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By joining the YMCA family, you are joining an organization that cares about people. The Auburn-Lewiston YMCA (hereafter referred to as ALYMCA) is a character-building organization dedicated to strengthening Christian principles of Caring, Honesty, Respect and Responsibility through programs that will build a healthy spirit, mind and body for all. The YMCA is a place where you can make a difference in another person's life.

PREAMBLE

To help the ALYMCA achieve its mission, one of its goals is to consistently attract, develop, motivate and retain the most talented and competent staff members. The ALYMCA seeks individuals who embody in spirit, mind and body the core values of Caring, Honesty, Respect and Responsibility.

PURPOSE

This handbook is designed as a resource for all staff members to better understand the ALYMCA Human Resource policy guidelines, staff member benefits, working conditions, rights and responsibilities. It is also intended to encourage staff to improve their competencies in performing their responsibilities.

Nothing in this handbook shall be construed to create a contract of employment or to create any procedural or substantive right to continued employment. This handbook provides information on some of ALYMCA's guidelines, which may change from time to time.

All policies and work schedules are subject to change. Your supervisor will communicate these changes and it is your responsibility to become familiar with them.

ADMINISTRATION

Administration of Human Resources Policies

The Board of Directors of the ALYMCA selects an Executive Director and an HR Director who is responsible for administration of the policies of this handbook and the supervision of staff. The Executive Director and the HR Director delegate the administration of this policy to the appropriate supervisors of each employing unit.

Every employee shall be provided a copy of this handbook and receipt will be acknowledged in writing.

Interpretation of Policies

All matters pertaining to interpretation of this policy are referred to the HR Director.

Review of Policies

ALYMCA Human Resources Policies will be reviewed on a regular basis and may be changed from time to time, with or without notice, upon approval of the ALYMCA's Board of Directors. ALYMCA Human Resources policies do not pre-empt or replace applicable laws. This Employee Handbook supersedes and replaces all

previously existing ALYMCA Employee Handbook's. Please call the HR Director if you have questions about the contents of this handbook at 207-795-4095.

I. COVERAGE

All employees are covered by these policies. Failure to adhere to these policies may result in disciplinary action up to and including termination.

II. EMPLOYMENT

A. Employment Policy

The ALYMCA seeks to hire individuals who meet the highest standards of character, subscribe to the mission, purpose and goals of the ALYMCA and embody the four core values of caring, honesty, respect, and responsibility. Staff members should possess the special aptitudes, skills and capacities required by their field of work, and they should exhibit the desire and capacity to learn, advance and improve through training and networking. All employment practices shall be consistent with applicable laws and other such acts and regulations that control the employment relationship.

B. Outside Employment

The ALYMCA recognizes your right to spend your free time as you see fit, so long as it does not affect job performance, create a conflict of interest, or reflect discredit on the ALYMCA. However, the job of a YMCA professional is demanding, therefore, outside employment (second jobs) by Tier 1 employees is discouraged. It is mandatory for Tier 1 employees to advise the HR Director of any current or anticipated outside employment.

C. Equal Employment Opportunity

The ALYMCA provides equal opportunity in employment to all staff members and applicants for employment regardless of race, color, creed, religion, national origin, sex, marital status, sexual orientation, status with regard to public assistance, membership or activity in a local commission, disability, age, or other legally protected status. Equal employment opportunity applies to all facets of employment, pre-employment and the terms and conditions of employment, as well as discharge from employment.

The ALYMCA operates in accordance with all applicable Equal Employment Opportunity and Affirmative Action laws, directives and regulations of federal, state and local governing bodies or agencies. Please refer to posters located at the front desk.

D. Americans with Disabilities Act

The ALYMCA's policy and practice is to comply with the American with Disabilities Act and ensure equal employment opportunity for all qualified persons with disabilities.

The ALYMCA is committed to ensuring non-discrimination in all terms, conditions and privileges of employment. Reasonable accommodations will be available to all employees and applicants, including work site accessibility, as long as the

accommodation doesn't cause undue hardship to the ALYMCA. Please refer to posters located at the front desk. Request for accommodations must be made in writing to the HR Director or the Executive Director.

E. Affirmative Action Group

The ALYMCA's affirmative action program is designed to ensure that:

- Recruiting, hiring and training for all job classifications are done without regard to race, creed, color, religion, national origin, sex, sexual orientation, marital status, age, disability or other legally protected status.
- Employment decisions further the principle of Equal Employment Opportunity.
- Promotion decisions further the principle of Equal Employment Opportunity and ensure that non-discriminatory criteria for promotions are used.
- All Human Resources policies and procedures governing compensation, benefits, transfers, training, and recreation programs are administered without regard to race, creed, color, religion, national origin, sex, sexual orientation, marital status, age, disability or other legally protected status.

F. Employment at Will

Employment with the ALYMCA is at will and either the ALYMCA or the staff member may terminate the relationship at any time, with or without notice, and for any reason or for no reason. No ALYMCA representative, other than the Executive Director or HR Director is authorized to modify this policy for any staff member. No ALYMCA representative may take any representations to staff members or applicants concerning the terms or conditions of employment with the ALYMCA that are inconsistent with ALYMCA policies.

G. Employment of Minors

The ALYMCA operates in accordance with the requirements of the Federal Child Labor Act and applicable laws and regulations of the State of Maine including terms of occupation, hours and days. Requirements for employing teenagers change depending upon the season and age. When hiring someone under 18, staff must contact the HR Director. Please also refer to the poster at the Front Desk.

H. Employment Records

Application Forms

Individuals seeking employment will complete and sign the appropriate employment application. The application form is the official document of record and will supersede any other document (i.e. resume). Evidence from a physician that a prospective employee can perform the requirements of the position, may be required *after* the offer of employment.

Criminal Background Checks

All candidates for employment must satisfactorily clear a criminal background check as a condition of employment. Failure to consent to or to successfully clear the criminal background check will result in withdrawal of the job offer or immediate discharge.

Former or returning staff members are required to have a criminal background check conducted if they have been away from the ALYMCA for 12 months or longer.

Work permit/minor proof of age

Persons under 18 years of age must provide proof of age by showing any of the following: official copy of birth certificate, driver's license, or state or federal age certificate (usually obtained from the individual's school). Please refer to posters located at the YMCA front desk.

I. Introductory Period

All persons are granted employment subject to an initial employment period (introductory period) which begins on the first day of work and extends for 90 days. The purpose of such initial employment is to provide an opportunity for both the ALYMCA and the new staff member to assess their respective satisfactions with and suitability for the job. According to the Employee Tier Benefits Schedule, staff members are eligible for benefits after the introductory period is over.

Any employee who leaves YMCA employment and is re-hired will be considered a new employee again and must complete a 90-day introductory period.

J. Separation of Employment

Employment with the ALYMCA is at will and either the ALYMCA or the staff member may terminate the employment relationship at any time, with or without notice, and with or without cause. The following rules and procedures will apply to separations depending on the circumstances of the separation.

Voluntary Separation by Staff Member

Resignation is a voluntary choice freely made by the employee for whatever reason. A director-level employee is expected to give a minimum of thirty (30 days) notice of resignation. Non-director level employees are expected to give a minimum of two (2) weeks notice of resignation. All staff members shall be paid for accrued, but unused, PTO.

Involuntary Separation by ALYMCA

A staff member may be discharged from the ALYMCA at anytime, with or without cause and with or without notice. In circumstances in which the staff member is discharged for reason(s) of cause, the staff member shall be advised in writing concerning the reason(s). Applicable laws will be reviewed prior to furnishing a staff member with written documentation concerning the reason(s) for his/her dismissal. All staff members shall be paid for accrued, but unused, PTO.

Misconduct

Cause for misconduct may include, but is not limited to: insubordination, theft, fighting, harassment, possession of a weapon, use or possession of an illicit drug, or alcohol, misuse of prescription or over-the-counter drugs at a ALYMCA function or on ALYMCA property, misappropriation for personal use of goods or materials owned by the ALYMCA, violation of any ALYMCA policy or breach of a duty reasonably owed to

the ALYMCA. No notice of termination will be required. All staff members shall be paid for accrued, but unused, PTO.

Unsatisfactory Performance

Unsatisfactory work performance may result in disciplinary action, up to and including discharge.

Reduction in Workforce by ALYMCA

Involuntary separation may be imposed upon employees as a result of economic necessity, operational and/or program changes, reorganization or other reasons, which require a reduction in the present workforce. When such a reduction is necessary, consideration of such factors as seniority and performance within the affected department must be made to determine those employees to be laid off.

III. CONDITIONS OF THE JOB

A. Hours of work

Work Schedules

Immediate supervisors are responsible for the preparation, supervision and approval of work schedules of the staff members they supervise. All such schedules are governed by applicable laws and needs of the ALYMCA.

Salaried employees work schedules

Often the regular number of hours or days worked per week by these staff members does not follow a prescribed schedule and therefore, in consultation with the immediate supervisor, these staff members determine their schedules as they relate to the accomplishment of their job responsibilities. Time spent at lunch or using exercise facilities is not considered part of the normal workday.

Hourly employees work schedules

Any and all work beyond 40 hours is considered overtime. The staff member is responsible for recording all time accurately and on a daily basis. Only the time actually worked or spent in the ALYMCA required training and meeting attendance should be recorded in the time and attendance system. The ALYMCA does not pay for time spent in lunch periods or exercise classes.

Staff members who work for multiple locations or multiple departments are responsible for reporting to their supervisor when they have reached 40 hours of work in one week. Overtime (working more than 40 hours in one week) must be pre-approved by the staff members' supervisor.

Seasonal positions work schedules

Seasonal positions are based upon work that is for short periods of time regardless of the number of hours worked in a week. Any work beyond 40 hours in one week is considered overtime. Seasonal staff members, such as camp counselors, in general, are not eligible for full-time or part-time benefits. Seasonal camp counselors may fall under

special compensation requirements in certain conditions, making them eligible to be paid daily or weekly rates.

B. Overtime

Hourly staff members will receive overtime pay at the rate of 1.5 times the regular straight-time rate for all hours worked over 40 hours in any given work week, in accordance with federal and state law. Any hours worked over 40 hours per week must be approved in advance by the staff members' supervisor. For purposes of overtime calculations, hours paid for time off for any reason whatsoever (holidays, vacation, sick pay, personal days or other cause) will not be deemed hours worked.

C. Meal Breaks

Any non-exempt staff members who works six (6) hours or more in a day will be given at least a 30-minute unpaid break to eat a meal. A staff member's supervisor determines how long a meal break will be.

D. Attendance

Staff members are expected to report to work whenever scheduled and to be at their workstation at their starting time and again after their break at the prescribed time. Failure to observe scheduled working hours reduces productivity and places an unfair burden on fellow staff members.

Whenever staff members are unable to report to work because of illness or emergency, they are responsible for calling their supervisors or designees as far in advance as possible prior to the beginning of the scheduled shift. In the event of an emergency, the staff member should call as soon as possible. Messages left with coworkers or other staff members are not acceptable. Failure to provide proper notification of an absence or lateness, unexcused absences, late arrivals or early departures from work may result in disciplinary action, up to and including discharge. Some positions or situations may also require the staff members who are absent find qualified staff substitutes to cover their job responsibilities.

Failure to report to work for three consecutive workdays without permission, or failure to notify one's supervisor in advance of the reason for failure to report to work, will be considered a voluntary resignation.

E. Records

Payroll and time records for all staff members will be maintained to meet reporting requirements of applicable federal and state regulations and insurance underwriters. Both the staff member and supervisor are held accountable for the accuracy of time records that reflect the exact hours and days actually worked and are expected to approve time cards at the end of the pay period.

F. Payroll

Pay days for the Auburn-Lewiston YMCA

All staff members are paid bi-weekly. Payroll checks will be available after 3:00 p.m. on Thursdays (unless there is a holiday) providing the payroll company delivers the checks

on time, covering the prior two (2) weeks worked, if scheduled. The workweek starts on Sunday and ends on Saturday.

Direct Deposit

ALYMCA staff members may be paid through direct deposits. Electronic payment is made directly to the staff member's bank accounts. The required direct deposit application form may be obtained by the HR Director.

Required and voluntary deductions

All required deductions such as federal and state taxes, and all authorized voluntary deductions such as childcare and health insurance, will be withheld automatically from each paycheck.

Time reporting

It is necessary to maintain accurate and complete records of hours worked. All staff members are required to report: Holidays, vacation, sick and personal time off. Failure to report hours on a timely basis may result in a delay of pay. Improper reporting on time cards could be grounds for immediate dismissal.

Hourly staff is required to

- Punch in using the AOD (Attendance on Demand) electronic time keeping system
- Record starting time, time in and out for meals or other unpaid breaks, quitting time
- Obtain approval before working overtime and note approval in AOD
- Approve time cards

* All time cards must be approved by the employee and by the direct supervisor.

G. Expenses and Allowances

Staff members who incur expenses while on ALYMCA business are eligible for reimbursement as defined below. *Staff members must have prior approval from their supervisor or the Executive Director before incurring expenses.* With such approval, staff members are eligible for reimbursement as defined below.

Meals

The ALYMCA will reimburse the cost of a meal in connection with any function at which a staff or senior management requires member's attendance. Staff members are expected to use good judgment with regard to the cost of meals.

Travel Reimbursement

Staff members who use their personal vehicle for work-related travel will be reimbursed for traveling expenses based on current IRS allowable rate. Employees must fill out a mileage reimbursement form and attach toll and/or parking receipts for approval. The ALYMCA defines work-related travel as work around and between the ALYMCA facilities and other community destinations excluding travel to and from home to work.

Conferences

Reimbursement is made for expenses for attendance at conferences, seminars and conventions, including travel expenses, room and board, and registration fees, with prior approval of the supervisor, department head or Executive Director.

IV. WAGE AND SALARY ADMINISTRATION

The ALYMCA maintains a wage and salary administration plan to provide that all employees are paid according to fair and uniform principles in relation to the contribution that they make to the Association's success. Also, within the capability of the ALYMCA to do so, employees are paid at a level that compares favorably with salaries paid for services in other comparable organizations.

A. Staff recognition and development

Philosophy

The ALYMCA recognizes that quality of work is directly related to the training and development of staff. Training is a process that continues throughout a staff member's career, and the ALYMCA encourages each staff member to discuss development needs with his or her supervisor. Ultimately, professional development is the primary responsibility of the individual staff member. The ALYMCA also recognizes its obligation to all staff members to provide them with timely and effective training experiences, mutually based upon the ALYMCA's goals and the staff member's needs. The Executive Director and/or HR Director of the ALYMCA shall be responsible for providing development opportunities for staff members as part of their total management responsibilities.

Staff professional development

All staff members shall be encouraged and assisted by the ALYMCA to further their growth through academic and/or training experience, which are designed to improve competency and performance of position responsibilities. Development training experience will be provided for staff members based on the Association's goals and the staff member's individual career plans and job responsibilities.

Expenses related to career development and other training opportunities will be paid in full by the ALYMCA when requests are: (1) submitted in advance and approved by the Executive Director or HR Director; (2) deemed to be of mutual benefit to both the ALYMCA and the staff member; and (3) does not interfere with the satisfactory discharge of the staff member's responsibilities.

B. Employee Benefits

Benefits Philosophy

Staff member benefits represent a significant part of a staff member's compensation package. Benefits help provide security and protection against stresses that otherwise disrupt the individual staff member's work and family life. The ALYMCA benefits program is designed to enhance the work environment. It recognizes that staff members may have different needs depending on their age, marital status and dependents. The ALYMCA's benefits program complies with and supplements government-mandated laws and regulations. It is also the ALYMCA's policy that staff members share in the responsibility for their own security. Some costs, therefore, are to be borne jointly by the ALYMCA and the staff member.

Descriptive materials, related to benefits, are typically provided to staff members during their initial orientation or whenever a change in coverage occurs. Benefits may be modified or terminated at the discretion of the ALYMCA.

Eligibility for Benefits

Employer-Sponsored Benefits:

Staff members are hired under their appropriate tier depending on their status and hours worked per week. Each tier is defined below. All new employees are eligible for benefits defined by their tier after completing a 90-day introductory period. In the case where an employee leaves YMCA employment and is rehired, they will be considered a new employee. Prior years of service will not count towards eligibility.

An employee moving from a tier without PTO benefits to a tier with PTO benefits must wait 90 days to become eligible and will be prorated accordingly.

Tier 1 Employee: Full-time exempt employees.

Benefits provided:

- YMCA family membership
- 403(b) employee funded retirement savings plan
- 50% program discount on all programs excluding swim team, travel team or special events
- YMCA retirement upon qualifying
- 50% child care discount including summer day camps
- Paid time off to be used for vacation, sick and/or personal time
 - 90 days to 2 years = 15 days
 - 2-5 years = 20 days
 - 5-10 years = 25 days
 - 10+ years = 30 days

- 8 paid holidays
- 3 days for Bereavement
- Life Insurance (benefit equals one times annual salary)
- A monthly benefit allotment (See HR Director for the allotment amount. This will be decided on an annual basis based on budget) to be used for the following benefits of your choice:
 - Health insurance (Multiple options to choose from)
 - Dental insurance
 - Short-term disability
 - Long-term disability
 - Supplemental child care benefit option

Benefit allotment is for benefits only. Unused allotment dollars are lost and don't accrue.

Tier 2 Employee: Full-time (40 hours per week) hourly employees.

Benefits provided:

- YMCA family membership
- 403(b) employee funded retirement savings plan
- 50% program discount on all programs excluding swim team, travel team or special events
- YMCA retirement upon qualifying
- 50% child care discount including summer day camps
- Paid time off to be used for vacation, sick and/or personal time
 - 90 days to 2 years = 120 hours
 - 2-5 years = 160 hours
 - 5-10 years = 200 hours
 - 10+ years = 240 hours
- 8 paid holidays = 64 hours
- 3 days for Bereavement = 24 hours
- Life Insurance (benefit equals one times annual salary)
- A monthly benefit allotment (See HR Director for the allotment amount. This will be decided on an annual basis based on budget) to be used for the following benefits of your choice:
 - Health insurance (Multiple options to choose from) for self and/or family
 - Dental insurance for self and/or family
 - Short-term disability
 - Long-term disability
 - Supplemental child care benefit option

Benefit allotment is for benefits only. Unused allotment dollars are lost and don't accrue.

Tier 3 Employee: Part-time employees that are hired to work between 35-39 hours per week.

Benefits provided:

- YMCA individual membership
- 403(b) employee funded retirement savings plan
- 50% program discount on all programs excluding child care, day camp, swim team, travel team or special events
- YMCA retirement upon qualifying
- 25% child care discount including summer day camps
- Paid time off to be used for vacation, sick and/or personal time
 - 90 days to 2 years = 40 hours
 - 2-5 years = 80 hours
 - 5-10 years = 120 hours
 - 10+ years = 160 hours
 - 8 paid holidays = 64 hours

Tier 4 Employee: Part-time employees that are hired to work between 20-34 hours per week.

Benefits provided:

- YMCA individual membership
- 403(b) employee funded retirement savings plan
- 50% program discount on all programs excluding child care, day camp, swim team, travel team or special events
- YMCA retirement upon qualifying

Tier 5 Employee: Part-time employees that are hired to work less than 20 hours.

Benefits provided:

- YMCA individual membership
- 403(b) employee funded retirement savings plan
- 50% program discount on all programs excluding child care, day camp, swim team, travel team or special events

Retirement Fund – The ALYMCA participates in the National YMCA Retirement Fund, which is a condition of employment for all eligible ALYMCA staff members. The ALYMCA contributions to the retirement fund equal 8% of the participating employee's salary. The ALYMCA reserves the right to amend its participation in the fund at any time within the terms and conditions of the plan. The Fund may amend the Plan at any time; and may also be amended at any time to conform to applicable federal law.

Enrollment requirements are as follows:

1. Must have been employed by the ALYMCA (or another YMCA) for two years. They do not have to be consecutive.

2. The staff member must have completed 2 years with 1,000 hours of service in each year. They do not have to be consecutive.
3. Must be 21 years of age.

A tax-deferred annuity program is available to all eligible staff members through the YMCA Retirement Fund.

All YMCA employees, regardless of their age or their hours worked, are eligible to enroll in the 403(b) Smart Account through the YMCA Retirement Fund.

APD Dues – The ALYMCA encourages all ALYMCA professional staff to join and participate in the Association of Professional Directors for YMCA's. To encourage such participation the ALYMCA will pay for all APD membership dues annually.

Paid Time Off

Holidays

The holidays that are observed by the ALYMCA are as follows:

- New Year's Day
- Martin Luther King Day (The YMCA is open)
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day (The YMCA is open)
- Thanksgiving Day
- Christmas Day

****Note**** Childcare employees follow the same holiday list except Martin Luther King and Veteran's Day. Childcare employees are expected to work on these days. However, they will receive the day after Thanksgiving and Christmas Eve off.

If a staff member works on a holiday, they will receive a floating holiday to be used within three months. Also, if a paid holiday falls during a staff member's scheduled vacation, it will not be counted as vacation taken.

Paid time off may be used for sick time, vacation time and personal time.

If you leave YMCA employment and are rehired, prior employment will not count towards eligibility.

Accrued PTO must be used to cover the waiting period before STD and/or LTD disability benefits kick in and used to extend desired leave beyond compensated leave.

In the event the YMCA closes due to an emergency, inclement weather, etc. you will not be paid for hours not worked. However, you may use any available PTO.

Vacation Policy

- Vacation time must be requested through the Attendance on Demand Kiosk and approved by the employee's supervisor in advance. A one-week notice is required for 1 day off and a three-week notice is required for a week off unless approved by a supervisor.
- Employees are responsible for making arrangements for coverage in their program areas
- Full-time employees may take PTO in a minimum of ½ day increments; part-time employees may take PTO in hourly increments with a minimum of two hours.

PTO is credited as earned on the first day of employment. However, you must complete the 90-day introductory period before using PTO. You must plan vacation time in advance and have it approved in advance by your supervisor.

If you change from full-time to regular part-time status or vice versa, your PTO benefits will be prorated accordingly. If you change to a position that provides for more vacation time, you will begin to earn the additional vacation pay on your first day of work in the new position.

If employment is terminated either voluntarily or involuntarily, remaining accrued PTO will be prorated and paid accordingly.

Calling In Sick Policy

- Employee must notify his/her immediate supervisor immediately
- Employees that are out sick for 3 or more days in a week period may be required to provide a physician's note before returning to work
- Full-time employees may take PTO in a minimum of ½ day increments; part-time employees may take PTO in hourly increments with a minimum of two hours

Unavailability during your work time impairs the effectiveness of the organization and delivery of services. It also places an undue burden on fellow employees. Your attendance record is an important factor in your performance evaluation.

Unpaid Time Off

PTO eligible employees are given a generous amount of paid leave. Therefore, unpaid time off is not permitted unless authorized by a supervisor or if taken under a protected leave such as FMLA

Medical Insurance

Medical Insurance Plan Continuation – Staff members may be eligible to continue in the group health plan after termination of employment at their own expense under the provisions provided for by the Consolidated Omnibus Budget Reconciliation Act (COBRA) and other applicable laws.

Jury Duty

An exempt staff member who is called for jury duty and who is not able to work a normal workday is paid (up to 10 days) the difference between the regular daily pay and the amount received for jury duty if the amount received for jury duty is less. When less than a normal workday is required for jury duty, the staff member must return to work on the same day. Documentation of jury duty must be presented to the ALYMCA in order to be paid.

Military Service

When an employee is called or recalled for active duty, the ALYMCA will grant an official leave of absence without pay. Re-employment rights shall correspond with those provided for in the Federal and State Laws.

Employee Assistance Program

To provide employees and their families with opportunities to obtain assistance for a variety of personal problems which may affect their continued functioning as productive members of society.

The Employee Assistance Program (EAP) is a confidential counseling and referral service with professionally certified employee assistance providers who are experienced in a wide range of issues including relationship, conflict, family concerns, and alcohol or drug dependence.

How to access the EAP

- **Online:** www.MagellanHealth.com/member
- **Toll-free counselor:** 1-800-450-1327
- **TTY for hearing impaired:** 1-800-456-4006

C. Family and Medical Leave of Absence (FMLA)

Staff members are provided with up to 12 weeks of unpaid, job-protected leave for certain family and medical reasons. FMLA generally runs concurrently with other paid leave benefits. Employees must exhaust any and all accrued PTO while on FMLA.

Eligibility – Staff members are eligible if they have worked for the ALYMCA for at least 12 months whether they are consecutive or not, and have worked a minimum of 1,250 hours over the 13 months prior to the leave. This leave policy covers full and part-time staff members provided they meet the above stated eligibility requirements.

Employees can take 12 weeks of FMLA leave during each 12-month period. 12-month period is measured forward from the date an employee's first leave begins.

Reason for taking leave

- Birth, adoption, or placement of a child in foster care in the staff member's home,
- Care of staff member's spouse, domestic partner, child or parent who has a serious health condition,
- Staff member's own serious health condition that makes him or her unable to perform his or her own job.

Family leave for birth, adoption, or placement of a child in foster care – The opportunity to take FMLA for the birth, adoption, or placement of a foster child is available to staff members for 12 months following the birth, adoption, or placement.

Definition of a serious health condition – A serious health condition is defined as:

- An illness, injury, impairment, or physical or mental condition that involves hospital care
- An incapacity that lasts more than three days
- Absence plus treatment
- Pregnancy or prenatal care
- Chronic conditions requiring treatments
- Permanent/long-term conditions requiring supervision

Intermittent Leave – Intermittent leave or a reduced schedule is permitted to care for a spouse, domestic partner, child or parent with a serious health condition or because of the employee's own serious health condition. The ALYMCA may require an alternative work arrangement and schedule to accommodate the employee's intermittent leave request.

PTO benefits do not extend FMLA. FMLA runs concurrently with other PTO benefits.

Notice of Leave – To request a Family and Medical Leave of Absence, the staff member must provide a written request for leave of absence 30 days in advance when the leaves are "foreseeable." If this is not possible, the employee must give notice as soon as possible (within three business days, or as soon as possible after learning of the need for leave). *All requests for leave must be made in writing to the HR Director.*

The written request must include:

- Nature of the leave
- Date the leave would commence
- Expected return to work date
- Intermittent schedule (if applicable)

Medical Certification – The employee must provide a medical certification completed by the employee and the relevant health care provider to support a leave request due to serious health condition of the employee or a covered relative. The ALYMCA may

require a second or third opinion (at the ALYMCA's expense) for an employee reporting a serious health condition.

Job Benefit and Protection – For the duration of FMLA, the employee's health coverage will continue under the same condition as if on active status.

- The employee is obligated to continue to pay his or her contribution to appropriate benefits to continue coverage. It is the responsibility of the employee to send payment to the HR Director on a monthly basis for benefit continuation.
- Employee's failure to pay his or her share may result in the loss of coverage.
- If the employee chooses not to return to work for reasons other than a continued serious health condition, or other reasons beyond the staff member's control, the ALYMCA will require the employee to reimburse the ALYMCA for the amount it paid for the employee's health insurance premium during the leave period.
- Upon return from FMLA, the employee will be restored to the original or equivalent position with the equivalent pay, benefits and other employment terms.
- The use of FMLA leave will not result in the loss of any employment benefits that accrued before the start of an employee's leave.
- The employee will continue retirement benefits during any portion of FMLA leave time is paid.
- If the employee is not able to or chooses not to return to work at the end of FMLA leave on the scheduled return date, this will be considered a voluntary resignation from his or her employment and/or position, unless an extension is granted.

D. The Maine Family Care Act

Under Maine's Family Care Act, employees (regardless of years of service) are allowed to use up to 40 hours of accrued and unused PTO for the care of an "immediate family member" who is ill. The leave is available only if the employee has paid leave that they have in fact accrued. PTO is defined as vacation, sick, or other compensated time with the exception of short-term and long-term disability. An immediate family member is defined as a child, spouse or parent.

If an employee needs to take leave under this provision to provide care for an immediate family member who is ill, you must notify Human Resources as soon as you are aware of the need for such time off. Leave requests must be consistent with Calling In Sick Policy.

E. Domestic Violence Leave

The ALYMCA will grant reasonable and necessary leave from work, with or without pay, for an employee to:

- A.** Prepare for and attend court proceedings;
- B.** Receive medical treatment or attend to medical treatment for a victim who is the employee's daughter, son, parent, spouse or domestic partner; or
- C.** Obtain necessary services to remedy a crisis caused by domestic violence, sexual assault or stalking.

The leave must be needed because the employee or the employee's daughter, son, parent, domestic partners or spouse is a victim of violence, assault, sexual assaults under Title 17-A, sections 251 to 258, stalking, or any act that would support an order for protection under Title 19-A, sections 4001 to 4014. The ALYMCA will not punish or retaliate against an employee or deprive an employee of pay or benefits for requesting domestic violence leave.

The ALYMCA may require an employee to provide reasonable documentation of the family relationship, which may include a statement from the employee, a birth certificate, a court document or similar documents.

Leave may not be granted if:

- A. The ALYMCA would sustain undue hardship from the employee's absence;
- B. The request for leave is not communicated to the HR Director within a reasonable time under the circumstances; or
- C. The requested leave is impractical, unreasonable or unnecessary based on the facts then made known to the HR Director

V. ELECTRONIC COMMUNICATIONS POLICY

The ALYMCA provides its staff members and, in some cases, its volunteers, members and program participants with access to various information technology resources. These resources are provided to facilitate the creation and communication of business-related data in the most effective and efficient manner possible. Resources such as computers, the Internet, e-mail, telephone and fax are intended for ALYMCA business only.

All data entered, created, received, stored or transmitted via ALYMCA equipment is considered ALYMCA property and is therefore subject to inspection, search and disclosure at all times by the HR Director and HR Director. This is to safeguard the interests of the ALYMCA and protect it from potential liability.

Communications sent from the ALYMCA network are identified as originating from the ALYMCA's server and carry the ALYMCA name. E-mail and Internet usage and communications must reflect well on the organization. Each staff member is responsible for using ALYMCA's e-mail and Internet resources in an acceptable manner.

Passwords are confidential. Do not provide passwords to anyone except on a "need to know" basis for official ALYMCA business purposes. Examples of people who may need to know a password are a supervisor needing access to a file in the absence of the staff member, or the HR Director.

The electronic communications systems may be used in ways that further ALYMCA business interests and support work on behalf of the ALYMCA. Any use of ALYMCA information or systems for the financial gain by a staff member, or a third party not relating to those interests, is strictly prohibited.

All language used in communications should be professional and courteous. Pornographic, abusive or obscene content in communications is strictly prohibited. Use appropriate business language.

E-mail is no different than a written document. A file can be stored in the system indefinitely and can be reviewed, if necessary, by the ALYMCA. Take as much care in sending e-mail messages as with any confidential written document.

Treat all e-mail messages and Internet communications as public information. Senders have no control over messages once they are sent, and recipients may forward the messages to people not originally intended to receive them. Internet communications are not generally encrypted. No confidential or copyrighted information may be sent via the Internet.

Confidential information such as performance or disciplinary communications must never be sent electronically.

Staff members should use discretion when opening, downloading and saving files sent via e-mail or from the Internet. Prior to placing any file on the network, staff members should scan for viruses.

Only software purchased and licensed by the ALYMCA, or personally purchased software approved by the Executive Director and/or HR Director may be installed on ALYMCA equipment. The Executive Director and/or HR Director may periodically conduct an audit of installed computer software. Unauthorized software will be removed and may be retained in connection with the imposition of employee discipline.

The telephones, fax machines, computers and computer resources are the sole property of the ALYMCA and are to be used only for business purposes except that staff members may be permitted by the Executive Director or HR Director to make personal use of such equipment when it can be done on a limited basis and does not interfere with work performance. Information of the ALYMCA's computer equipment belongs to the ALYMCA and there shall be no expectation to privacy.

Any employee or volunteer who violates this policy will be subject to discipline up to and including suspension or termination.

Cell Phone & Electronic Communications Device Policy

Employees who are supervising children or overseeing a program activity are prohibited from using cell phones or electronic communications devices. Furthermore, cell phones

or electronic communications devices are not allowed in childcare classrooms, playgrounds, pool decks, gymnasium, buses or day camp grounds.

Employees transporting members or children are not permitted to use cell phones or any other electronic communications devices while operating a vehicle. The driver's first responsibility is the safe operation of the vehicle. Employees are not allowed to use cell phones or electronic communications devices in an illegal, illicit, or offensive manner.

Employees are prohibited from initiating or receiving personal phone calls with youth who are in or whom they have met through YMCA programming. A call is considered personal if it does not involve both a YMCA phone and YMCA-specific subject matter. Employees are required to report incoming calls to their supervisor immediately.

Regardless of the instrument of origin or receipt, text messaging with youth (as defined above) is strictly forbidden to employees. Policy requires immediate notification of a supervisor if a text message is received from such a party.

Employees may not share any personal e-mail address or instant message name or nickname with youth. Employees may neither initiate nor respond to e-mail or instant message communication from youth while using any personal (i.e., non-YMCA connection to the internet)

Violation of these policies will result in disciplinary action, up to and including termination.

VI. CODE OF CONDUCT

Introduction

Sexual and other Unlawful Harassment

A. Policy Statement

The ALYMCA is proud of its tradition of maintaining a work environment that encourages respect for the dignity of each individual. Harassment based on race, religion, color, sex, age, national origin, veteran status, disability, sexual orientation, or any other characteristic protected by law by anyone, whether in the office, in work assignments outside the office, at office-sponsored social functions or in any employment related context, or retaliation against anyone who complains about harassment, will not be tolerated whether or not it is illegal.

While in some cases individuals may make comments or jokes or personal advances without intending harm, such actions can be unwanted, threatening, and perceived as harassment. Stopping harassment in its many forms requires an increased awareness by everyone at the ALYMCA of the impact that such actions may have on others.

B. Definition Of Harassment

Harassment on the basis of sex is a violation of Section 4572 of the Maine Human Rights Act. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature or targeted at someone because of his or her sex (that is, gender) constitute sexual harassment when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- c. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Prohibited harassment can also include harassment based on race, religion, color, age, national origin, disability, or sexual orientation. A hostile environment can be comprised of various types of conduct. The fact that a situation may feel "hostile" does not mean that it is illegal. Examples of what the ALYMCA would like to be told about so that it can respond to whatever the problem may be include: offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. The bottom line is that harassment is not permitted at the ALYMCA whether it is illegal or not.

The following is a partial list of unwelcome behavior that may be considered sexual harassment:

- ❖ Unwelcome sexual jokes, language, epithets, advances, or propositions;
- ❖ Written or oral abuse of a sexual nature, or sexually degrading or vulgar words used to describe an individual;
- ❖ The display of sexually suggestive objects, pictures, posters, or cartoons;
- ❖ Unwelcome comments about an individual's body, sexual prowess, or sexual deficiencies;
- ❖ Asking questions about sexual conduct;
- ❖ Harassment consistently targeted at only one sex, even if the content of the verbal abuse is not sexual;
- ❖ Unwelcome touching, leering, whistling, brushing against the body, or suggestive, insulting, or obscene comments or gestures;
- ❖ Demanding sexual favors in exchange for favorable reviews, assignments, promotions, continued employment or promises of the same.

Similar conduct based on bias against a protected characteristic other than gender is illustrated by the above examples as well. For example, unwelcome comments about a person's disability or obscene comments targeted at a particular race might be considered

disability harassment or racial harassment. The bottom line is to think about whether statements and conduct, in addition to being truthful, are also necessary and kind.

C. Individuals Covered Under The Policy

This harassment policy covers all employees. When individuals are subject to harassment from third parties (*e.g.*, potential and former employees, outside contractors, vendors, guests), the ALYMCA will take whatever appropriate steps that it can to eliminate the problem.

D. Procedures in Response to Harassment

It is the goal of this policy and its procedures to create an environment in which people who have experienced harassment or who have concerns about harassment issues feel free to discuss those situations or concerns with someone in a position to do something about them, secure in the knowledge that they will be listened to and treated with respect. All information will be handled with the highest degree of confidentiality possible under the circumstances and with due regard for the rights and wishes of all parties, recognizing that there are circumstances where complete confidentiality may not be possible.

Option 1: Mediation

An individual who wants help in handling a harassment problem can contact one of the ALYMCA's harassment mediators. They are: The HR Director and the Executive Director. The individual will have a private meeting with that mediator, at which time he or she can discuss the situation. Mediation can take a variety of forms. For example, the individual may wish to have the mediator join him or her in a meeting with the alleged offender. Alternatively, the individual may wish that the mediator acts as an intermediary in dealing with the alleged offender without the individual present. In said instances, the form of mediation used shall be selected by the mediator, with due consideration given to the wishes of the individual involved. If the complainant is dissatisfied with the result of the mediation, he or she may file a complaint under Option 2.

Option 2: Complaints

1. Investigation

In those instances where an individual decides that he or she wishes the ALYMCA to take action, the individual, or a mediator acting on behalf of the individual, should notify the HR Director, or, in the absence of the HR Director, the Executive

Director. The person contacted will determine whether there is sufficient reason to undertake an investigation.

If that person determines that an investigation is warranted, a harassment investigator shall then be appointed, who may be a man or a woman and may be a person inside or outside the ALYMCA. The investigator will meet with and make a record of the individual's statement of events. Specifically, the investigator will request information, which may include the following: a description of the incident(s), the name of the alleged offender, times, locations, specific words/actions, and the name of any witnesses to the incident(s). The investigator's notes will be for the investigator's own use during the investigation. An individual making a complaint may bring a friend or colleague from within the ALYMCA to the meeting, but may not be represented by counsel.

The harassment investigator will meet privately with the alleged offender. The alleged offender will be informed of the allegations and will have the opportunity to respond to them, including by submitting a written statement. The alleged offender may also submit the names of witnesses. The alleged offender may bring a friend or colleague from within the ALYMCA to the meeting, but may not be represented by counsel. Each party will have an opportunity to respond to the other party's statement of events.

Any witnesses that the investigator decides should be contacted will be interviewed privately. Neither the individual making the complaint nor the alleged offender will be present at witness interviews.

Upon completion of the investigation, the harassment investigator will report the findings to the person who made the appointment, who will review the findings with the HR Director, or, in the absence of the HR Director, the Executive Director. This review may result in a plan of action being formulated or, if necessary, the matter may be referred back to the investigator for further investigation and/or fact-finding. When the findings as originally reported or as amended are accepted by the HR Director, or, in the absence of the HR Director, the Executive Director, the person making the complaint and the alleged offender will be notified of the action to be taken.

2. Confidentiality

All actions taken to investigate and resolve complaints through this procedure shall be conducted with as much confidentiality as possible without compromising the thoroughness of the investigation or the rights of the alleged offender. The harassment investigators will not discuss the complaint or the investigation with anyone who is not directly involved in the investigation.

3. Resolving the Complaint

The HR Director or the Executive Director shall take appropriate action to resolve the complaint. If the findings reveal that an individual has engaged in actions or conduct

constituting harassment, appropriate disciplinary action shall be taken. The disciplinary action will depend on the seriousness of the violation.

E. Protection Against Retaliation

Retaliation is a serious violation of this policy and should be reported immediately to any of the management persons of the ALYMCA identified in this policy. Retaliation against any individual for reporting harassment, whether by the harasser or from another source, will not be tolerated and will be treated with the same strict discipline as harassment itself. Each offense will be investigated and sanctioned separately.

Individuals who are not themselves complainants, but who assist in a harassment investigation, will also be protected from retaliation under the policy.

Pursuant to 5 M.R.S.A. § 4553(10)(D), it is illegal to punish or penalize, or attempt to punish or penalize, any person for seeking to exercise any of the civil rights set out in the Maine Human Rights Act or for complaining of a violation of that Act or for testifying in a proceeding brought under that Act.

F. Maine Human Rights Commission

Employees who have been harassed have a right to file a claim with the Maine Human Rights Commission. Although employees may also file a complaint with a court, bypassing the Commission may limit the remedies available. The Commission will conduct an investigation to determine if harassment occurred. An employee may initiate the complaint process with the Commission by calling (207) 624-6050 or by writing to:

**The Maine Human Rights Commission
State House Station 51
Augusta, ME 04333-0051**

G. Child Abuse Prevention

It is the ALYMCA's responsibility to provide a safe and healthy environment for the growth and development of children.

1. In order to protect YMCA staff, volunteers and program participants- at no time during a YMCA program may a staff person be alone with a single child where they cannot be observed by others. As staff supervise children, they should space themselves in a way that other staff can see them.
2. Staff shall never leave a child unsupervised.
3. Restroom supervision: Staff will make sure the restroom is not occupied by suspicious or unknown individuals before allowing children to use the facilities. Staff will stand in the doorway while children are using the restroom. This policy allows privacy for the children and protection for the staff (not being alone with a child). If staff are assisting younger children,

- doors to the facility must remain open. No child regardless of age should ever enter a bathroom alone on a field trip. Always send children in pairs, and whenever possible, with staff.
4. Staff should conduct or supervise private activities in pairs – diapering, putting on bathing suits, taking showers, etc. When this is not feasible, staff should be positioned so that they are visible to others.
 5. Staff shall not abuse children including:
 - Physical abuse – strike, spank, shake, slap;
 - Verbal abuse – humiliate, degrade, threaten;
 - Sexual abuse- shaming, withholding love, cruelty;
 - Neglect – withholding food, water, basic care, etc.Any type of abuse will not be tolerated and may be cause for immediate dismissal.
 6. Staff must use positive techniques of guidance, including redirection, positive reinforcement and encouragement rather than competition, comparison and criticism. Staff will have age appropriate expectations and set up guidelines and environments that minimize the need for discipline. Physical restraint is used only in pre-determined situations (necessary to protect the child or other children from harm), is only administered in a prescribed manner and must be documented in writing.
 7. Staff will conduct a health check of children as they enter the program, noting any fever, bumps, bruises, burns, etc. Questions or comments will be addressed to the parent or child in a non-threatening way. Any questionable marks or responses will be documented.
 8. Staff will respect children’s rights to not be touched in ways that make them feel uncomfortable, and their right to say no. Other than diapering, children are not to be touched in areas of their bodies that would be covered by a bathing suit.
 9. Staff may not be alone with children they meet in YMCA programs outside the YMCA. This includes babysitting, sleepovers, and inviting children into your home. Any exceptions require a written explanation before the fact and are subject to administrator approval.
 10. Staff are not to transport children in their own vehicles.
 11. Staff may not date program participants under the age of 18.
 12. Staff are required to read and sign all policies relating to identifying, documenting, and reporting child abuse and attending trainings on the subject, as instructed by a supervisor.

Any employee or volunteer who violates this policy will be subject to discipline up to and including suspension or termination.

H. Babysitting Policy

Employees are prohibited from babysitting members’ children outside the YMCA without a release from the child’s parents. This would include the transportation of these children or having the children under the employee’s care outside the normal YMCA Child Care program. If an employee should violate this policy, disciplinary actions,

including termination of employment from the YMCA, may occur. The only exemption to this policy would be if the employee and member had a pre-existing relationship. For example: (the employee and member were neighbors prior to employment).

I. Social Media Policy

All YMCA employees are expected to exhibit behavior that is consistent with our Mission Statement. This includes dealings with the community; inside and outside of our workplace and both on and off duty. Employees should avoid any inappropriate speech or behavior in the presence of our community members at all times. No one should have reason or be offended or embarrassed by a staff member's speech, appearance or conduct.

The YMCA's Code of Conduct and Personnel Policies detail the Y's expectations and your responsibilities as a staff member; however, the use of Personal Web Sites and Web Logs (Ex: MySpace.com or Facebook.com) as well as other uses of technology have increased our exposure and the risks to our reputation. For this reason, the YMCA has developed these standards for behavior in virtual public forums. *If you choose to post a Personal Website, to participate in Web-groups or Blogs, please note the following policies:*

- 1) Employees are prohibited from using social media to post or display comments about coworkers, supervisors, The Y, members or its participants, that are vulgar, racial, sexual, threatening, intimidating or harassing.
- 2) Make it clear to the readers that the views expressed are yours alone and that they do not reflect the views of the YMCA.
- 3) Do not disclose any information that is confidential or proprietary, including personal health information about members or participants.
- 4) Staff should promote the core values of caring, honesty, respect and responsibility in their speech and behavior at the YMCA, with the community and in any public forum.
- 5) Staff are prohibited from interacting with youth who are in or whom they have met through YMCA programming via social media unless it is program related.

Of course, the YMCA does not mean to interfere with anyone's private life, but publicly observable communications, actions or words are not private. Employees need to use good judgment and discretion. If you want something to be private, do not expose it in public access.

When using social media, employees should keep in mind that other policies apply to its use, including, for example, the Y's policies on confidentiality, preventing child abuse, and use of electronic communications systems. Employees who violate Y policies are subject to disciplinary action, up to and including termination of employment.

J. Zero Tolerance

It is the policy of the ALYMCA that neglect and physical, sexual or psychological abuse plus other inappropriate behavior, including the abusive touching of any participant or other staff member by any ALYMCA staff member or volunteer, will result in immediate disciplinary actions up to and including discharge. Employees are expected to

model appropriate touch to participants. This includes the prevention of both verbal and physical abuse, not only with members and program participants but with other staff as well. Program policy and responsible program procedures prohibit any inappropriate touch, abuse or public display of affection – either same or different gender.

I. Grooming and Dress

The ALYMCA welcomes and invites people of all ages from diverse cultures and backgrounds for its staff and volunteers. ALYMCA employees are expected to model good personal hygiene at all times in their roles as public representatives of the National YMCA's mission to promote well-rounded, healthy lifestyles. Individual expression in grooming and dress, when offensive to others, is inappropriate for YMCA employees while on duty or on the ALYMCA's premises.

As public acceptance of different fashions changes, these guidelines may be modified from time to time, but the ALYMCA shall always opt for the more conservative approach, if any question exists. All employees are expected to follow these guidelines for appropriate dress while representing the ALYMCA.

Supervisors are responsible for clarifying standards of appropriate dress within their program. This includes exceptions to these policies and unique situations.

Clothing

- When attending formal business meetings with volunteers or the general public in or outside of an ALYMCA facility, business attire is advised
- Female aquatic staff swimsuits shall be one piece. Male aquatic staff suits shall be trunk style. All aquatic staff shall have footwear appropriate for poolside work
- T-shirts that express or advise drug, alcohol or tobacco, which imply directly or indirectly anything of a sexual nature, or demonstrate a negative message or theme are prohibited
- Sheer fabrics, low-cut necklines, short shorts or skirts, and faded or torn clothing are prohibited

Grooming

- The ALYMCA expects its employees to exhibit good personal hygiene at all times
- Excess perfumes and fragrances should not be used and should be evident only when in close proximity to someone
- Hair shall be clean and neatly maintained
- Facial hair should be neatly trimmed and clean at all times
- Visible body art or tattoos that are offensive or depict illegal activities are prohibited and must be covered up by clothing
- Nails shall be clean, neatly-maintained and an appropriate length for performing job responsibilities

K. Drug and Alcohol Use

ALYMCA is concerned about protecting the safety, health, and well being of its employees, members, and all people who come into contact with its employees or use its services. ALYMCA recognizes that drug and alcohol abuse pose a direct and significant threat to this goal, and to the goal of a productive and efficient working environment in which all employees have an opportunity to reach their full potential. ALYMCA is committed to providing a drug-free work place and employing a drug-free work force.

While on ALYMCA premises and while conducting business-related activities off ALYMCA premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. Even when off ALYMCA premises and off work time, no ALYMCA employee may use, possess, distribute, sell, or be under the influence of any illegal drug. ALYMCA does not want to be associated with such activity or have employees who use illegal drugs. The same is true of the illegal use of alcohol, whether driving while under the influence or furnishing alcohol to a minor. ALYMCA also prohibits the use of illegal drugs or alcohol off the job that impairs performance on the job.

The following guidelines are also part of this policy:

1. ALYMCA reserves the right to conduct searches of employees' lockers, desks, and private vehicles parked on ALYMCA property, or any other location on ALYMCA property. ALYMCA reserves the right to terminate an employee for refusing to submit to such a search even for a first offense. Employees should not have an expectation of privacy with respect to searches for illegal drugs on ALYMCA property.
2. The legal use of prescribed drugs is permitted on the job if it does not impair an employee's ability to perform the essential functions of the job and in a safe manner that does not endanger other individuals in the workplace. Employees may be asked to provide a doctor's certification regarding safety and the ability to perform the essential functions of the job. Each employee must consult with his or her health care provider to determine whether the use of a prescribed medication could lead to impairment. Medicines brought to work must be brought in the original prescription container or over-the-counter container.

Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

Employees and volunteers are expected to return to work fit for duty. This requires employees to abstain from using alcoholic beverages and illegal drugs prior to the start of their workday, during the work period and during lunch and other work breaks.

Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their supervisor or with the HR Director without fear of reprisal.

L. Tobacco Product-Free Environment

The ALYMCA has designated its facilities, grounds and vehicles smoke free because of its:

- Goal “to improve the physical, mental and spiritual well-being of persons”
- Dedication to providing a healthy and comfortable environment for its staff, members, program participants and volunteers

Thus, tobacco products (cigarettes, pipes, cigars, etc) are prohibited in the facilities, grounds and vehicles of the ALYMCA. In addition, staff members may not smoke while performing their job responsibilities off the ALYMCA property.

M. Workplace Violence

Workplace violence—an act of aggression causing emotional or physical harm. Workplace violence can take many forms (e.g., emotional abuse, verbal abuse, direct or indirect threats, physical assault, sexual harassment, rape, hitting, pinching, biting, grabbing, kicking or being struck by a weapon).

The ALYMCA provides a safe workplace for all employees. To ensure a safe workplace and to reduce the risk of violence, all employees should review and understand all provisions of this workplace violence policy.

Prohibited Conduct

The ALYMCA does not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities.

This list of behaviors, while not inclusive, provides examples of conduct that is prohibited:

- Causing physical injury to another person;
- Making threatening remarks;
- Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee;
- Possession of a weapon while on company property or while on company business;
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

Reporting Procedures

Any potentially dangerous situations must be reported immediately to a supervisor, HR Director or the Executive Director. Reports can be made anonymously. Reports or incidents warranting confidentiality will be handled appropriately and information will be

disclosed to others only on a need-to-know basis. All parties involved in a situation will be counseled and the results of investigations will be discussed with them.

Enforcement

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination. Non-employees engaged in violent acts on the employer's premises would be reported to the proper authorities and fully prosecuted.

N. Conflict of Interest Policy

It is the purpose of this policy to provide an ethical outline for all employees and directors of the ALYMCA. The core duty is that of loyalty to the best interests of the ALYMCA and of compliance with all legal obligations of the ALYMCA.

Many ethical dilemmas originate from a "conflict of interest," which may be defined as a situation where private or personal interests may influence, or appear to influence, employment duties of the employee or director. Appearances can be as important as reality in acting ethically. No policy or list can take into account every situation. Ethical decisions are based on the exercise of conservative good judgment. All employees and directors are obligated to know and follow this ethics policy and are obligated to know and to comply with all applicable ALYMCA policies, and all laws and regulations.

There are a number of instances where an ALYMCA employee or director, without risk of corruption or breach of trust, may accept something of value from one doing or seeking to do business with the ALYMCA. The most common examples are the business luncheon or the special occasion gift from a member. In addition, there is no threat of a violation of this policy if the acceptance is based on a family or personal relationship existing independent of the ALYMCA; if the benefit is available to the general public under the same conditions on which it is available to the ALYMCA employee or director; or if the benefit would be paid for by the ALYMCA as a reasonable business expense if not paid for by another party.

Situations that pose a greater likelihood of an ethical dilemma include the following:

- Any situation in which the employee or director may receive a personal benefit from an ALYMCA transaction such as the sale, purchase, rental or lease of property, staff services, or products.
- Any situation in which an employee or director receives gifts, special payments or favors greater than a nominal value (generally \$50.00 or less) from an individual or organization that is providing goods or services to, or receiving goods or services from, the ALYMCA.

- Any situation in which ALYMCA personnel are involved in an individual venture, or in conjunction with any business, outside that of the ALYMCA.
- Any situation in which inside information or confidential information, not available to the public, is used for personal or for another's gain, as opposed to the ALYMCA's gain.

Prohibitions: No ALYMCA employee or director may ask for or receive anything of value from anyone in return for procuring business with the ALYMCA. In addition, no employee or director may provide ALYMCA goods or services, including membership, except on terms generally available to the public. Moreover, a director, officer, agent, employee, or attorney of ALYMCA may not stipulate for or receive or consent or agree to receive any fee, commission, gift or thing of any value from a person, firm or corporation for procuring or endeavoring to procure for the person, firm or corporation business from the ALYMCA. ALYMCA employees, directors, and agents are prohibited from transacting any business in the name of the ALYMCA that involves directly or indirectly receiving or giving a gift, an offer or promise of anything of value to any individual, business entity, organization, government unit, public official, political party or any other person for the purpose of influencing the actions of the recipient, or which may create the appearance of a conflict of interest. This standard of conduct is not intended to prohibit normal business practices such as the ALYMCA providing meals, promotional gifts, favors, discounts, price concessions, gifts given as a token of friendship or special occasions (such as Christmas), so long as they are of a nominal and reasonable value under the circumstances and promote the ALYMCA's legitimate corporate interests.

Exceptions to prohibitions: The following list sets forth the exceptions to the prohibitions against accepting things of value:

- A. Acceptance of gifts, gratuities, amenities, services, or favors based on obvious family or personal relationships (such as those between the parents, children or spouse of an employee) where the circumstances make it clear that it is those relationships rather than the business of the ALYMCA that are motivating factors.
- B. Acceptance of meals, refreshments, entertainment (such as theatre tickets, sporting events, and golfing excursions), gifts, services, accommodations or travel arrangements, in the course of a meeting or other occasion, the purpose of which is to hold bona fide business discussions or to foster better business or community relations, provided that the expense would be paid by the ALYMCA as a reasonable business expense if not paid by another party.
- C. Acceptance of advertising or promotional material of reasonable value, such as pens, pencils, note pads, key chains, calendars and similar items.

- D. Acceptance of discounts or rebates on merchandise or services that do not exceed those available to other customers of the entity providing them.
- E. Acceptance of gifts of reasonable value that are related to commonly recognized events or occasions, such as a promotion, new job, wedding, retirement, holiday, or birthday.
- F. Acceptance of civic, charitable, educational, or religious organization awards for recognition of service and accomplishment.
- G. Yoga Instructors who come to the ALYMCA with extensive outside trainings and certifications paid for at their own expense.

Solicitation: It is also the general policy of the ALYMCA that no employee, volunteer or member may solicit, or provide materials that solicit, in an ALYMCA facility or at an ALYMCA event. Solicitation for a cause by an employee, volunteer, director, or member is not permitted. Likewise, solicitation for a cause may not be conducted by an outside party using the ALYMCA unless it is a group or event or program or other association in which the ALYMCA is itself involved.

Whistle Blower Provision: If a violation of this policy is suspected by a director or employee of the ALYMCA, the individual MUST immediately contact the HR Director, who shall report to the Executive Director, and provide information about the suspected conflict of interest. All such contact is made with the guarantee that all information will be kept in strict confidence. Persons making such reports in good faith may do so without retribution. Any employee or director who retaliates against such a reporter may be subject to discipline, up to and including termination. Persons knowingly making false reports through this system, however, will be subject to legal recourse and appropriate disciplinary actions, up to and including termination of employment.

Procedure: The HR Director shall be the person at the ALYMCA who handles conflict of interest issues and to whom such issues should be reported. Unethical conduct may be grounds for dismissal from the ALYMCA after consideration by the Executive Director, the HR Director, or the Board of Directors.

Any request for exceptions from these prohibitions shall be reviewed by the HR Director, who shall, in appropriate situations, consult with the Executive Director, or, in her/his judgment, the Board of Directors.

P. Confidentiality Policy

In the course of their job duties with the Y, many employees have access to confidential information and records, including registration, membership, medical, personnel, fundraising, planning, financial, and business records. Y

staff members have a duty to keep information confidential. The misuse, unauthorized access to, or mishandling of confidential information will result in disciplinary action, up to and including termination of employment.

AUBURN-LEWISTON YMCA
EMPLOYEE HANDBOOK ACKNOWLEDGEMENT OF RECEIPT

I acknowledge that I have received a copy of the Auburn-Lewiston YMCA Employee Handbook.

I understand that if I have questions or concerns at any time about the handbook, I will consult my immediate supervisor or the HR Director for clarification.

Employee Name _____

Employee Signature _____

Date _____

HR Director Signature _____

