



Employee Manual

ATTENDANCE AND LEAVE POLICY

Update - July 2015

I have received a copy of the PROMEDCARE Employee Handbook, and I am strongly encouraged to become familiar with all pertinent policies and procedures:

- Neither this handbook nor any other PROMEDCARE document confers any contractual right of employment, either expressed or implied, and absolutely no guarantee or any fixed terms or conditions of employment are established. Your employment is not for any specific time and may be terminated "at will," with or without cause and without prior notice by PROMEDCARE, or you may resign for any reason at any time.
- All PROMEDCARE employees are strongly encouraged to consistently act in compliance with all existing, and as established, future company policies. This Employee Handbook is not intended to address all possible policies, and is subject to change at any time, with or without notice, in whole or in part, at the discretion of PROMEDCARE.
- All efforts employed by me in the performance of my duties and responsibilities will be true and correct. Any misrepresentation, falsification, unauthorized destruction or concealment of any records/information, manual and electronic will be reason for non-consideration for employment and/or dismissal after hire. Employee theft, fraud, forgery, dishonesty or intentional violation of PROMEDCARE rules, internal controls, regulations or procedures is not acceptable and may be a violation of municipal, county, state and federal laws and may result in criminal prosecution.
- Questions about this Employee Handbook or any PROMEDCARE policy should be directed to your immediate supervisor.

We wish you great success toward achieving your career objectives with PROMEDCARE and, equally important, helping PROMEDCARE to consistently deliver exceptional patient care!

Please sign and date this receipt and return it to your immediate supervisor.

Print Name _____

Signature

Date

C: Employee File



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WORK WEEK - A workweek is a period of 168 hours during 7 consecutive 24-hour periods; it may begin on any day of the week and any hour of the day established by PROMEDCARE. The standard PROMEDCARE “work week” is 40 hours, five days a week, with a minimum of a thirty-(30) minute lunch period provided. These hours may vary according to operational needs, or involvement in special work schedules.

PAY PERIOD - For payroll purposes, the PROMEDCARE pay period for regular full-time employees is eighty-(80) hours.

EMPLOYEE STATUS – EXEMPT (Salaried): Generally, salaried positions are not eligible for overtime because they are considered as exempt under the Fair Labor Standards Act (FLSA). These positions meet one (1) of the following three (3) briefly defined exemptions:

Executive Exemption - Position involves management of a Promedcare enterprise, department, or division and supervises two (2) or more employees.

Administrative Exemption - Position involves non-routine/non-manual work directly related to Promedcare management policies or general business operations.

Professional Exemption - Position involves work requiring knowledge of an advanced field of learning customarily acquired by a prolonged course of specialized intellectual instruction and study (such as a Bachelor's degree or equivalent).

EMPLOYEE STATUS – NON-EXEMPT: Non-exempt positions generally perform essential job functions subordinate to, less than, or outside the character and scope of authority of positions categorized as FLSA exempt. Non-exempt positions are eligible for overtime, and must receive overtime compensation at a rate of one and one-half (1-1/2) times the regular rate of pay for all actual hours worked over 40 hours in a workweek.

OVERTIME PAY – In compliance with the Fair Labor Standards Act (FLSA), overtime pay will be paid to hourly (Non-Exempt) employees. Hourly employees will receive overtime compensation at a rate of one and one-half (1-1/2) times the regular rate of pay for all actual hours worked over 40 hours in a workweek.

- **ASSIGNMENT** - When directed, an employee is required to work overtime.
- **APPROVAL** - Your immediate supervisor must approve all overtime hours including the use of administrative leave in advance, or disciplinary action may apply.
- **COMP TIME** - In compliance with the Department of Labor (DOL) and the FLSA, “compensatory time” is prohibited for private sector employers; and PROMEDCARE does not provide “comp time” to any employee.

NON-EXEMPT EMPLOYEES - The DOL does not permit the use of “compensatory time” for nonexempt employees in private-sector employment: *“The use of comp time instead of overtime is limited by Section 7(o) of the FLSA [Fair Labor Standards Act] to a public agency that is a state, a political subdivision of a state, or an interstate governmental agency.”*

EXEMPT EMPLOYEES - *Exempt employees are paid a set salary no matter how many or few hours they work.* Salaries may not be reduced in the event the employee works less than 40 hours in a workweek (with very limited exceptions), and the employees do not receive overtime when they work more than 40 hours.

- **ADMINISTRATIVE LEAVE** – At the discretion of the President/CEO, PROMEDCARE may authorize “leave with pay” to enable an employee to coordinate personal and workforce relations, to meet operational needs, or involvement in special work activities.

Time NOT Considered for Overtime Pay

Lunch breaks, un-paid break periods and paid-time-off (PTO) such as vacations, sick leave, etc., are NOT counted for overtime pay consideration.

In compliance with the FLSA, salaried (Exempt) private sector employees categorized as executive, administrative and professional are not eligible for overtime.

PAY DEDUCTIONS – As established by Section 13(a)(1) of the FLSA as defined by Regulations, 29 CFR Part 541, deductions from pay are permissible when an exempt employee:

1. is absent from work for one or more full days for personal reasons other than sickness or disability;
2. for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness;
3. to offset amounts employees receive as jury or witness fees, or for military pay;
4. for penalties imposed in good faith for infractions of safety rules of major significance; or
5. for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions.

Also, an employer is not required to pay the full salary in the initial or terminal week of employment, or for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act.

VACATION:

1. **ELIGIBLE REGULAR FULL-TIME EMPLOYEES** - All full-time employees (80 hours per pay period) are eligible for one-(1) week of vacation after six-(6) months of continuous employment, and one-(1) week of paid vacation after twelve-(12) months of continuous employment, which can also be used for personal days each year. New employees are not eligible to take vacation during their ninety-(90) day probationary period.
2. **ELIGIBLE REGULAR PART-TIME EMPLOYEES** – Regular part-time employees working greater than forty-(40) hours per period but less than eighty-(80) hours per pay period are eligible to receive one-(1) week of paid vacation after twelve-(12) months of continuous employment; and those employees working less than forty-(40) hours per pay period will not be offered vacation pay. New employees are not eligible to take vacation during their ninety-(90) day probationary period.

3. **NON-ELIGIBLE EMPLOYEES (PERSONAL CARE GIVERS)** - Employees who are not eligible for vacation may request permission from their manager/supervisor to take up to one week of unpaid vacation time per year. Employees who begin after January 1st will accrue vacation time on a pro-rata basis. Vacation time not taken during the calendar year is forfeited. New employees are not eligible to take vacation during their ninety-(90) day probationary period.
4. **APPROVAL** - All vacations must be scheduled in advance with the employee's supervisor/manager by completing the PROMEDCARE Vacation Request Form. Employees are responsible for planning ahead for vacation and working out a complete schedule. The President of PROMEDCARE administers vacation eligibility.
5. **TERMINATION** - Upon termination, the employee's accrued, but not taken, vacation hours will be added to the final paycheck using the employee's then-current straight-time hourly rate for calculation and conversion.

SICK AND MEDICAL LEAVE:

1. **SICK LEAVE** – Regular full-time employees accrue one-(1) day of sick leave per month, for a maximum of twelve-(12) sick days per year. Sick leave can only be used in the event of illness for an employee or the employee's immediate family member. Medical verification of the employee's condition must be provided upon request to the employee's immediate supervisor. Employees who fail to comply with attendance standards are subject to disciplinary action, including immediate termination.
2. **FAMILY MEDICAL LEAVE ACT (FMLA)** - The FMLA entitles eligible employees of covered employers to take **unpaid**, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave [<http://www.dol.gov/whd/fmla/>]. Eligible employees are entitled to:
 - a. Twelve workweeks of leave in a 12-month period for:
 1. the birth of a child and to care for the newborn child within one year of birth;
 2. the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
 3. to care for the employee's spouse, child, or parent who has a serious health condition;
 4. a serious health condition that makes the employee unable to perform the essential functions of his or her job;
 5. any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" or
 - b. Twenty-six workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember's spouse, son, daughter, parent, or next of kin (military caregiver leave).

ABSENCE FOR EMPLOYEE DUE TO MEDICAL REASONS:

1. Absences due to the same illness, for any duration, will be considered one occurrence.
2. Employees absent for three-(3) or more consecutive scheduled shifts must provide a doctor's statement authoring their medical clearance to return back to work.
3. Vacation days can be applied to absences for medical reasons.

HOLIDAY LEAVE:

1. **HOLIDAY SCHEDULE** - PROMEDCARE provides paid leave for the following scheduled holidays:

- Six (6) holidays are observed on odd numbered years.
- Seven (7) holidays are observed on even numbered years.

<u>Holiday</u>	<u>Observed On</u>
New Year's Day	January 1
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Christmas Day	December 25

If holiday falls on a weekend, PROMEDCARE will observe the holiday on the adjacent Friday or Monday.

ATTENDANCE:

Unless otherwise approved by the President of PROMEDCARE, all PROMEDCARE employees are expected to arrive at work on time in accordance with regularly scheduled operating hours of 8:30 am and work continuously, excluding approved breaks and lunch period, until 5 pm Monday through Friday.

1. **REPORTING REQUIREMENTS** – All employees are required to report to work as scheduled.
 - a. Employees must notify (by telephone, fax, etc.) their immediate supervisor at least 30 minutes prior to their scheduled start-time in the event that they are unable to report to work as scheduled.
 - b. Except in the case of an emergency, the employee's immediate supervisor must be contacted directly by the employee and not by the employee's spouse, relatives, or friends.
 - c. Failure to report to work as scheduled and on time may result in disciplinary action.
 - d. More than six-(6) unscheduled absences or tardiness within twelve-(12) consecutive months will result in disciplinary action, which may include employee counseling, loss of paid time and corrective actions up to and including separation of employment.
2. **ATTENDANCE STANDARDS** - Employees must comply with the following attendance standards:

Standard (satisfactory) **Attendance** - No unexcused, unscheduled absences.

Below Standard (unsatisfactory) - One (1) to six (6) unexcused, unscheduled absences within a twelve (12) month period. Employee will receive oral and written counseling to comply with Attendance Standards.

Progressive Discipline - Seven (7) or more unexcused, unscheduled absences within a twelve (12) month period. *Note: The employee's performance rating is automatically reduced by one-half (1/2) point for each unexcused absence.* An employee receives a written warning to comply with attendance standards and is subject to termination for failure to comply. An employee with an adjusted performance rating of 1.0 will automatically receive a *Final Warning*, and is subject to immediate termination.

3. **PERFORMANCE** - It is the responsibility of PROMEDCARE employees to manage their work schedules and comply with attendance standards. Attendance is reviewed with all employees during performance appraisals and included in each formal evaluation. At the discretion of PROMEDCARE, disciplinary action may be used to address employees who fail to comply with established attendance standards.
 - a. Verbal Counseling - President of PROMEDCARE may review a particular incident with the employee and discuss plan of action.
 - b. Progressive Discipline - Formal corrective action including written warning, suspension and separation due to multiple infractions of company policy.
 - c. Probationary Employees - Employees who fail to comply with attendance standards during their ninety-(90) day probationary are subject to immediate termination.
4. **UNSCHEDULED ABSENCES** - An absence is any unplanned, unscheduled lost time of a full or part-time shift resulting in working less than one half of a scheduled shift. Unplanned, unscheduled absences or tardiness are disruptive to department operations and can jeopardize the continuity of patient care. Employees are expected to report to work on time and to complete scheduled shifts as assigned. Employees who fail to comply with attendance standards are subject to disciplinary action, including immediate termination.
5. **SCHEDULED ABSENCES** - Scheduled absences do not include absences scheduled in advance, approved leaves of absences, Family Medical Leave Act (FMLA) absences, bereavement, jury duty, and Workers' Compensation.
6. **JOB ABANDONMENT / "NO CALL, NO SHOW"** - Failure to report to work as scheduled concurrent with failure to notify (by telephone, fax, etc.) their immediate supervisor at least 30 minutes prior to their scheduled start-time in the event that they are unable to report to work as scheduled is considered job abandonment and may result in immediate termination.
7. **CALL SCHEDULE** - To consistently provide quality service delivery, safety, and satisfaction to our clients/patients during after operating hours is PROMEDCARE's highest priority. Call rotation will be used for both personal care and home medical equipment services. Based upon the staff position/specialty, an employee may or may not ask to participate in the call rotation. If an employee performs company responsibilities while on call, they may be approved Administrative Leave to take time-off during the week or the following week in order to coordinate personal and workforce relations.
8. **SEVERE WEATHER ATTENDANCE** - In event of severe weather conditions, the PROMEDCARE President/CEO may decide to waive provisions in regard to the absence for employee safety purposes.