

MERT Enterprises, Inc.

<http://www.mertenterprises.org/>

EMPLOYEE HANDBOOK

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SECTION 1

INTRODUCTION

This Employee Handbook will acquaint you with MERT Enterprises, Inc. and provide you with information about working conditions, benefits, and policies affecting your employment.

The information contained in this Employee Handbook applies to all employees of MERT Enterprises, Inc. Nothing in this Employee Handbook alters an employee's status as an at-will employee. The contents of this Employee Handbook shall not constitute nor be construed as a promise of employment or as a contract between MERT Enterprises, Inc. (hereafter, referred to as 'Agency') and any of its employees. The Employee Handbook is a summary of our policies, which are presented here only as a matter of information.

You are responsible for reading, understanding, and complying with the provisions of this Employee Handbook. Our objective is to provide you with a work environment that is constructive to both personal and professional growth.

1.1 CHANGES IN POLICY

This Employee Handbook supersedes all previous employee manuals and memos that may have been issued from time to time on subjects covered in this Employee Handbook.

However, since our business and our organization are subject to change, we may change, suspend or cancel, with or without notice, all or any part of our policies, procedures, and benefits at any time. We will notify all employees of these changes. Changes will be effective on the dates determined by MERT Enterprises, Inc., and after those dates, all superseded policies will be null.

No individual supervisor or manager has the authority to change policies at any time. If you are uncertain about any policy or procedure, speak with your direct supervisor, Human Resources, or the Executive Director (Mary Rush).

1.2 EMPLOYMENT AT WILL

You enter employment at will. The employee or MERT can terminate the employment relationship at will, at any time. MERT Enterprises, Inc. may, pursuant to its policies, procedures, regulations and state and federal laws, complete criminal history checks, Child Protective and Adult Protective Services checks, driving record, employment references, and other eligibility for employment checks on all applicants. The Agency also may conduct ongoing confirmation or checking of a current employee's background and/or status.

1.3 EMPLOYEE PERSONAL INFORMATION

As you begin your employment with us, it is important to have up-to-date, accurate and complete personal information about you. Information we need to keep accurate and updated includes: your legal name, address, social security number, emergency contact information, beneficiary changes on insurance, W-4 status, and your current phone numbers.

Please notify Human Resources of any changes or updates to your personal information.

SECTION 2

DEFINITIONS OF EMPLOYEE STATUS

“EMPLOYEES” DEFINED

EXEMPT (Salaried)

Employees whose positions meet specific criteria established by the Fair Labor Standards Act (FLSA) and who are exempt from overtime pay requirements.

NON-EXEMPT (Hourly Pay Rate)

Employees whose positions do not meet FLSA criteria and who are paid one and one-half their regular rate of pay for hours worked more than 40 hours per week.

REGULAR FULL-TIME

Employees who have completed the initial training and orientation period and who are regularly scheduled to work 35 or more hours per week.

REGULAR PART-TIME

Employees who have completed the initial training and orientation period, and who are regularly scheduled to work less than 35 hours per week. Note: Any employee who is consistently working more than 35 hours per week will be updated to regular full-time status.

PER DIEM

Per Diem means that there is no guarantee of regular hours or expected shifts in any given week. Per Diem employees also have the right to decline hours they are offered, since they are not obligated to accept the hours they are offered. One expectation for any Per Diem employee is that they must work no less than 8 hours in a three-month period. Note: Any employee who consistently works more than 35 hours per week will have their status changed to regular full-time status.

SECTION 3

EMPLOYMENT POLICIES

3.1 NON-DISCRIMINATION

MERT Enterprises does not discriminate in employment opportunities or practices based on race, color, religion, sex, national origin, sexual orientation, age, veteran status or people with disabilities or any other status protected by law or regulation.

The agency will make reasonable accommodation for qualified individuals with known disabilities unless doing

so would result in undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Employees with questions or concerns about discrimination in the workplace are encouraged to bring these issues to the attention of their supervisor, Human Resources, or the Executive Director. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in unlawful discrimination will be subject to disciplinary action, including termination of employment.

3.2 EMPLOYMENT QUALIFICATIONS

MERT requires employees to fulfill state-mandated requirements. These requirements are as follows:

- Must be at least 18 years of age
- Must have a high school diploma or a Graduate Equivalency Diploma (GED) education
- Be able to pass a pre-employment background check consisting of Criminal Background check, Department of Motor Vehicles (DMV) check, Adult Protective Services and Child Protective checks, and professional employment references check
- Depending on position held, own a motor vehicle which can seat four people comfortably, has working seat belts, vehicle insurance, a valid driver's license, a driving record in good standing, and ability to have access to the vehicle anytime of the day or night (**Note:** There are certain convictions and offenses that may preclude an employee from being able to work at MERT, which may result in immediate termination of employment)

MERT also recognizes that employees will benefit from job-specific training, and will work in conjunction with local area resources, agencies, and other professionals outside of the Agency to provide periodic, on-site training and workshops.

3.3 NEW EMPLOYEE ORIENTATION

The new employee orientation is an overview of the Agency's core values and our consumers. In addition, the new employee will receive an overview of benefits, tax, and legal issues, and complete any necessary paperwork, which will become your personnel file.

Employees who will work in a consumer's residence will receive specific training for working in that residence, which includes job-shadowing with experienced staff members. Job-shadowing helps familiarize you with the routines and responsibilities specific to the consumers who live in that residence. It is always good practice to ask your supervisor if you are unsure about anything pertaining to the consumer or the procedures you need to follow in their residence.

All Direct Support Professionals, and other employees designated by MERT, must attain a one time "Direct Support Professional" certification and a "Certified Residential Medication Aide" (recertified every two years) (CRMA) certification within the first year of employment. Any employee who is not able to be re-certified with the CRMA certification may face disciplinary action, up to and including suspension or termination.

3.4 NON-DISCLOSURE/CONFIDENTIALITY POLICY

The protection of confidential information is vital to the interests and success of MERT Enterprises, Inc. Such confidential information includes, but is not limited to, the following examples: Disclosure of an employee's

personal information or phone number; Financial information; Marketing strategies; Pending projects and proposals; Proprietary production processes.

Employees who improperly use or disclose confidential business information will be subject to disciplinary action, up to and including suspension or termination of employment and legal action.

3.5 HIPAA (Consumer Protected Health Information)

The use and disclosure of MERT consumers' Protected Health Information [PHI] is governed by the rules and regulations established under **HIPAA**, the Health Insurance Portability and Accountability Act of 1996, and other related policies and procedures of MERT Enterprises, Inc.

During your employment at MERT Enterprises, Inc., you may have access to, make use of, and disclose PHI about our consumers on a need-to-know basis. The consumer's private medical information always needs to be managed in a confidential manner during and after your employment. Whether you become privileged to a consumer's PHI because it is part of your job, or you become aware of a consumer's personal health information by accident, you need to follow all the procedures below to help maintain the consumer's protection under the HIPAA laws:

- All PHI needs to be handled in a confidential manner
- PHI is only shared on a need-to-know basis
- Information is only to be shared if consent is given by the person's guardian or the person if they are their own guardian.
- PHI includes diagnosis, provisions of care, payment of services, name, address, all data directly related to a person, age, email address, birth date, telephone number, social security number, health plan numbers, medical records.
- Administrative, technical, and physical safeguards need to be in place to ensure the protection of PHI.
- Failure to fulfill any HIPAA obligations will result in disciplinary actions up to and including termination.

3.6 OFFICE HOURS

MERT Administrative office is open for business from 8:00AM to 4:00PM Monday through Friday, except for Holidays (See Section 6.7, Holidays).

3.7 ADMINISTRATIVE BREAKS

According to DOL regulations, Non-Exempt Administrative Staff are required to take a 30-minute break within a 6-hour period, which may be used as a lunch break. Lunch breaks are usually taken between the hours of 11:00AM and 1:00PM on a staggered schedule so that your absence does not create a problem for co-workers or consumers. Lunch periods are unpaid time.

Administrative Staff also receive two 15-minute breaks to be taken in the morning and afternoon of their daily work schedule. These two breaks are arranged by the employee and their supervisor and are considered paid time.

Employees who do not adhere to the break policy will be subject to disciplinary action, up to and including suspension or termination.

3.8 DSP BREAKS

For Direct Support Professionals working in consumer homes, meals are expected to be prepared and eaten with the consumers as part of your job responsibilities.

Employees who do not adhere to the break policy will be subject to disciplinary action, up to and including suspension or termination.

3.9 SLEEP TIME FOR LIVE-IN STAFF

The Fair Labor Standards Act (FLSA) describes a situation under which an employee need not be paid for sleep time. This is when he/she is on duty for periods of 24 hours or more. Under Section IB 785.22, if the employee is on duty for at least 24 hours, and agrees to do so, he/she need not be paid for up to 8 hours of uninterrupted sleep time or for meal times. The employee is thus paid for 16 hours of work in each 24-hour period, plus any interrupted sleep time. When the employee does not get at least 5 hours of sleep time during the regularly scheduled sleep period, he/she shall be paid for the entire sleep period. (This need not be five consecutive hours of sleep).

3.10 PERSONNEL FILES

Employee personnel files may include the following: employment application, resume, job offer letter, records of participation in training events, salary and wage history, records of disciplinary action, emergency contact information, benefits information and documents pertaining to performance evaluation.

Access to personnel information is restricted.

Employees who wish to review their own file should contact their supervisor or the Human Resources Manager.

3.11 INCLEMENT WEATHER/EMERGENCY CLOSINGS

In the event of a Snow Day or a Work from Home Day, please send an email to the Finance Director as to how you would like to be notified. For example, text the employee at their phone number or give the employee a phone call at their phone number. Our goal is to make sure all employees are notified in a timely manner. Unless you are notified that MERT is closed for business, MERT's office will be open. If you feel unsafe, you are more than welcome to use Earned Time and stay at home. You are required to contact your supervisor to let them know you will not be coming to work if MERT is open, prior to the start of your shift. In some instances, with your supervisor's approval, you may work from home.

Because of the nature of our business, many of the consumers we support need services and staff support on a 24/7 schedule. At times, emergencies such as severe weather, fires, or power failures can disrupt agency operations. All employees are considered 'essential personnel' and are expected to report to work their scheduled shift. In severe weather or emergency conditions, the business office may close prior to or during the workday. When the decision is made to close the office, employees will receive official notification from their supervisors or other designated staff. Employees who work with consumers in their residence will also be given instructions if there are any contingency plans to ensure the safety of both employees and their consumers.

The decision to close MERT's office is made by the Executive Director.

3.12 EMPLOYEE PERFORMANCE REVIEW AND PLANNING SESSIONS

Supervisors will conduct performance reviews and planning sessions with all employees on their anniversary date. Supervisors may conduct informal performance reviews and planning sessions more often if they choose.

3.13 OUTSIDE EMPLOYMENT

MERT's office space, equipment, and materials are not to be used for outside employment.

3.14 CORRECTIVE ACTION/DISCIPLINARY PROCESS

MERT Enterprises, Inc. holds each of its employees to certain work rules and standards of conduct. When an employee deviates from these rules and standards, corrective action will be taken.

The usual sequence of corrective actions includes counseling/supervision, a verbal written warning, a final written warning, suspension, and termination of employment. In deciding which initial corrective action would be appropriate, MERT will consider the seriousness of the infraction, the circumstances surrounding the matter, and the employee's previous record.

The Agency may forego any part of the progressive discipline process and move directly to the suspension or termination stage for issues that are severe in nature, which includes but is not limited to issues that could undermine the business operations, affect the safety of the staff, or compromise the safety and care of the consumers.

3.15 EMPLOYMENT TERMINATION / RESIGNATION

- **Resignation** – voluntary employment termination initiated by an employee.
- **Termination** – involuntary employment termination initiated by the Agency.
- **Layoff** – involuntary employment termination initiated by the Agency for non-disciplinary reasons.

When an employee intends to terminate his/her employment with MERT Enterprises, Inc., or to change their current work status, we ask that you provide us with the professional courtesy of giving a minimum of at least a two-week written notice. If an employee chooses not to do so, this may impact on any future relationship with MERT.

Any employee who terminates employment with MERT Enterprises, Inc. must return all consumer and employee lists, cell phone, computers, laptops, keys, all documentation, files, records and any other materials that are the property of the Agency, as well as completing a final time sheet, mileage and/or personal reimbursement sheet.

3.16 WHISTLEBLOWER POLICY

The Whistleblower Policy is a protection for any employee who, in good faith, reports a legitimate concern without fear of reprisal, discrimination, adverse action, intimidation or retaliation. If your supervisor is the subject of the whistleblower complaint, you need to report your complaint to another member of MERT's management including the Human Resources Manager, Program Director, or Executive Director. No employee may retaliate against any employee who makes a report pursuant to this section. As all employees are considered "Mandatory Reporters," you are required to report improper or illegal concerns to your immediate supervisor.

The act of making allegations that prove to be unsubstantiated, or that prove to have been made maliciously, recklessly or with the knowledge that the allegations are baseless or false, will be viewed as a serious disciplinary offense and subject to suspension or termination.

A copy of the Maine “Whistleblower’s Protection Act” is displayed prominently with other Federal and State labor law policies in MERT’s office.

3.17 PROCEDURE FOR HANDLING COMPLAINTS

Any employee who, in good faith, believes that MERT has violated Federal or State law, rules or regulations, or who believes that a condition or practice of MERT puts at risk the health or safety of an employee or consumer, should report the violation or unsafe condition immediately to Human Resources, Management or the Executive Director.

Pursuant to the Maine Whistleblower’ Protection Act, MERT will not discriminate against any employee regarding compensation or terms and conditions of employment for making such a report to a governmental agency with authority over MERT.

MERT will not retaliate against any employee for participating in an investigation, hearing, inquiry, or court action addressing complaints or violations of laws or unsafe conditions.

3.18 SAFETY

It is the intent of MERT Enterprises to provide employees with a safe and healthy work environment. We recognize the importance of workplace safety as a fundamental part of our organization and of the services we provide.

Each employee is responsible for understanding and complying with safety policies and procedures set forth and described in this manual.

It is the responsibility of each employee to help reduce, remove, and control accident-causing conditions and environmental hazards by observing safety rules and procedures, and by carrying out safe work practice.

MERT Enterprises, Inc. provides information to employees about workplace safety, personal safety, consumer safety and health issues through regular internal communication such as:

- Orientation – for all new employees
- Annual Refresher Training – for all current staff
- *Safety Manual* – given out in Orientation, reviewed during Annual Safety Refresher Training, available in MERT’s office and copies are in each consumer’s home in the staff office/bedroom
- Employee Mailboxes – all employees have a mailbox in our office and should check it regularly for memos and other safety information (Note: All information in staff mailboxes is confidential and should be treated as such.)
- Safety News bulletin board – in MERT’s office
- Reporting procedures and information on what to do if you are involved in an on-the-job injury, and what is the process entails if your injury is considered a worker’s compensation injury

Each employee is expected to obey safety rules and exercise caution and common sense in all work activities. Employees must immediately report any unsafe conditions to their supervisor. Employees who violate safety standards, cause hazardous or dangerous situations, or fail to report, or remedy such situations, may be subject to disciplinary action up to and including suspension or termination of employment.

In the case of an accident resulting in an on-the-job injury, regardless of how insignificant the injury may appear, employees must notify their supervisor immediately and complete an “*Employee Injury Statement*” promptly.

3.19 WORKPLACE ACCIDENTS/WORKERS COMPENSATION

A workplace accident, illness or exposure must be reported to your supervisor, manager, or Human Resources immediately and an Accident Report completed regardless of the severity. You may be required to see a health care provider of the agency’s choosing due to workers’ compensation.

All employees are encouraged to report on unsafe work conditions to help us determine the root cause and take corrective action to help prevent future injuries, illnesses, or exposure to our staff.

3.20 BUILDING SECURITY

All employees who are issued keys to the office building and their own office are responsible for their safekeeping. These employees will sign a Building Key Disbursement form upon receiving the key. The last employee, or a designated employee, who leaves the office at the end of the business day assumes the responsibility to ensure that all doors are securely locked, the alarm system is armed, and all appliances and lights are turned off except for the front entry lights. Only employees with alarm system passwords are allowed on agency property after hours without prior authorization from the Executive Director.

3.21 PERSONAL EFFECTS

MERT assumes no risk for any loss or damage to personal property.

3.22 PURCHASES

Only authorized persons may purchase supplies.

3.23 EXPENSE REIMBURSEMENT

Expenses incurred by an employee **must** have prior approval from a supervisor. A Request for Reimbursement form must be completed and approved by your supervisor with a receipt for that purchase to be reimbursed. All reimbursement requests will **only** be honored when accompanied by corresponding receipts. These are **REQUIRED** for tax purposes. On Payroll week the reimbursement will appear in your paycheck and on a non-payroll week will be paid by company check. If you request Petty Cash from finance, a receipt and any change must be turned in for the purchase that the request was made. You are responsible for the cash you receive; this includes turning in the corresponding receipts. A “Mileage Reimbursement Report” must be filled out with payroll and turned into your supervisor with your electronic time record every pay period.

Mileage Reimbursements for personal vehicle use must be turned in **ON TIME**. Mileage Reimbursements will not be honored if they are turned in more than one month (30 days) late.

MERT Enterprises, Inc. Mileage Reimbursement covers: Gas/Fuel, Oil, Vehicle Insurance, Parking Fees, Repair and Maintenance expenses, and other personal vehicle-related costs, depreciation, etc.

MERT encourages all staff to be fiscally responsible when transporting consumers. Except for medical appointments, special trips must be approved by the Residential Administrator or Management prior to the trip. The purpose and destination for the trip needs to be established prior to the actual trip.

Mileage Reimbursement Reports must be turned in every payroll week by Monday at 10:00am of the payroll week or reimbursement will happen on the next payday.

Mileage reimbursement is a benefit provided by MERT when submitted within 30 days of the travel. Late Mileage Reimbursement Reports will not be reimbursed.

Consumer-driven activities/outings that require staff reimbursement necessitate the staff to get prior approval from their Residential Administrator or Management or the On-Call RA.

3.24 PERSONAL VEHICLE USE AND DISTRACTED DRIVING

As a condition of employment, all employees must have a personal vehicle for use during work hours. Most employees may transport consumers even if it is not part of their essential job functions and will need to have a vehicle which seats up to four people comfortably, has working seat belts, liability insurance required by Maine law and is in good working order for the safety of the employee and passengers.

Employees whose work requires the operation of a motor vehicle must present and maintain a valid driver's license that is neither suspended nor revoked and must be able to provide proof of adequate insurance coverage. Any changes to such an employee's driving record or license status must be reported to your supervisor and HR immediately. Where applicable, failure to maintain a valid driver's license and adequate insurance may be sufficient cause for immediate termination.

Consumers may not be left alone in any vehicle, for any reason, ever.

Employees must complete a "Mileage Reimbursement Report" to keep track of their miles driven while working. There is no reimbursement for the employee's commute to their work location or from their work location in commuting back to their home. The personal vehicle use reimbursement rate is currently .50 per mile to keep up with increasing fuel costs and to cover normal wear-and-tear on any MERT employee's personal vehicle.

Note: If a consumer ever causes damage to an employee's personal vehicle, the repair costs will be absorbed and paid for by MERT.

Employees traveling on behalf of MERT must comply with all state, federal, and local traffic rules and regulations. We are not responsible for and will not reimburse an employee for any fine incurred by the employee for violating a traffic or criminal law while traveling on behalf of MERT. Employees must maintain their vehicles in good and safe working conditions.

Any accident, no matter how minor, which occurs while any employee is operating a vehicle on behalf of MERT must be reported immediately to your supervisor.

Prohibited actions while transporting a consumer include drinking any beverage, eating food, leaving seatbelts unbuckled, any action which causes you to be distracted, listening to headsets, rudeness to pedestrians or other drivers or disobeying any posted traffic or moving violation laws. Use of tobacco products, e-cigarettes or vaping is not allowed in any staff vehicles, or any vehicle operated by a staff member when consumers are present. Any employee who is driving on behalf of MERT is strictly prohibited from operating the motor vehicle while using a cell phone in any manner.

Employees who operate any vehicle on MERT business are strictly prohibited from operating such vehicles under the influence of alcohol or controlled substances, except for prescription medication authorized by a physician which does not cause impairment or unsafe performance.

Failure to follow these rules may result in disciplinary action, up to and including immediate termination.

Note: Driver's Record re-checks are completed annually as required by DHHS on all current employees. Should a driving conviction such as OUI (Operating Under the Influence) appear on an employee's record, the employee may be subject to immediate termination.

3.25 PARKING

Employees must park their cars in the areas indicated. Employees who work with consumers will be notified about parking procedures at the consumer's residences.

3.26 VISITORS/GUESTS IN THE WORKPLACE

To provide for the safety and security of employees, consumers, visitors, and the facilities at MERT, only authorized visitors are allowed in the workplace. Authorized visitors will be escorted to their destination and must be always accompanied by a MERT employee.

MERT consumers may develop their own acquaintances, friendships and relationships who may visit from time to time. First time visitors for the consumers must have the prior approval of their team. Visits by friends or family of MERT employees who are on duty are strictly prohibited in the consumer's home. All visitors to the consumer's home must be recorded on the visitor log and on staff notes. Staff are not to use agency time to visit their co-workers unless the consumers in one home wish to visit or plan an activity with consumers in another home.

3.27 CONTACT WITH CONSUMERS BY FORMER EMPLOYEES

Former employees of MERT Enterprises, Inc., who wish to remain in contact with consumers receiving services from the Agency must put their request in writing to the Executive Director. A written authorization from the Executive Director is required prior to a former employee contacting a consumer.

3.28 MANDATED REPORTING

All MERT employees are mandated reporters and legally required to report to the Department of Health and Human Services if they know or have reasonable cause to suspect that a child, or an incapacitated or dependent adult, has been or is likely to be abused, neglected or exploited. Staff must follow mandated reporting requirements, in compliance with Maine state laws, the Office of Aging and Disability Services (OADS), and

the Office of Child and Family Services (OCFS) guidelines. All personnel must recognize, report, and document suspected cases of abuse, neglect, exploitation, and other reportable events such as medical errors, serious injuries, or the use of restraints. Maine law (Title 22 M.R.S.A. §3477 and §4011-A) requires immediate reporting of any suspicion of harm to incapacitated or dependent adults, including adults with disabilities, to Adult Protective Services (APS).

Additionally, OADS mandates the reporting of critical incidents through its Critical Incident Reporting System within a specified timeframe. Any reportable incident must be reported immediately to employee's supervisor and an Incident Report Form must be submitted by the RA. Key reportable events include abuse, neglect, exploitation, death, significant medical events, and other incidents that may affect the health and safety of the individual.

Training in mandated reporting laws and OADS reportable event requirements is mandatory for all personnel, with annual updates to ensure ongoing compliance. This policy aims to safeguard the rights and well-being of children and incapacitated or dependent adults, ensuring their protection from harm and promoting a safe care environment.

No individual shall face retaliation or adverse consequences for making a good faith report of suspected abuse, neglect, exploitation, or other reportable events under this policy. Failure to comply with these reporting obligations may result in civil or criminal penalties.

3.29 WORK FROM HOME

Hourly administrative staff may work from home with prior supervisor's approval, provided their tasks can be performed remotely. Employees must maintain their regular work schedule, accurately log hours, and remain accessible during working hours. They are expected to uphold professional standards and protect agency data while working remotely. The company will periodically review remote work arrangements, and failure to comply with the policy may result in the revocation of remote work privileges or disciplinary action. If working from home results in overtime compensation, approval should first be obtained from supervisor per Section 5.3 – Overtime.

SECTION 4

EMPLOYEE STANDARDS OF CONDUCT

4.1 STANDARDS OF CONDUCT POLICY

MERT Enterprises, Inc., has certain expectations for standards of conduct in each of its employees. Although it is not possible to provide an exhaustive list of all types of impermissible conduct and performance, the following are some of those examples. These infractions may be cause for disciplinary action, and depending upon severity, may warrant suspension or immediate termination.

1. Staff are not allowed to do personal business or errands on MERT time.
2. Theft, unauthorized taking or inappropriate removal or possession of property from the Agency, employees, vehicles, consumers, or anyone on Agency property.
3. Falsifying or omission of information on employment applications, employee records or other Agency or personnel records.

4. Altering or falsifying any time keeping record or staff support summary, intentionally falsifying another employee's timecard, or allowing someone else to alter your timecard.
5. Engaging in activities which are a violation of law, or engaging in, aiding, or abetting criminal activity.
6. Any criminal conviction that involves abuse, neglect or exploitation.
7. Any criminal conviction which caused, threatened, solicited, or created the substantial risk of bodily injury to another person.
8. Any criminal conviction resulting from a sexual act, contact, touching or solicitation in connection to any victim.
9. Any other criminal conviction, classified as Class A, B or C or the equivalent of any of these, or any reckless conduct that caused, threatened, solicited, or created the substantial risk of bodily injury to another person within the preceding two (2) years.
10. Any arrest or conviction for Operating Under the Influence (OUI) within the past three (3) years for an employee who transports consumers as part of their essential job duties (see Section 3.24, Personal Vehicle Use/Mileage Reimbursement).
11. Gift Giving/Acceptance – it is prohibited for MERT staff to purchase gifts, gift cards, make gifts, or offer as gifts other items of monetary value to the consumers. If a staff member has an item they wish to donate to MERT or MERT's consumers they may do so after they have the approval of their RA and the Executive Director. It is also prohibited for MERT staff to accept any gifts or items from the consumers as it creates an atmosphere of impropriety and creates conflict with respect to maintaining boundary issues with consumers and maintaining a professional work relationship.
12. Sleeping when you are expected to be awake, alert and doing your job.
13. Negligent, improper conduct, deliberate misuse, vandalism leading to damage or destruction of Agency-owned, consumer-owned or employee-owned property.
14. Insubordination, or other disrespectful behavior, is not permitted.
15. Failure to observe or deliberate violation of safety rules and regulations.
16. Any inappropriate contact or sexual relationship with a consumer.
17. MERT may inspect desks, computers, staff-owned cell phones, staff offices, or employee vehicles at any time without employee consent.
18. Bringing dangerous or unauthorized materials onto agency property, consumer homes or in employee vehicles unless otherwise permitted by law is not permitted.
19. Failure to abide by any Agency policies, procedures, or regulations.
20. MERT is committed to creating a safe and positive work environment for all employees, consumers, visitors, and guests, and will not tolerate any work-related threatening or violent behavior. Any implied act or 'perceived' threat of violence – whether on Agency property, in our consumer's residences or off-site at any Agency function – during your work hours or 'off' hours will be taken seriously, investigated promptly, and could result in your immediate suspension or termination. This policy applies to all employees at all levels of the Agency. Any employee who engages in threatening or violent behavior toward a fellow employee, a consumer, visitor, guest, or stranger is subject to immediate disciplinary action, up to and including suspension or termination of employment. Also, employees are responsible for the conduct of their guests at MERT's office, Agency functions, Special Olympics activities or in consumers' residences.

Employees who perceive a threat of violence against themselves or others at the workplace or as a direct result of their employment with MERT, shall inform their supervisor, the Executive Director or Human Resources immediately.

4.2 ATTENDANCE/PUNCTUALITY

MERT Enterprises, Inc., expects employees to be punctual and attend work when scheduled so the Agency can meet the service requirements of its consumers. Good attendance is an important job requirement and an essential duty of every position. Failure to meet attendance requirements could result in disciplinary action, up to and including termination.

If a Direct Support Professional is in “Per Diem” status, they are responsible for regularly informing their supervisor of their availability. If a DSP working in a Per Diem status does not maintain a minimum of 8 hours of work in a three-month period, they may be separated from employment at MERT.

Also, any DSP working a Community-Based schedule is required to work every other weekend, as scheduled with your supervisor. All Community-Based DSPs need to ‘call-in’ to their RA when they arrive at the consumer’s home, and they should also ‘call-out’ from the consumer’s home when they are leaving. These phone calls should always be made from the consumer’s home phone if possible.

All employees are expected to be punctual and dependable in their attendance. If an employee knows they will be absent or late for any reason, they need to notify their supervisor prior to the start of their shift or usual workday. An employee who is going to be late or absent from work cannot leave a voicemail or text message for their supervisor – you must talk to your supervisor directly about the reason you cannot be at work or be on-time for work. Text messaging or sending an e-mail message is not considered ‘contacting’ your supervisor. Administrative staff need to call their supervisor. Direct Support Professionals need to follow the ‘call-out’ protocol, which means calling your immediate supervisor first, then the on-call supervisor and finally the Executive Director, until you reach one of them directly.

When an absence is unplanned, due to illness or emergency, an additional requirement of the ‘call-out’ procedure is that employees must report the absence to their supervisor **at least three hours prior to the scheduled start of their shift when possible, under the circumstances.** Employees who are identified by their supervisors/managers as having an excessive or unjustified pattern of absence, tardiness, or leaving work early, regardless of the reason, can also face disciplinary action, up to and including suspension or termination.

Absence of 3 consecutive scheduled workdays or 3 consecutive shifts without contacting and speaking to your supervisor is considered “Job Abandonment” and is grounds for immediate termination.

Employees must clear “planned absences” or vacation time in advance – in writing – with their supervisor, allowing as much notice as they can, and submitting a “Request for Time Off” form. **“Switching shifts with a co-worker” is not considered following this procedure and can lead to disciplinary action, up to and including suspension or termination.** It is the expectations of all DSPs to work their regularly scheduled shifts. If a consumer declines services or is away and not requiring services from their DSP, the DSP needs to communicate this to their Residential Administrator. The DSP may be scheduled hours to make up for any ‘lost’ work time and cannot ‘assume’ they will not be working their scheduled times.

MERT Enterprises, Inc. recognizes there may be situations where your absence may be unpreventable and will work with the individual employee as situations arise. While MERT Enterprises, Inc. will try to make reasonable accommodation for individual requests for time off, your request may be denied if your absence will adversely affect the work schedule or business needs. MERT Enterprises, Inc. also reserves the right to require, at any time, a medical clearance (doctor’s note) from a qualified medical provider, to verify the reason for your absence.

4.3 HARASSMENT

MERT Enterprises, Inc. is committed to a work environment that fosters courtesy, mutual respect and is free of unlawful harassment, discrimination and/or retaliation. MERT Enterprises, Inc. prohibits harassment based on the following categories as well as any other category protected by law or regulation:

Race	Religion	Color	National Origin
Disability	Gender	Pregnancy	Marital Status
Age	Sexual Orientation	Veteran Status	

Definition of “Harassment” – Harassment in any form is misconduct that undermines the integrity of the employment relationship. MERT’s policy prohibits harassment in any situation.

It is considered grounds for disciplinary action up to and including immediate termination. Harassment is verbal or physical conduct meant to belittle, show hostility or aversion toward an individual because of any characteristic protected by law that either attempts or does:

- creates an intimidating, hostile or offensive work environment
- unreasonably interferes with an employee’s work performance, or
- adversely affects an individual’s employment opportunities

4.4 SEXUAL HARASSMENT

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or the creation of an intimidating, hostile or offensive working environment based on unsolicited and sexual overtures or conduct, either verbal or physical in nature. As a matter of Agency policy, any behavior of a sexual nature in the workplace is considered unprofessional regardless of whether it constitutes illegal sexual harassment.

“Quid pro quo” harassment occurs when submission or rejection of such conduct is used as the basis for employment decisions affecting job applicants or employees. Examples of this form of harassment include job promotion in exchange for sexual favors, or an unfavorable change of job duties in response to rejected sexual advances.

All MERT Enterprises, Inc.’s employees are expected to refrain from harassing other employees. If you feel that you have been subjected to harassment in any way, or have witnessed harassment of another employee, you need to notify your supervisor, manager or the Human Resources Department immediately, or other management, if any of these individuals is the cause of your complaint. Inquiries about state and federal laws and complaints of discrimination and sexual or other forms of harassment may also be directed to the Maine Human Rights Commission at 51 State House Station, Augusta, ME 04333-0051, phone (207) 624-6290 or TTY/TTD (888) 577-6690.

Although every attempt will be made to resolve the complaint at the most immediate level, an investigation will be conducted promptly and with as much confidentiality as possible, respecting the rights of all parties involved. All employees are expected to cooperate in any investigation of a harassment incident. Corrective action will be taken, including disciplinary action up to and including termination, whenever appropriate.

MERT Enterprises, Inc. prohibits unlawful retaliation against employees for making or filing a complaint of and/or participating in an investigation of harassment or discrimination. Such retaliatory conduct will be grounds for disciplinary action, up to and including termination.

4.5 TELEPHONE USE AND TECHNOLOGY

MERT Enterprises, Inc. provides phone and technology primarily for our employees' use in performing essential job functions. Any documents created or recorded on these various technology systems are considered property of the agency.

MERT respects the individual privacy of its employees, however, by using the agency's technology systems, users are consenting to have all data residing on the Agency's phone and computer systems monitored and inspected at any time without notice or consent from the user

Use of agency phones or information systems should be for conducting and accomplishing your job objectives, promoting a positive image of MERT, and assisting with achieving the agency's mission and goals. You must take appropriate precautions to protect agency information and data. You may never use an agency phone or information systems to engage in activities that are unlawful, illegal, violate agency policies, promote personal gain, or result in exposure or liability to MERT.

Prohibited Computer Use

Agency-owned computers and laptops should be used only for business-related issues to help employees perform their jobs in a more efficient manner.

While MERT encourages Internet and email use, there are certain restrictions on workplace use that need to be followed. Employees violating any of these prohibited uses could face disciplinary action, up to and including suspension or termination:

- Protected Health Information {PHI} is the HIPAA-protected information about MERT consumers. This information is confidential and needs to be kept protected if stored in any electronic device
- Never loan out laptops or technology containing Agency information on devices to non-employees
- Never share your account passwords with others, allow anyone else to use your account or use another employee's account
- Do not ever post or email any comment or picture of a consumer
- Deliberately damaging, destroying, losing or rendering as inoperable, any phone, computer or other agency property may result in termination
- Accessing confidential or personally identifiable information about other staff or employees
- Accessing pornographic or sexually explicit websites while on duty
- Permitting fraudulent access or attempts to disrupt or interfere with computer systems, the network or data for other computer users
- Installing any software which is not approved by MERT
- This policy is not all-inclusive and can be applied to other computer-usage issues which cause damage to agency systems, which may arise through your actions when you are on the internet or engaging in any other activity that is a violation of federal, state or local laws

4.6 CELL PHONES

Cell phones have many advantages for personal and business use but can also pose a potential hazard to workplace safety, creating disruptions and distractions.

Personal Cell Phones – proper etiquette and expectations for using a cell phone while at work:

- Cell phone use should not interrupt your daily work, staff meetings, training, orientation, or other presentations, unless there is a serious issue or emergency (if you are aware of a pending personal emergency, let your supervisor know you may need to be interrupted)
- Staff will focus on performing job duties and providing safety and quality care to MERT’s consumers
- Text messaging or talking on a cell phone (whether it is a hand-held device or not) while driving with consumers in your vehicle is always prohibited – pull your vehicle over to be safe and park the vehicle if you must answer a call or text
- Personal Calls – circumstances occasionally arise where you must receive or make personal phone calls during business hours or your scheduled shift – these should be limited in both length and frequency
- Personal and work cell phone numbers are not to be shared with consumers
- Employees should not loan their cell phones to consumers for personal use
- Never conduct personal business, have arguments, discuss tragic events or family matters in front of a consumer – your personal ‘stressors’ often become stressors for the consumers
- Supervisors should be given up-to-date cell phone numbers, so they can reach you in case of emergency – the privacy of non-published cell phone numbers will be respected
- Camera Phones – taking pictures is a violation of privacy issues and confidentiality concerning staff or consumers – never take photos without authorization and never post work-related photos on social media websites
- Accessing pornographic or sexually explicit websites while on duty is prohibited
- “Sexting” or sending other forms of sexually suggestive messages or images is prohibited

Agency-Owned Cell Phones

- All the “Personal Cell Phone” policies apply when using Agency-owned cell phones
- Cell phone voicemail messages, texts or any other communication sent over agency-owned cell phones may be monitored, inspected or retrieved from the cell phone Agency at any time and without consent
- Individual monthly cell phone charges may be reviewed frequently to control costs and overages, while ensuring that third-party applications like ring tones, games, subscriptions, accessories and other applications have not been installed without the consent of the Agency
- Report any losses – as soon as staff realizes your agency issued cell phone is lost or stolen
- GPS tracking should always be on
- Employees must return any cell phones or other Agency-issued equipment or property immediately upon resignation or termination of employment

4.7 SOCIAL MEDIA/MEDIA CONTACTS

MERT respects the right of employees to use social media for personal purposes and takes no position on an employee’s choice to engage in social media on a personal basis. In general, employees who participate in social media are free to publish their own personal information without interference by MERT. However, employees must not engage in personal use of social media while on MERT work time or using MERT equipment. In addition, employees may not post confidential information about MERT that could place MERT at competitive or legal compliance risk or that would violate its policies regarding confidentiality of consumer information.

If an employee chooses to identify him or herself as a MERT employee on any social media network, he or she must state in clear terms that the views expressed are the employee’s alone and that they do not reflect the views of MERT. Employees are prohibited from acting as a spokesperson for MERT or posting comments as a representative of the entity. Types of information employees are not permitted to discuss or display online,

include information that is confidential or proprietary to MERT including information about or identifying MERT consumers; use of the MERT logos on any social media network without permission; images of co-workers or MERT consumers.

Nothing in this section shall be interpreted or applied as limiting an employee's right to engage in protected concerted activity as provided by the National Labor Relations Act

Employees should not speak to the media on MERT's behalf without contacting the Executive Director. All media inquiries should be directed to Mary E. Rush, Executive Director.

4.8 APPEARANCE AND DRESS CODE

At MERT, we expect all employees to present themselves professionally to maintain a safe and inclusive environment for the people we support. To help achieve this, please adhere to the following general guidelines:

1. **Personal Appearance:** Employees should come to work clean, well-groomed, and dressed appropriately for a professional setting.
2. **Scent-Free Environment:** Avoid wearing strong scents, such as perfumes or colognes, to accommodate sensitivities and allergies.
3. **Clothing:** Attire should be neat, clean, and appropriate for a professional workplace. Avoid clothing that is overly revealing or could be considered inappropriate.
4. **Footwear:** Shoes should be safe and practical for the work environment. **NO** flip flops or bare feet are allowed.
5. **Accessories:** Jewelry and accessories should be minimal and safe for the tasks being performed.

If you are unsure about what is appropriate, please consult with your supervisor. Non-compliance with the dress code may result in disciplinary action.

4.9 APPROPRIATE ROLE MODELING

Each employee of MERT Enterprises, Inc. is expected to be conscious and professional role models for the consumers we provide services for. Our consumers learn by observing the actions of others. When you are in the presence of any MERT consumers or staff members, you are expected to act in a professional and respectful manner in your language, choice of topics, dress code and actions. **Employees will not 'over share'** issues pertaining to their private lives, family, personal relationships, or beliefs, or how they conduct themselves outside of work. Your ability to be effective and respected in your job can depend on how you are able to maintain 'personal boundaries' in the relationships you build with other staff and consumers. By following MERT policies and procedures, and representing all persons' rights, all employees will ensure proper role modeling.

4.10 PORNOGRAPHIC MATERIAL

The purpose of this policy is to protect all consumers at MERT Enterprises, Inc., from sexual harassment, abuse and exploitation. While on duty or in the presence of consumers, all employees will refrain from watching or listening to pornographic or sexually explicit material or viewing materials containing visual depictions of sexually explicit conduct. This is also a form of sexual harassment and will not be tolerated from any employee. The consumers are adults and as such, have the right to independently select their own reading materials, TV shows, movies and topics on their computers and smart phones. However, if consumers choose material that is considered sexually explicit or pornographic, employees may not participate in reading or viewing this material

with the consumer. *Employees shall respect the consumers right to view this pornographic material in the privacy of their own bedrooms without staff present.*

Pornographic material found in the possession of any employee of MERT Enterprises, Inc. while on duty or providing such material to any consumer of MERT Enterprises, Inc., will result in immediate disciplinary action, up to and including suspension or termination. MERT respects the individual privacy of its employees, however, any information placed on Agency systems, or the computer network, may be reviewed without notice or consent of the user. As an authorized user, you are fully responsible for the security and use of your computer and email accounts. You accept full responsibility for your data and all activity performed on Agency phone and computer systems.

For any occurrence of employees engaged in or possessing sexual material involving a minor or visual depiction of a minor engaging in any sexually explicit child pornography or other visually obscene activity, MERT will terminate your employment immediately. Under the PROTECT Act of 2003 (Prosecutorial Remedies and Other Tools to End the exploitation of Children Today), MERT will also cooperate fully possible with any investigation or prosecution by the federal government involving individuals who are involved in child pornography.

4.11 SUBSTANCE ABUSE

MERT emphasizes a zero-tolerance policy regarding possession, distribution, sale, transfer or use of alcohol or illegal drugs in the workplace. No employee will be allowed to work while impaired by any drug, whether it is an over-the-counter drug or a prescribed drug, which causes unsafe performance.

4.12 TOBACCO PRODUCTS & E-CIGARETTES

The use of tobacco products is allowed in designated locations only. This includes smoking of both traditional cigarette products as well as the smoking of ‘electronic cigarettes. Employees using designated smoking areas are required to keep the areas clean and use appropriate receptacles. Use of tobacco products is not allowed in any staff vehicles, or any other vehicles, when consumers are present in the vehicle. MERT vehicles are always smoke and vape free.

SECTION 5

WAGE AND SALARY POLICIES

5.1 WAGE OR SALARY INCREASES

Each employee’s hourly wage or annual salary will be reviewed on or about the anniversary date of employment or the date of the previous compensation review. New employees will receive a raise after six months of work and another raise on their one-year anniversary, depending on the fiscal climate of the Agency. Such reviews may be conducted more frequently for a newly created position or based on a recent promotion.

5.2 TIME SHEETS

Accurately recording time worked is the responsibility of every employee. Employees are responsible for accurately documenting their time spent on individual jobs in Bangor Time for the bi-weekly pay periods.

The work week begins at 7:00AM on Saturday and ends at 6:59AM on Saturday of the week following.

Your electronic time record is considered a legal document. All electronic time sheets need to be filled out completely with all punches, both in and out, a worksite location for every line, the use of Earned Time and all applicable notes. Altering, falsifying, or tampering with time records will result in disciplinary action, up to and including suspension or termination of employment.

Authorized personnel will review time records each week. Any changes to an employee's electronic time record must be approved by his/her supervisor. Questions regarding the timekeeping system or electronic time records should be directed to your supervisor or the Executive Director.

The deadline for all electronic time entries is no later than 10:00AM on the Monday of each payroll week. It is NOT the responsibility of a supervisor to 'track down' employees to remind the employee about missing entry/entries on their electronic time sheet. A supervisor also cannot fill out an electronic time sheet for any employee unless there are extenuating circumstances. All employees are given a yearly payroll schedule at the beginning of their employment and at the beginning of each new year, so they can be aware of timecard due dates and pay periods.

If time recording procedure is not followed, employees will be given 24-hour notice prior to docking pay down to minimum wage.

5.3 OVERTIME

Overtime compensation is paid to non-exempt (hourly) employees in accordance with federal and state wage and hour restrictions. Overtime is payable for all hours worked over 40 per week at a rate of one and one-half times the non-exempt (hourly) employee's regular hourly rate.

All overtime work performed by an hourly employee must receive their supervisor's prior authorization. Overtime worked without prior authorization from their supervisor may result in disciplinary action.

5.4 PAYDAYS

- All employees are paid on a bi-weekly basis, which is a total of 26 paydays a year.
- All employees are required to have a Direct Deposit account set up with a bank of their choice.
- Employees must register with Employee Self-Serve through Bangor Payroll to receive their pay stubs and W-2 Forms.
- Paydays occur every other Friday unless there is a holiday.
- It is the employee's responsibility to be sure the information on their paycheck, withholding amounts, insurance deductions, Earned Time accrual, etc. is updated and accurate.

5.5 WEEKEND SHIFT DIFFERENTIAL

MERT offers a \$1.00/hr. "Weekend Shift Differential" for any hours worked between Saturday morning at 7:00am through Monday morning ending at 6:59am. This shift differential is added on top of an employee's regular hourly pay rate.

SECTION 6

BENEFITS AND SERVICES

MERT Enterprises, Inc. offers a benefits program for its regular full-time and regular part-time employees.

6.1 INSURANCE

MERT has several insurance plans available to full-time employees of MERT Enterprises, Inc. Per the Affordable Care Act, employees working at least 30 hours per week are eligible for health insurance benefits. For all other insurances and benefits, an employee must work at least 35 hours per work. Eligibility begins on the 1st of the month following a 60-day “waiting period”. The insurance rates are effective from January 1-December 31. The plans are a combination of employer-paid, employee-paid, and shared benefits

Eligible employees can select any combination of these insurance plans. They are ‘a la carte’ and you can elect any of the other insurance coverage plans in any combination you choose.

Annually, the Agency offers an “Open Enrollment” Period, when full-time employees can choose to make changes to their existing benefits. It also offers you the chance to enroll in the MERT insurance benefits if you chose not to do so as a newly eligible employee, earlier in the year.

IMPORTANT: If you do not maintain full-time status (at least 30 or 35 hours per week, as applicable), leave employment at MERT in any given month, or are on leave due to FMLA or disability, you are still responsible for payroll deductions or paying by cash or check for your portion of any insurance benefits for the entire month in which your work status changed, or your employment ended.

6.2 COBRA BENEFITS

The Federal Consolidated Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue insurance coverage under MERT’s health plan when a “qualifying event” would normally result in the loss of eligibility. Under COBRA, the employee or beneficiary pays the full cost of coverage at MERT’s group rates plus an administration fee.

Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee’s hours or leave of absence, divorce or legal separation and a dependent child no longer meeting eligibility requirements.

6.3 PAYROLL TAXES

MERT withholds Federal and State Income Tax from all employees' earnings and participates in FICA (Social Security) and Medicare withholding, and matching programs as required by law.

6.4 EARNED TIME OFF – Direct Support Professionals

Full-Time (35 hours per week or more) Direct Support Professionals are immediately eligible for paid time off on an accrual basis on their first day of employment. It is provided based on the following calculations:

- From the date of hire through the end of year 2, Full-Time DSPs earn 0.025 hours of earned time for each

hour worked, capping at one week (40 hours) of earned time per year.

- Beginning year 3 through the end of year 4, Full-Time DSPs earn 0.03846 hours of earned time for each hour worked, capping at two weeks (80 hours) of earned time per year.
- Beginning year 5 and after, Full-Time DSPs earn 0.057692 hours of earned time for each hour worked, capping at three weeks (120 hours) of earned time per year.

Earned time may be used for vacation, sickness, or personal time away from the job. No earned time is accrued during unpaid leave of absence.

[NOTE: If a Residential Administrator is unable to fill your shift, your Earned Time Request may be denied.]

Part-Time (less than 35 hours per week) Direct Support Professionals will be eligible for Earned Time beginning on their hire date and is based on the following calculations:

- Part-Time DSPs earn (0.025 hrs. for each hour worked) capping at one week (40 hours) of Earned Time per year.

Direct Support Professionals must use their Earned Time during the year it has been accrued. DSPs may cash out provided they maintain a balance of 40 hours. No Earned Time will be “rolled over” without prior approval.

Earned Time cannot be used before it is accrued and approved. Scheduling of DSP Earned Time will be determined by who asks for the time off first and availability of another DSP to work their scheduled shift for that Earned Time off period. Do not plan a vacation (buy airfare tickets, etc.) before the RA has approved your vacation time.

Direct Support Professionals should schedule time off with their Residential Administrator as far in advance as possible, with a minimum of 30-day notice required. DSP’s will receive an answer from their RA within five business days.

Any accrued Earned Time for a DSP is paid out to the employee, whether they resign, get terminated for cause, quit without notice, abandon their job, or engage in or are convicted of a criminal offense that precludes them from being able to work at MERT. Unused Earned Time will be paid in a lump sum in the employee’s final paycheck providing they worked more than 120 calendar days.

No Earned Time is accrued for DSPs during any unpaid leave of absence.

DSP Per Diem position earns (0.025 hrs. for each hour worked) capping at one week (40 hours) and will not accrue further until the 40 hours have been used.

NOTE: Any DSP taking FMLA (see Section 6.12, FMLA), Short-Term Disability (STD) or personal leave may use some, none, or all Earned Time accruals to run concurrently with the first day beginning their leave.

The Finance Assistant maintains the earned time “bank” of time accrued and used. Each employee is responsible for verifying their electronic pay stubs and Earned Time to make sure the correct number of hours worked and accrued Earned Time hours appear in Bangor Time.

6.5 EARNED TIME OFF – Administrative Staff

Full-time Administrative Staff will accrue Earned Time beginning on their hire date. Earned Time is accrued based on the following calculations:

- From the date of hire through the end of year 2, Full-Time Administrative Staff earn 4 hours per bi-weekly pay period.
- Beginning year 3 through the end of year 4, Full-Time Administrative Staff earn 5 hours per bi-weekly pay period.
- Beginning year 5 or through end of year 9, Full-Time Administrative Staff earn 8 hours per bi-weekly pay period.
- Beginning year 10 or more, Full-Time Administrative Staff earn 10 hours per bi-weekly pay period.

Any accrued Earned Time for Administrative Staff is paid out to the employee, whether they resign, get terminated for cause, quit without notice, abandon their job or because they engage in or are convicted of a criminal offense that precludes them from being able to work at MERT. Unused Earned Time will be paid in a lump sum in the employee's final paycheck providing they worked more than 120 calendar days.

Earned Time Off may be used for vacation, sickness and personal time away from the job. No Earned Time is accrued during unpaid leave of absence.

Administrative Staff should schedule time off with your supervisor as far in advance as possible, with a minimum of two weeks' notice required for any time over one day requested. If there are extenuating circumstances and an Administrative Staff is not able to use their Earned Time hours which are over the 100 hours permitted to carry over by their next anniversary date of hire, they may carry over these extra Earned Time hours which are more than 100 hours if their supervisor approves it.

***NOTE:** Any Administrative Staff taking FMLA (see Section 6.12, FMLA), Short-Term Disability (STD) or personal leave can decide if they want to use some, all, or none of their accrued time to run concurrently with the first day beginning their leave.*

The Finance Assistant maintains the earned time "bank" of time accrued and used. Each employee is responsible for verifying their electronic pay stubs and Earned Time to make sure the correct number of hours worked and accrued Earned Time hours appear in Bangor Time.

6.6 EARNED PAID LEAVE – STATE OF MAINE LAW

The State of Maine enacted the "Earned Paid Leave Law" which became effective January 1, 2021. This law requires employers with more than ten employees in the usual course of business to offer all Full-Time, Part-Time and Per Diem employees who have been employed for 120 calendar days to Earned Paid Leave (EPL) time based on the employee's base pay rate.

Earned Paid Leave (EPL) can be used for vacation, sickness, personal time or for any reason and can be accrued for up to 40 hours per year, based on your date of hire. Even though you will hit the 40 EPL hours during the year, you continue to accrue time off with MERT's own policy called "Earned Time". If an employee uses 40 hours of time off, those first 40 hours used will be counted as the EPL earned time.

EPL guidelines are as follows:

- An employee's EPL begins on their hire date, and a year is defined as 365 days until the employee's next anniversary date of hire; no employee can earn more than 40 hours in 365 days
- One (1) hour is earned for every 40 hours worked regardless of how long it takes an employee to work 40 hours – “earn as you work”
- If an employee is not working, then they are not earning EPL time
- EPL time is required to be used in a minimum of 1-hour increments
- If any employee works 80 hours in a given 1-week period of time, they will earn two (2) EPL hours
- MERT does not pay “overtime EPL hours”
- When an employee earns 40 hours within their ‘calendar year’ they can accrue no more until the employee's next calendar year begins and the “first 40 hours” has been used
- Employees will not accrue or be entitled to use more than 40 hours of EPL in any given year
- Per Diem employees may take longer to work 40 hours as they have no set work schedule; if this is the case, the Per Diem employee's hours can carry over into a new calendar year until they reach the initial total of 40 EPL hour “cap” – the Per Diem employee cannot accrue any additional time until this initial 40 hours has been used
- An employee cannot earn any EPL hours if they are out of work on any type of “leave” (FMLA, Worker's Comp, Personal Unpaid Leave, etc.)
- The “first 40 hours” a DSP or Administrative Staff earn after working 120 days or on the employee's specific anniversary date of hire will automatically be classified as EPL hours, so the law will be satisfied, regardless of how much Earned Time Off” (ETO) any employee accrues over their personal 365-day calendar year
- MERT requires “reasonable notice” of 4 weeks to be able to use any accrued EPL time, but will look at each employee's individual circumstances to decide if EPL can be used sooner
- In the event an employee cannot give “reasonable notice” due to sudden necessity (such as an emergency illness), MERT requires the employee to give a reason for no-notice use of EPL time
- An employee can use EPL if they are satisfying the “notice” requirement for being absent; however, if an employee is a No Call/No Show for their shift, MERT can use discipline for the employee not giving notice they would be absent
- If an employee is ‘running late’ for work (e.g., I have a flat tire and should be at work in 40 minutes), even if they arrive within 35 minutes, **the minimum of 1 hour of EPL** will be used from the employee's accrued time
- If an employee is out of work due to a Worker's Comp injury, the employee does not need to use any accrued EPL time; use of EPL time is at the employee's discretion, as it is not MERT's decision to force the EPL to be used
- EPL time can be combined with an employee's Earned Time (ET) if the employee doesn't have enough EPL time by itself
- The State of Maine's Earned Paid Leave (EPL) accrued time and MERT's Earned Time (ET) are combined in Bangor Time. Employees are responsible for keeping track of this accrued time to be sure it is correct.
- MERT allows ‘rollover’ or ‘carry over’ of EPL time if not used by the employee's anniversary 365-day period; employees will not accrue or be entitled to use more than 40 hours of EPL in any given year
- Due to MERT using an electronic timekeeping system through Bangor Payroll to track employees' accrued hours, please let the Finance Director or Finance Assistant know if there are any inaccuracies with your EPL or ET hours

- EPL time may be ‘cashed out’ the same way Earned Time (ET) can
- EPL time cannot be used for an employee’s “two-week notice” to leave employment; the employee must work the entire two weeks if that is the notice they intend to give to MERT
- Unused EPL time will be paid upon separation of employment (for any reason) to the employee in the same manner as any unused Earned Time Off (ET) would
- Any exceptions to this policy need to be approved by Mary Rush, Executive Director

6.7 EARNED TIME CASH-OUT

MERT employees will be allowed to cash out all available hours of Earned Time per calendar year provided they have a minimum of 40 hours left on the books. Employees need to complete an “ET Cash-Out/Rollover Form” and submit it to the Finance Director during the regular payroll period. Any amount of available ET hours may be requested for cash-out provided there are 40 hours left on the books. ET hours cannot be cashed out before accrued. ET cash-outs will be distributed during the regular payroll period. Regular taxes apply to Cash-Out checks. This form will also be used to request a rollover of unused ET.

Any exceptions to this policy will be approved by Mary Rush, Executive Director.

6.8 DIRECT DEPOSIT

All employees are required to have Direct Deposit set up with their bank.

6.9 HOLIDAYS – Direct Support Professionals

Direct Support Professionals who are scheduled to work on the following holidays (see below) any time between the hours of 7:00AM through 11:00PM, will receive Holiday Premium Pay for the hours they work. Holiday Premium Pay rates are 1½ (also known as ‘time-and-a-half’) times their regular rate of pay.

Direct Support Professionals who are scheduled to work on the following holidays (see below) any time between the hours of 7:00AM through 11:00PM, **AND who have already worked in excess of 40 hours in the current pay week**, will receive **twice** their regular rate of pay for the hours they work.

MERT Enterprises, Inc. observes “Holiday Premium Pay” for DSPs for the following holidays:

- New Year’s Day
- Martin Luther King, Jr. Day
- President’s Day
- Memorial Day
- Independence Day/4th of July
- Labor Day
- Indigenous Peoples’ Day
- Thanksgiving Day
- Christmas Day
- Birthday Pay (Time-and-a-half for DSP who work on their actual birthday)

Holidays will be observed on the actual day of the week on which they fall. Holiday Premium Pay is not paid during any leaves of absence from active employment with the Agency.

6.10 HOLIDAYS – Administrative Staff and Management Team Staff

Administrative Staff are eligible to receive holiday pay for the following holidays. The Agency’s office will be closed, and no Administrative Staff will work on these holidays (unless given prior approval by their supervisor): MERT Enterprises, Inc. office is closed for the following holidays:

New Year’s Day
Martin Luther King, Jr. Day
President’s Day
Memorial Day
Independence Day/4th of July
Labor Day
Columbus Day
Thanksgiving Day
Day after Thanksgiving (Friday)
Christmas Day

2 “Floating Holidays” to be taken between January 1st and December 31st each year

Holidays that fall on a Saturday will be observed the previous Friday. Holidays that fall on a Sunday will be observed on the following Monday. There is no holiday pay for Administrative Staff during any leave of absence from active employment with the Agency.

6.11 BEREAVEMENT LEAVE

Bereavement Leave is to assist employees when there is a death in an employee’s immediate family. “Immediate family” is defined as: parent, stepparent, parents-in-law, spouse, domestic partner, grandparent, children, stepchild, grandchild and siblings.

Bereavement Leave is a paid benefit provided to all full-time and part-time employees. There is no bereavement leave granted to workers in a Per Diem status.

MERT pays 1 week or up to 40 hours of bereavement pay. Part-time employees’ pay will be prorated based on their average hours worked per week.

90 calendar days of employment is required to be eligible for this benefit.

An employee may use their personal State of Maine Earned Paid Leave and MERT’s Earned Time providing they have 40 hours remaining on the books.

MERT reserves the right to request proof (i.e., death certificate, newspaper obituary or online obituary) to show the death and relationship to the deceased.

Additional circumstances may be reviewed on a case-by-case basis by the Executive Director.

6.12 JURY DUTY

Employees will be granted time off to serve for jury duty, which will be unpaid time off. However, all regular employees, whether full-time or part-time, will be kept on the active payroll until their civic duties have been

completed. A copy of the jury duty summons, and all other associated paperwork, are required for the personnel file. An employer is not required to pay an employee for responding to jury summons or serving on a jury. However, MERT will pay up to 40 hours of Jury Duty service.

Employees may use their Earned Time to make up the difference in usual pay, if any.

If you are called to make a court appearance on behalf of the Agency, the time used will be paid time.

6.13 FAMILY MEDICAL LEAVE ACT (FMLA)

The Family Medical Leave Act (FMLA) affords workers the right to take time off work to care for themselves or family members during a covered medical event or for certain other family reasons. Employees can view the protections of this law on the FMLA poster that is displayed with the other labor law posters in our office, but the following is some guidance regarding the rights and obligations under this law.

There are several criteria to meet state and federal guidelines. Please see Human Resources to discuss these criteria.

A “Medical Certification Form” must be filled out by the employee’s provider to verify the reason for a leave of absence and the expected duration of the leave.

Employees must use their accrued Earned Time concurrent with their leave but may leave 40 hours unused.

Employees may also be entitled to leave pursuant to the State FMLA leave act. Generally, an employee who qualifies for leave under both state and federal law are entitled to the greatest protections afforded by either Act.

Continuation of Benefits During FMLA

An employee on FMLA leave will continue to receive insurance coverage for the duration of the leave at the level and under the same conditions that coverage was provided prior to FMLA leave. For all insurance coverage that requires contributions from active employees (normally paid via payroll deductions), the employee on leave must continue to make the required contributions. Employees must make arrangements with Human Resources for payment of their share of insurance premiums while they are out on FMLA leave.

Extended Medical Leave

An employee who is unable to perform the essential functions of his/her job after exhausting the FMLA leave time may request limited extension of leave beyond the statutory limit. The Executive Director must approve any extension.

6.14 FAMILY MILITARY LEAVE

Maine's Family Military Leave allows eligible employees to use 15 days of family military leave per deployment. MERT Enterprises, Inc. provides unpaid leave time to spouses, domestic partners and parents of soldiers being called into active duty for 180 days or longer. Please see Human Resources for more information.

6.15 UNPAID PERSONAL LEAVE

MERT Enterprises, Inc. provides discretionary Unpaid Personal Leave for eligible employees with the approval of the Executive Director. Employees may request unpaid time away from work for personal reasons for a specific time period up to 180 days, with an extension possible under certain circumstances. In determining whether to grant the request, MERT will consider the need for the leave, the duration of the requested leave, the employee's work history, and the needs of MERT at that time.

All MERT employees who are on any type of unpaid personal leave are required to periodically report – and return phone calls – to the employer regarding their status and intent to return to work. Failure to remain in communication, absent extenuating circumstances, may result in disciplinary action, up to and including suspension or termination.

An employee using this personal leave is not guaranteed a return to his/her prior position, absent extenuating circumstances. Return from leave will depend on the availability of open positions at the time the employee indicates a readiness to return to work, with or without reasonable accommodation. If, after completion of a personal leave of absence an employee is not able to return to work with or without reasonable accommodation and does not have an expectation of being able to do so within a reasonable time, termination may result.

If the employee decides not to return to MERT following this Unpaid Personal Leave, the employee is expected to provide as much notice as possible. Failure to report to work at the expiration of this approved personal leave, without being granted an extension of the leave, will result in separation of employment.

Employees are also required to use all time accruals such as vacation, earned time, sick or personal time to run concurrently with your Unpaid Personal Leave. An employee who is granted an Unpaid Leave of Absence must seek prior permission to engage in any other outside employment during the leave period.

If a full-time employee (35 hours+ per week) is enrolled in any MERT insurance plans, the employee will need to make arrangements with Human Resources as to how their portion of benefits will be paid, prior to unpaid leave being granted.

Some insurance benefits may be continued at the employee's expense if the employee elects to do so. The employee will be notified by mail of the insurance benefits that may be continued and the terms, conditions, and limitations.

6.16 SHORT-TERM DISABILITY LEAVE

For an employee working in full-time status (35 hours+ per week), Short-Term Disability Insurance is offered when the employee first becomes eligible to enroll in insurance benefits and during "Open Enrollment" in the month of June each year.

If a Short-Term Disability Leave is approved, the employee will need to make arrangements with Human Resources as to how their portion of benefits will be paid, prior to their Short-Term Disability Leave being granted. Please see Human Resources for more information.

6.17 LONG-TERM DISABILITY LEAVE

For an employee working in full-time status (35 hours+ per week), Long-Term Disability Insurance is offered when the employee first becomes eligible to enroll in insurance benefits and during “Open Enrollment” in the month of June each year.

If a Long-Term Disability Leave is approved, the employee must make arrangements with Human Resources as to how their portion of benefits will be paid, prior to their Long-Term Disability Leave being granted.

An employee who is granted a Long-Term Disability Leave of Absence must seek prior permission to engage in any other outside employment during the leave period.

MERT is not required to hold an employee’s position open during the period of Long-Term Disability Leave. Return from that leave to a position will depend on the availability of open positions at the time the employee indicates a readiness to return to work, with or without reasonable accommodation.

Some insurance benefits may be continued at the employee’s expense if the employee elects to do so. The employee will be notified by mail of the insurance benefits that may be continued and the terms, conditions, and limitations.

6.18 EMPLOYEE REFERRAL PROGRAM

All active MERT employees are encouraged to refer a candidate. Human Resources and Administrative Staff are not eligible for the Employee Referral bonus program.

Guidelines:

1. The referral bonus is not retroactive and is specific to the hire of qualified applicants who are hired for any Direct Support Professional position.
2. Referred candidates who have worked as former employees will be considered eligible referrals if they left MERT in good standing and they have been gone from the agency for more than 3 months.

Referral Opportunities:

- A \$30.00 gift card will be issued to the referring employee after the referred applicant is hired as a DSP and has been actively working, has had no disciplinary issues and is not on any type of leave of absence after 90 days of employment.
- A \$30.00 gift card will be issued to the newly hired DSP who completes MERT’s training program and is actively working after 90 days.
- A \$50.00 gift card will be issued to the new DSP after completion of 6 months working in part-time or full-time status.
- Employees who successfully refer two (2) new hires who both maintain employment for 6 months will be entered in a drawing for a \$75.00 gift card.
- There will be an assortment of gift cards offered to eligible employees and new hires.

Note: The duration of this program, eligibility requirements, and bonus payments will be at the discretion of the Executive Director, and this program can be revised or revoked without prior notice to employees.

6.19 EMPLOYEE LOAN PROGRAM

This policy provides employees with access to loans for personal financial needs, such as medical emergencies, education, or housing. To be eligible, employees must be full-time and have completed at least one year of employment. The maximum loan amount will be up to \$2,000 depending on the organization's assessment of an employee's need and repayment capacity.

Employees must submit a written request, including any necessary supporting documents, to be reviewed by the Executive Director. Repayment will be deducted from the employee's payroll over a period of up to 6 months starting with the next payroll cycle. The minimum repayment amount will be \$100 per pay period.

If an employee leaves the organization before the loan is fully repaid, any outstanding balance will be deducted from their final paycheck. The organization reserves the right to amend or discontinue this policy at any time.

SECTION 7

EMPLOYEE COMMUNICATIONS

7.1 STAFF MEETINGS

MERT holds meetings periodically throughout the year. These meetings are meant to communicate up-to-date information on Agency activities, changes in the workplace and employee recognition.

7.2 BULLETIN BOARDS/ACTIVITY CALENDARS

Bulletin Boards and Activity Calendars are placed in designated areas in MERT's office and consumers' homes to provide employees with access to important upcoming information and announcements. The employee is responsible for reading the necessary information posted on the bulletin boards.

7.3 EMPLOYEE MAILBOXES

All employees at MERT have their own mailbox located in MERT's office. It is the employee's responsibility to check their mailbox.

7.4 HOUSE MAILBOXES

House mailboxes are located at the office and should be checked on a weekly basis.

7.5 ANTI-NEPOTISM

Members of an employee's immediate family or their significant other will be considered for employment based on their qualifications. However, if hired, an employee will not be supervised by a family member.

7.6 NON-SOLICITATION AND DISTRIBUTION

MERT Enterprises, Inc. believes that the distraction of employees on the job interferes with their productivity, makes them less effective and diminishes their focus on the consumers. The agency has established the following

guidelines for all employees regarding solicitation and distribution of material:

- During your work time, you may not engage in solicitation of other employees or distribution of literature for any purpose, regardless of the cause
- During another employee's work time, you may not solicit the employee for any purpose
- Distribution of literature of any kind may not be made in consumer's homes at any time
- Individuals not employed by the Agency are not permitted to solicit employees or distribute literature on Agency property without prior approval from the Executive Director
- Material posted on the MERT bulletin boards or calendars must be cleared through the Executive Director
- Violations of this policy can lead to disciplinary action, up to and including suspension or termination

MERT reserves the right to conduct or authorize charitable solicitations for acquiring and promoting goodwill in the community, consistent with its business interests, as it does in the case of Special Olympics. Should you wish a charitable solicitation be undertaken by the agency, please contact the Executive Director.

7.7 SPECIAL OLYMPICS

MERT Enterprises, Inc. provides year-round opportunities to develop physical fitness, sports training and athletic competition for their consumers. The agency does this through our involvement with Special Olympics. All employees of MERT Enterprises, Inc. will be required to complete and submit a form to the Special Olympics – Maine, to register them as a potential volunteer for Special Olympics events. The nature of any potential volunteer role will depend on the employee's physical abilities as well as interests and experience.

MERT employees are expected to provide encouragement and support as necessary to consumers participating in sports training and competition. Most training takes place outdoors and MERT employees are expected to dress appropriately for outdoor activities, and to participate with the consumers, if able. MERT employees are role models for consumers and are also representing the Agency at Special Olympics events.

7.8 EMERGENCY PROCEDURES/ON-CALL PROTOCOL

MERT Enterprises, Inc. provides support to consumers, and some of these consumers require our staff to be in consumers' homes around-the-clock on a 24/7 basis. There may be times when a situation or emergency develops that is during off-times, overnights, weekends or holidays, when the Administrative Staff are not in the office to call. Some emergency situations listed below may happen in the consumer's home and the Direct Support Professional needs to inform a supervisor or manager immediately:

- Power outages
- Severe weather (see Section 3.11, Inclement Weather/Emergency Closings)
- Medication error
- New medication
- If you become ill and cannot finish your shift
- A consumer going away overnight
- Visitors coming to the consumer's home
- Loss of keys to the residence
- If you or the consumer are involved in an accident, get injured or become ill
- If something affecting the safety or care of the staff or consumer happens
- Your vehicle is damaged, vandalized or does not start

If an instance like any of these arises, the staff working at the consumer's home must follow the "Call Protocol"

to alert a supervisor or manager to the emergency issue.

- On-Call starts at 4:30pm and ends at 7:30am on weekdays. It starts at 4:30pm on Friday and ends at 7:30am on Monday for weekends.
 - ❖ In an emergency, if on-call does not answer, wait 2-3 minutes and call again. If there is still no answer call Mary or call 911 if life threatening and then call Mary.
 - ❖ If it is not an emergency, ask yourself if this can wait until the next day or Monday when your RA gets in? Do not call on-call if it can wait.
 - ❖ If it is not an emergency but cannot wait, leave a message and on-call will call you back. If you do not get a call back within 15 minutes call again. If there is still no answer or call back call Mary Rush.

Note: If the consumer or staff is in danger, such as a fire breaking out in the home, get out as fast as you can. You should then call 911 and a supervisor once you and the consumers are safe and out of harm's way as soon as you are able to.

SECTION 8

EXECUTIVE DIRECTOR

8.1 THE EXECUTIVE DIRECTOR HAS THE RIGHT TO MAKE THE FINAL DECISION IN ANY SITUATION.