often elicit superficial responses and can sound accusatory. They should be used sparingly, if at all.

- Why did you choose to leave ABC Company to work for your current employer?
- Why do you want to work for this organization?
- Why do you want to make a career change?
- Why do you want to leave your present employment?
- Why do you think you would be happier working for us?

There are a wide variety of questions that can be used to help gain information about an applicant’s job skills and experience. The questions listed above may be used as guides. In addition, ask current employees performing the job what questions they would ask an applicant.

- Determine if the applicant has the education and work experience to be successful in the position.
- Assess the applicant’s ability to get along with co-workers, motivation, ability to take direction and commitment to the job.
- Focus on the applicant, not on the next question.
- Seek information about the applicant’s demeanor and interpersonal skills.

## **Plan the Interview**

- A. Interviewer screens applicant via telephone to determine suitability for the position. Question applicant about resume and experience.
- B. If applicant is suitable, interviewer schedules an interview.
- C. Interviewer reviews legal/illegal interviewing questions.
- D. Interviewer reviews behavioral interviewing questions.
- E. Interviewer writes interviewing questions to ensure that questions illicit information about applicant’s skills and qualifications that correspond to those of the position.
- F. Interviewer reviews the resume and interviewing questions immediately prior to the interview.

### **Conduct the Interview**

- A. Begin with small talk to build rapport.
- B. Ask open-ended questions related to required skills and qualifications.
- C. Probe for details and examples of past behavior in a job setting.
- D. Take notes, but not on the application or resume.
- E. Describe the position to applicant, i.e., duties, hours, reporting structure, learning opportunities, etc.
- F. Be enthusiastic about the position and the organization. Interviewer must sell the position and the organization.

### **Conclude the Interview**

- A. Explain the next steps (reference check, criminal background check, drug screen, etc.).
- B. Make sure applicant understands the duties and requirement of the position; otherwise, if applicant is hired, the individual may resign later, stating that “this was not the job I was hired to do; this is not what I wanted to do”.
- C. Thank applicant for his/her time and interest.
- D. Do not offer the job to applicant.
- E. Tell the applicant when you will get back to her/him.

### **Evaluate the Candidate**

- A. Review interview notes and compare candidate’s qualifications and skills to the requirements of the position and to the qualifications and skills of other candidates.
- B. Verify references, review results of criminal background check, drug screen, etc.
- C. Select the best-qualified candidate. Be deliberate. Do not hire quickly just to fill the position.
- D. Make the job offer and negotiate with candidate over salary, start date, etc.
- E. Send an offer letter to candidate upon acceptance of the offer.
- F. Notify rejected candidates – good business practice, promotes good will, and you may want to consider the applicant for a future position.

### **Common Interview Mistakes**

- A. Interviewer talks too much. To avoid this mistake, focus on the list of interviewing questions. Ask follow-up questions, if clarification is needed.
- B. Interviewer does not listen to candidate.
- C. Interviewer does not observe body language of candidate.
- D. Interviewer makes decision about candidate in the first minutes of the interview.
- E. Interviewer assumes candidate is strong in all areas because the candidate is strong in one area – halo effect.
- F. Interviewer conducts interview quickly and does not question candidate thoroughly.
- G. Interviewer does not take notes during the interview and later cannot remember the candidate or the interview.
- H. Interviewer does not check references thoroughly, checks insufficient number of references, or does not call a former supervisor of the candidate for a reference.

## **Appendix D: Coaching and Motivating Employees**

### **Purpose of Coaching**

Coaching is a positive, proactive effort to help employees achieve better performance. As a manager, you should monitor employee performance continually. When you observe or hear something that indicates an employee needs help with a task or situation, you should intervene as a “coach” to provide positive suggestions and guidance.

Coaching may occur during a formal conference with the employee. Some of the best opportunities for coaching, however, occur as part of the daily interactions between manager and employee.

The purpose of coaching is to teach employees how to improve the efficiency and quality of their work and, consequently, to enhance their career development. Simply stated, coaching enables an employee to achieve the level of performance and expertise the employee sets as a personal goal.

To maximize the employee’s ability and rate of success, a supervisor should communicate continually with an employee. Employees need to know if they are performing satisfactorily and furthering the objectives of the organization.

### **Keys to Coaching**

- To be an effective coach, you must know your employees’ strengths and weaknesses.
- Coaching is most successful when there is mutual respect between manager and employee.
- Coaching focuses on problem solving rather than discipline or the individual.
- Effective coaching encourages the employee to take charge of the situation, find solutions to problems and commit to a plan of action.

### **Benefits of Coaching**

- Improved performance, productivity and attendance
- More team effort and sharing of information
- Fewer disciplinary issues and counseling sessions
- Decreased turnover and labor costs
- Improved employee morale and attitude
- Better communication and rapport between manager and staff
- Greater employee commitment to the job and the organization
- Closer alignment between the employee and organizational goals

### **Situations Requiring Coaching**

- Coaching typically is needed in the following situations:
- Orienting and training a new employee
- Teaching a new job skill

- Explaining the standards and objectives of the organization
- Correcting simple performance issues
- Preparing an employee for a more challenging or new work assignment
- Developing an employee's self-confidence
- Preparing an employee to meet future career goals
- Explaining the culture and political realities of the organization
- Preparing employees for a business change, change in the objectives of the organization or change in management
- Reinforcing good performance

### **Interactive Management**

- Create a positive work environment to make employees feel good about themselves, their careers and the organization.
- Treat all employees with kindness, dignity and respect and they will respond with extra effort and better performance.
- Try to understand what your employees need in order to be successful. Help employees meet their needs and they will respond with improved performance.
- Give all employees opportunities to participate in decision-making.
- Create opportunities for employees to develop personally and professionally.
- Be positive, celebrate success, compliment frequently and praise effort as well as results.
- Get to know the employees. Talk to them about non-business issues, such as children, hobbies, talents, etc. Show employees you are interested in them as people and establish a relationship with them.
- Take employees to lunch, or order pizza or ice cream for the staff.
- Increase face-to-face communication and rely less on email and voice mail.
- Encourage all employees to give you feedback and suggestions and incorporate their input, when feasible.
- Share information with employees, when appropriate, about upcoming seminars, operational plans, recent publications and articles of interest, etc.
- Include the entire staff in meetings and do not exclude a staff member because you assume the agenda does not interest the individual.

## Appendix E: Performance Evaluations

One of the primary duties of a manager is to determine whether an employee is performing to expected standards. While this determination is formalized in a performance review, it is really an on-going process that should be addressed on a daily basis. The employee's job performance must be measured against the responsibilities of the position and the employer's policies to determine whether to continue employment, promote the employee, increase the employee's salary or provide training opportunities.

On a consistent basis, a manager should observe an employee's work product and compare the work product with established standards. To facilitate the observation and evaluation, the manager should maintain a notebook to jot down notes on the employee's work performance and any issues that are preventing the employee from succeeding in the position. If the employee appears to be struggling or voices concerns to the manager, the manager should determine:

1. if the employee has a full understanding of the job duties and expectations
2. if the employee has the necessary resources to perform the job
3. if the manager is accessible to the employee to answer questions and evaluate the employee's progress
4. if the employee needs additional training in order to acquire the requisite skills to perform the job.

The current trend in human resources management is to do away with a formal, structured annual performance evaluation and replace it with a more frequent, less formal assessment. The prevailing view holds the standard, historical annual performance evaluation that rates an employee's work performance once a year serves little useful purpose and often results in a demoralized employee. Many employers have implemented six-month performance reviews. Both the employee and the supervisor make a list of the topics they want to discuss and set a mutually convenient time to meet. The documentation of this review is maintained in the employee's personnel file with a copy to the employee.

The advantages to a more frequent, less formal performance evaluation are many including the following:

- Communication between the supervisor and employee increases.
- Confusion about the exact job duties and expectations of the supervisor is minimized.
- Satisfactory performance is reinforced and the employee's confidence and self-esteem increase.
- Unsatisfactory performance is addressed immediately and the employee is given proper guidance to correct the deficiency.
- Timely and honest feedback is promoted.
- The employee is encouraged to give feedback and suggestions.
- A spirit of cooperation and teamwork is fostered.

If your program is committed to using a standard, formal annual performance evaluation, the following steps may be useful. Some of these steps may also be useful with a more informal and casual review.

1. Conduct a written review either as prescribed by the program's personnel policies; at six months, at year-end or on employee's anniversary date.
2. Review employee's last performance evaluation to confirm that objectives have been met. This is especially helpful when the supervisor has inherited the employee.
3. Summarize the feedback communicated on an on-going basis throughout the year. Maintain notes on major accomplishments and exemplary performance.
4. Draft the written annual performance evaluation at least two weeks before the review date. Solicit feedback from other managers who might have interacted with the employee during the review period. Be honest and objective in the evaluation. Do not inflate an evaluation simply to avoid hurting the employee's feelings.
5. Review the primary job duties, as listed on the job description, on the evaluation form.
6. Ask the employee to draft a self-evaluation. This exercise will indicate how effectively the employee and supervisor are communicating and whether the employee has an inflated view of his/her contribution and performance.
7. Provide a copy of the written evaluation form to the employee in advance of the review session. This allows the employee to have time to get over any emotional reaction and be better prepared in the review session. The employee will not be as defensive and will listen more carefully to your assessment of job performance in the review session.
8. Plan the review session. Anticipate possible negative reactions and be ready to react in a calm and professional manner.
9. Conduct the review session in a private area where there will be no disruptions. Schedule 30 minutes for the review.
10. Put the employee at ease. Begin the review with positive feedback. Focus on job requirements and the future.
11. Discuss the performance issues. Concentrate on the employee's conduct and the consequences of that conduct. Allow the employee the opportunity to react to your input and suggestions.
12. Review any salary increase after discussing all performance issues. This ensures that the employee will not be distracted by the salary increase or lack thereof when the supervisor addresses performance issues.
13. Listen to the employee and allow the employee to make suggestions for performance improvement and development. Ask the employee to propose solutions to performance issues. Repeat the employee's input and suggestions to ensure that the supervisor clearly understood the employee. The supervisor should not argue or defend the assessment of the employee's performance.
14. Set expectations for the upcoming period. If the employee's performance is unsatisfactory, work together to create a work improvement plan. Schedule a follow-up meeting to review progress on the plan.

15. Encourage the employee to write comments on the evaluation form. Let the employee take the form and return any comments in a couple of days. The employee needs this time to ventilate frustrations or disappointments or compose comments.
16. Maintain the annual performance evaluation in the employee's personnel file. Give the employee a copy of the completed, signed form.

## Appendix F: Counseling Employees

### I. Pre-Counseling Checklist

Before giving corrective feedback or counseling an employee, a supervisor should verify that performance, not management, is the problem by asking the following questions:

1. Are the expectations clear to the employee?
2. Has the employee received the requisite training to do the job?
3. Does the employee understand why it is important to do the job correctly and the consequences of doing the job incorrectly?
4. Is the supervisor holding the employee accountable for job performance? Are there appropriate and consistent consequences for non-performance?
5. Does the supervisor recognize and reward positive performance?
6. Has the supervisor given the employee the freedom to be successful?
7. Is the employee facing any obstacle to performing as expected?
8. Are the supervisor's expectations reasonable?

Prior to counseling an employee for unsatisfactory performance, a supervisor should determine if the problem is caused by a breakdown or deficiency in the system or organization. If this is the case, then the supervisor should take steps to rectify the problem. If, however, the supervisor is able to answer yes to all of the above questions and there is no breakdown or deficiency in the system or organization, then the supervisor has properly managed the employee and counseling is in order.

### II. Guidelines for Counseling Employees

Whenever a serious performance problem arises, the supervisor should meet with the employee to review the issue, provide guidance and counseling, and assist the employee in determining the resolution. When giving corrective feedback, you must help the employee understand exactly what was unsatisfactory, explain the consequences and clarify expectations for future performance. The supervisor should schedule follow-up meetings to track the employee's progress and to ascertain if the employee needs additional guidance or resources. Constructive, timely feedback enables the employee to succeed in the job.

The following approach (SPRINT) will help you determine what to say when counseling an employee and the order in which to say it.

- Specific actions/issues: Explain exactly what the employee did wrong. Identify the rule or policy the employee violated or the area of sub-standard performance.
- Problems created: Explain why the rule, policy or standard exists and what problems are created if the employee fails to observe the rule, policy or standard.

- **Realistic expectations:** State exactly what you expect the employee to do to correct the immediate problem and improve future performance. Help the employee develop an action plan to meet your expectations.
- **Involvement:** Describe the role you are willing/able to play to help the employee improve performance.
- **Noticeable progress:** Explain how you will determine if the problem has been corrected and performance improved.
- **Timely consequences:** Establish dates for progress checks and explain the consequences of unsatisfactory progress.

After the counseling session, follow up immediately with written feedback, summarizing the action plan and the outcome expected. Monitor the action plan for compliance. Recognize any noticeable progress made. If the employee does not meet the conditions of the action plan then the manager has no recourse but to place the employee on probation.

## Appendix G: Disciplining Employees

**Progressive Discipline.** In disciplining employees, most managers prefer progressive discipline. The objective of a progressive discipline policy is to remind the employee of the workplace standard or expectation and to give the employee an opportunity to improve his/her performance. The prevailing view is most employees truly want to meet the employer's expectations and standards. When they fall short, counseling the employee typically results in the employee's performance improving.

The progressive discipline process is based on the assumption that the employee knows the work standards and job expectations. It is imperative, then, that all employees are aware of these standards and expectations. Generally, work rules are included in the Employee Handbook; job expectations are included in each job description. Each employee, upon hire, should be provided with an Employee Handbook and a copy of the job description. Upon receipt, the employee must sign an acknowledgement of receipt for each of these documents. These signed acknowledgements must be kept in the employee's personnel file. In the event of a claim of discrimination or wrongful discharge, the signed acknowledgements provide documentation that the employee was placed on notice of the conduct and performance expected by the organization.

The first step in progressive discipline is a verbal reminder of the rule, the reason for the rule, and a restatement that all employees are expected to abide by the rule. If, however, the employee continues to violate the rule, or displays a tendency to ignore the rule, the discipline progresses to the next step—a written warning, final written warning, suspension/probation or discharge. The components of a progressive discipline policy include:

1. Oral Warning (Documented by the supervisor but seldom written up as a formal reprimand and placed in the employee's personnel file; supervisor should make a note of the warning and date it.)
2. Written Warning (Documented and placed in the employee's personnel file. If an oral warning was given previously, the written warning should refer to it.)
3. Final Written Warning (Documented and placed in the employee's personnel file.)
4. Suspension/Probation/Decision-Making Leave (This step is optional and most progressive discipline policies list *Final Written Warning* as the final step to discharge.)
5. Discharge

**Suspension.** Suspension may be appropriate (1) as a disciplinary measure following a final written warning and preceding discharge, or (2) pending an investigation of suspected work rule violation. Generally, suspension as a disciplinary measure is without pay; suspension pending investigation is with pay unless it is determined that the alleged misconduct did occur, in which case it will be without pay. The decision of whether to suspend with or without pay is left to the discretion of the supervisor.

When an employee has repeatedly committed violations, or has committed a very serious violation of the work rules, you may decide that suspension without pay is appropriate. Explain

to the employee that the suspension is for a certain number of days without pay and precedes discharge.

An employee may also be suspended where an investigation is necessary to determine whether misconduct actually occurred, or the extent of the misconduct. Typically, employees who are accused of sexual harassment are suspended, pending the results of the investigation. The employee should be advised that if there is no finding of misconduct, the suspension will be with pay. The employee, however, should also be cautioned that if the allegations of misconduct are confirmed, suspension will be without pay and will result in further disciplinary action, up to and including discharge.

Pursuant to the Fair Labor Standards Act (FLSA) and state wage and hour laws, a non-exempt employee may be suspended without pay for any number of days. This is not the case with an exempt employee. An exempt employee may not be suspended without pay for any part of a workweek. If an exempt employee is suspended, the suspension must be for the entire workweek. An exempt employee who works for any part of a workweek must be paid for the entire workweek. Otherwise, the employee's exempt status is destroyed. In light of these legal restrictions, consult the personnel committee chair or outside employment counsel before making the decision to suspend an exempt employee.

**Documentation.** A progressive discipline policy should include a disclaimer explaining that a supervisor has the discretion to skip or repeat any of the steps and may discharge an employee without warning, depending on the seriousness of the infraction. Toward that end, a written disciplinary action should state that failure to improve performance, or attendance if the issue is absenteeism, will result in further disciplinary action, up to and including discharge. That way, the supervisor is not locked into a pre-determined disciplinary step and reserves the right to decide the appropriate disciplinary step for the next infraction. If discharge is the next step in the process, the disciplinary action form should read, "If performance does not improve substantially and immediately, your employment will be terminated." In this case, the supervisor must make it clear to the employee that employment is in jeopardy. A progressive discipline policy should restate the employment at-will relationship.

The problem with most written disciplinary actions is lack of detail or explanation. For example, the document may read, "Employee failed to complete project timely", or "Employee misses too much work". With the first example, the supervisor should state the specific project, the due date, any progress reports or meetings, and so forth. With the second example, the supervisor should list the specific dates that the employee was either late or absent. With all written disciplinary actions, the supervisor should refer to prior warnings or counseling.

Instead of just handing the disciplinary action form to the employee, the supervisor should meet with the employee and review in detail the infraction and the applicable workplace policy or standard. The employee should commit to correcting the deficiency and seeking assistance from the supervisor, if necessary. If appropriate, a follow-up date may be listed on the form. But the employee must understand that if the performance does not improve promptly, the employee will be discharged prior to the follow-up date. For example, if the follow-up date is 30 days from the

counseling session, the employee's unacceptable conduct or performance cannot continue for 25 days and then suddenly improve in the final five days.

Both the supervisor and employee should sign and date the form. In the event that the employee refuses to sign the form, then the supervisor should note that fact on the form. Writing the date of the counseling session on the form is critical to prove that the employee was progressively disciplined and the timeframe of the infraction. The form should be maintained in the employee's personnel file.

**Performance Improvement Plan:** In some situations, a performance improvement plan, as opposed to progressive discipline, is more appropriate. The components of a performance improvement plan are the following:

- List the specific objectives.
- Reference the policy or standard that was violated.
- Refer to past counseling sessions.
- State a reasonable time period for accomplishing each objective.
- List a follow-up date.
- State the consequences of not improving performance.
- Supervisor and employee sign and date the plan.

The performance improvement plan should be placed in the employee's personnel file. In the event that the employee is discharged, the plan documents the performance issue and the employer's action. This documentation is critical to defending a claim of discriminatory treatment or wrongful discharge.

**Dischargeable Offenses.** With some workplace offenses, progressive discipline is neither feasible nor practical. Rather, immediate discharge is warranted for serious violations, such as theft from the agency or co-workers; falsification of timesheets, job applications, expense records or other agency documents; disloyalty to the agency or disclosure of confidential information; insubordination, including refusing a job assignment; possession of a weapon on agency premises; destruction of agency property; physical or verbal threats, intimidation, harassment or violence; and, reporting to work under the influence of drugs or alcohol. Or, if the employee has violated a work rule repeatedly, and despite previous warnings, has failed to conform the behavior to the organization's expectations, discharge may be appropriate.

## Appendix H: Discharging Employees

The decision to discharge an employee is seldom easy and must be made with deliberation. Although the employment-at-will doctrine remains the law in most states, state and federal anti-discrimination laws prohibit employers from taking adverse employment action against an employee solely because the employee falls in one of the protected classes enumerated in the laws.

Often employers are the target of allegations of discrimination simply because the employee's poor performance or attendance was not properly documented, the supervisor mishandled the discharge due to lack of supervisory skills training, or the supervisor allowed personal dislike of the employee to factor into the decision to discharge.

For these reasons, the following procedure should be followed in discharging an employee:

5. Investigate the misconduct to ensure that all facts are gathered.
6. Review the applicable policy violated by the employee to confirm that discharge is warranted.
7. Review the employee's personnel file for prior disciplinary actions to confirm that discharge is warranted.
8. Confirm whether the employee is employed pursuant to a contract as opposed to the at-will doctrine. If so, make sure the discharge is in compliance with the contract.
9. Confirm that the discharge is in compliance with past practice. In other words, other employees have been discharged for committing the identical offense.
10. Investigate whether the employee has recently exercised any state or federal employment right, such as using FMLA leave, filing an allegation of discrimination, filing a workers' compensation claim, or any other such claim to avoid a retaliation action.
11. Inquire whether the employee owes money to the organization, for instance, a loan or advancement of vacation not yet earned.
12. The program manager and the Chair of the Personnel Committee should review and approve all terminations.
13. Deactivate the employee's computer and voice mail.
14. If there is the possibility the employee may react violently to the discharge, or retaliate against the manager, then arrange for security measures.
15. The employee's manager and the program manager should prepare for the termination session and review the manager's explanation to the employee.
16. Conduct the discharge session in a neutral location, such as a conference room or in the manager's office. Do not allow the employee to block the exit.
17. The employee's manager should inform the employee of the discharge and the reason for the decision. The manager should not state, "I have

decided to discharge you”. Rather, the manager should state, “You violated agency policy in that you refused a job assignment and under that policy I have no recourse but to discharge you.”

18. The program manager serves as a witness and a mediator, if necessary.
19. The termination session should take about three minutes. The employee’s manager should not debate the employee, justify the discharge decision, or apologize to the employee for the decision.
20. Either the manager or the program manager should accompany the employee to the workstation to retrieve personal belongings. Inform the employee that the supervisor will send any forgotten items to the employee. The employee should not be allowed to return to the premises.
21. Collect the employee’s keys to the office, identification badge, parking card, security card and any other agency issued property.
22. The employee should leave the premises and not remain to complete work or talk to co-workers.
23. Give the employee a contact person, preferably the program manager, for questions about insurance coverage continuation, final paycheck, vacation payout, etc.
24. Encourage the employee to start looking for a job immediately.
25. Throughout the discharge session, treat the employee with respect; never humiliate an employee, especially in front of coworkers.
26. Document the termination session, explaining the reason for the discharge, the employee’s reaction and any other significant event.

Do not feel guilty about discharging an employee. The employee is responsible for meeting the expectations of the job and the requirements of any action plan. If the employee fails to do so, the employee alone is responsible for the discharge.

## Appendix I: Sample Personnel Forms

### Employee 90-Day Review Form

Employee: \_\_\_\_\_ Position: \_\_\_\_\_

Date of Hire: \_\_\_\_\_ Review Date: \_\_\_\_\_

#### Job Performance Evaluation:

(Identify job requirements and indicate whether the requirements are being met.)

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#### Areas to Work On:

(e.g., organizational skills, technical skills, knowledge of job duties, time management, interpersonal relations, following policies and procedures, conscientiousness and reliability)

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Goals: \_\_\_\_\_

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Follow-Up Date, If Appropriate: \_\_\_\_\_

Employee Comments: \_\_\_\_\_

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\_\_\_\_\_  
Employee Signature/Date

\_\_\_\_\_  
Supervisor Signature/Date

Place In Employee's Personnel File With Copy To Employee

### Counseling Record

<b>Employee name:</b>	<b>Supervisor:</b>
<b>Position:</b>	<b>Date of Hire:</b>
<b>REASON FOR COUNSELING:</b>	
<b>HAS THIS CONCERN BEEN PREVIOUSLY DISCUSSED WITH EMPLOYEE? LIST ANY PREVIOUS COUNSELING SESSIONS:</b>	
<b>REQUIRED LEVEL OF PERFORMANCE:</b>	
<b>TYPE OF COUNSELING:</b>	<input type="checkbox"/> Verbal warning <input type="checkbox"/> Suspension/Decision-making leave <input type="checkbox"/> Written warning <input type="checkbox"/> Discharge <input type="checkbox"/> Final written warning <input type="checkbox"/> Extension of orientation period
<b>ACTION PLAN:</b>	

<b>FOLLOW-UP REVIEW DATE, IF APPLICABLE:</b>
<b>It is essential that immediate steps be taken to improve and maintain performance or attendance to the required level. If demonstrated material improvement is not made during this time frame, or if performance or attendance deteriorates during or after this time, further action, up to and including discharge, may be taken before the end of this time period or after this time period.</b>
EMPLOYEE COMMENTS: (Attach a separate sheet if necessary):

Signatures:

\_\_\_\_\_  
*Supervisor*

\_\_\_\_\_  
*Date*

*I have been provided a copy of this form and a full opportunity to discuss it with my supervisor. I have read and fully understand the information provided above. I understand that my signature indicates acknowledgment of having been counseled, and does not necessarily indicate agreement with my supervisor's statement.*

\_\_\_\_\_  
*Employee*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Supervisor (if employee refuses to sign)*

\_\_\_\_\_  
*Date*

PLACE FORM IN EMPLOYEE'S PERSONNEL FILE

## Six-Month Performance Review

Employee: \_\_\_\_\_  
 Date Of Hire: \_\_\_\_\_

Position: \_\_\_\_\_  
 Review Date: \_\_\_\_\_

Based on the skills needed for this position, use the descriptive outline below to provide performance feedback to employee.

### JOB SKILLS

	Below Standards	Meets Standards	Exceeds Standards
<ul style="list-style-type: none"> <li>• <i>Job Knowledge, Work Quality and Productivity</i>  <i>Understands expectations of the position, regularly produces accurate work and meets the productivity levels expected. Possesses solid time management and organizational skills.</i></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Written and Verbal Communication Skills</i>  <i>Listens effectively. Clearly expresses ideas or information in writing or verbally. Properly documents cases.</i></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Problem Solving/Judgment</i>  <i>Able to think through all issues and develops creative solutions to resolve problems. Analyzes data from different sources and draws accurate conclusions.</i></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Work Relationships</i>  <i>Earns the respect, trust and confidence of co-workers, social workers, judges and attorneys by being competent, compassionate and respectful of all parties. Works as a team player with staff.</i></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Flexibility/Adaptability</i>  <i>Able to perform a variety of assignments within the scope of employee's duties. Accepts change in the work environment, new procedures and job responsibilities without resistance.</i></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Compliance</i>  <i>Adheres to agency guidelines (policies and procedures, standards, attendance, work rules, etc.). Include number of absences: _____</i></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Initiative/Leadership</i>  <i>Strives to perform beyond the minimum requirements of the job. Exhibits a commitment to continuous self-improvement through ongoing self-development. Motivates and inspires others to work to their fullest potential. Supports what is in the best interest of the agency.</i></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<i>Employee meets or exceeds current standards.</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<i>Employee's attendance is satisfactory.</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<i>Employee meets management standards.</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

**(Applicable Only To managers)**

*\*If no to any of the above, supervisor must develop a Performance Improvement Plan.*

Encourage discussion and feedback from employee in the following areas:

- *Barriers to effective work performance and job satisfaction*
- *Possible work improvement processes*
- *Areas in which additional training or skills are needed*
- *Employee's development and career goals*
- *Feedback/constructive suggestions for supervisor*
- *Any other topic employee or supervisor wishes to discuss*

*Employee Comments:* \_\_\_\_\_  
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\_\_\_\_\_  
*Employee Signature*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Supervisor Signature*

\_\_\_\_\_  
*Date*

*Place In Employee's Personnel File With A Copy To Employee.*

**ADDITIONAL SECTION TO BE COMPLETED ON MANAGEMENT EMPLOYEES**

Based on the management skills needed for this position, use the descriptive outline below to provide performance feedback to employee.

MANAGEMENT SKILLS

	Below Standards	Meets Standards	Exceeds Standards
<ul style="list-style-type: none"> <li>• <i>Communicates Agency Policy</i> <b><i>Effectively communicates all agency policies and procedures to staff and implements all policies and procedures.</i></b></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Develops and Implements Agency and Staff Objectives</i> <b><i>Establishes objectives for agency and staff that are in line with overall goals and objectives of the agency. Communicates and achieves support from staff to meet goals and objectives.</i></b></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Financial Performance</i> <b><i>Drafts annual budget and revises as necessary. Manages agency expenses and revenue to operate within approved budget.</i></b></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Interviewing and Hiring</i> <b><i>Interviews and hires qualified staff for positions. Conducts all hiring practices within the parameters of applicable state and federal laws.</i></b></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Distribution of Work</i> <b><i>Organizes schedules and distributes workload to assure adequate staffing.</i></b></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Coaching and Communicating</i> <b><i>Coaches and trains staff effectively. Motivates staff to achieve agency goals and objectives. Properly identifies strengths and areas for improvement and works with employee to develop a plan of action.</i></b></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Evaluating Performance</i> <b><i>Provides timely and adequate individual feedback to employee regarding job performance. Completes 90 Day and Annual Performance Appraisals. Properly documents all counseling sessions.</i></b></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Minimizes Staff Turnover</i> <b><i>Effectively manages staff to prevent costly turnover expenses.</i></b></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Exit Interview Questionnaire

(This questionnaire is strictly voluntary. Your input, though, will be invaluable in designing and implementing retentive measures and improving the work environment.)

Name: \_\_\_\_\_ Supervisor: \_\_\_\_\_  
Hire Date: \_\_\_\_\_ Last Day Worked: \_\_\_\_\_  
Position: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Reason you are leaving CASA:

\_\_\_\_\_ Found new job                      \_\_\_\_\_ Retirement  
\_\_\_\_\_ Relocation                          \_\_\_\_\_ Layoff  
\_\_\_\_\_ Other: \_\_\_\_\_

Please identify any of the following items that influenced your decision to leave. Use 1 to identify the primary reason, and 2, 3, etc., to identify other reasons in descending order of importance.

_____ Career change	_____ Unsatisfied with job
_____ Military service	_____ Unsatisfied with salary
_____ Return to school	_____ Unsatisfied with benefits
_____ Health reasons	_____ Unsatisfied with supervisor
_____ Better opportunity	_____ Unsatisfied with co-worker(s)
_____ Less travel	_____ Unsatisfied with work/life balance

With what specific conditions, if any, were you dissatisfied? \_\_\_\_\_

What does your new job/opportunity offer that CASA did not offer? \_\_\_\_\_

Was your workload usually:

\_\_\_\_\_ too heavy    \_\_\_\_\_ heavy    \_\_\_\_\_ about right    \_\_\_\_\_ light    \_\_\_\_\_ too light

Did you feel your opportunity for advancement was:

\_\_\_\_\_ excellent    \_\_\_\_\_ about right    \_\_\_\_\_ poor    \_\_\_\_\_ not sure

Was the position for which you were hired accurately described? If no, why? \_\_\_\_\_

When hired, did you participate in a "new employee orientation"? \_\_ Yes \_\_ No

Were benefits, policies and procedures adequately explained? \_\_ Yes \_\_ No

If no, what was not explained adequately? \_\_\_\_\_

How often did you have a performance discussion with your supervisor?

\_\_\_\_\_ once after first 90 days  
\_\_\_\_\_ once every 6 months

\_\_\_\_\_ once a year  
\_\_\_\_\_ never

What did you like most about your position? \_\_\_\_\_

\_\_\_\_\_

What are some of the problems a person in your position might face? \_\_\_\_\_

\_\_\_\_\_

What could the program manager do to make CASA a better place to work? \_\_\_\_\_

\_\_\_\_\_

Would you consider returning to work here?      \_\_ Yes \_\_ No

What action could the program manager have taken to retain you? \_\_\_\_\_

\_\_\_\_\_

New Employer and Position: \_\_\_\_\_

\_\_\_\_\_

**Thank you for participating in this exit interview.  
This questionnaire will be placed in a confidential file.**

## Medical Leave of Absence Application

When the need for a leave of absence is foreseeable, you are required to request the leave thirty days in advance. Examples of foreseeable events include planned medical treatment or your child's birth. For unforeseen events such as accidental injury, premature birth or sudden change in your health, you are required to request the leave as soon as it is possible and practical.

### 1. EMPLOYEE INFORMATION:

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Date of Hire: \_\_\_\_\_ Supervisor: \_\_\_\_\_

Have you taken a medical leave of absence during the past 12 months?

Yes  No

If yes, what were the exact dates of the leave? From: \_\_\_\_\_ To: \_\_\_\_\_

### 2. REASON FOR LEAVE: \_\_\_\_\_

### 3. REQUESTED LEAVE TIME: From: \_\_\_\_\_ To: \_\_\_\_\_

Are you requesting full or partial leave?  Full  Partial

### 4. MEDICAL CERTIFICATION: Have you submitted medical certification of the reason for the leave with this form? Yes No

If no, why? \_\_\_\_\_

**5. REINSTATEMENT:** Although CASA will attempt to return you to your position upon the expiration of your leave, you have no guarantee of reinstatement.

**6. BENEFITS:** During your leave, your benefits will continue, provided that you pay any employee contribution that is currently deducted from your paycheck. Please make arrangements with the program manager to continue your benefits.

**7. EMPLOYEE SIGNATURE:** By signing below, you are certifying that you have read the *Medical Leave of Absence Policy*, you agree to abide by the requirements of the policy, and you understand that this leave will be counted against your annual medical leave entitlement. Failure to abide by these requirements may result in delay or denial of your leave.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Program Manager Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**PLACE IN EMPLOYEE'S CONFIDENTIAL MEDICAL FILE**

## Employee Handbook Acknowledgment and Receipt Form

Please sign, date and present this receipt and acknowledgment form to the program manager. This receipt and acknowledgment form will be kept in your personnel file.

I have received my copy of **[Insert your CASA/GAL program name here]** Employee Handbook (Handbook). I acknowledge that the policies within the Handbook do not constitute a contract between **[Insert your CASA/GAL program name here]** and me. I further acknowledge that **[Insert your CASA/GAL program name here]** may change the policies, practices and benefits documented in the Handbook, as it deems appropriate, in its sole and absolute discretion and without notice.

**I understand that my employment is at-will, and that my employment may be terminated for no cause or any cause with or without notice. I further agree and understand that no supervisor, manager or representative of [Insert your CASA/GAL program name here] has any authority to enter into an agreement for employment for any specified period of time, or to make any agreement contrary to this policy.**

I further acknowledge that I have reviewed the policies in the Handbook, and have been given an opportunity to ask questions about them. I acknowledge that I understand the policies in the Handbook, and agree to abide by them.

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Signature of Employee

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Name of Employee (please print)

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Date Signed