

# SOUTHERN HIGHLANDS COMMUNITY MENTAL HEALTH CENTER

## POLICY AND PROCEDURE MANUAL

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### Policy 270 – Employee Benefits and Expenses

#### I. POLICY

It is the policy of Southern Highlands Community Mental Health Center to offer all full-time employees, except family centered support and respite providers (Job Group 1), a fringe benefit package in addition to the required Federal and State tax employer contributions. **This includes contracted employees unless contracts specifies otherwise.**

#### II. DISCUSSION

Fringe benefit packages are subject to funding availability and will be reviewed annually by the Board of Directors. Part-time employees and Respite/ **agency based** employees (Job Group 1) are not eligible for any benefits except Family and Military Leave and any other legally required benefits. Contracted employee may have different benefits. Employees in Job Group 2 have the option of choosing benefits or no benefits. The decision must be made at employment and annually by July 1, thereafter.

#### III. PROCEDURES

Employees with benefits are eligible for PTO.

##### A. Paid Time Off

All employment must be continuous.

0-5 years	4.61 hours per biweekly pay period
5-10 years	6.15 hours per biweekly pay period
10-15 years	7.69 hours per biweekly pay period
Over 15 years	9.23 hours per biweekly pay period

If an employee is normally scheduled to work less than 40 hours per week but 35 or more hours per week, PTO will be prorated according to the number of hours worked.

1. Employees hired after January 1, 2015, **will be eligible to receive payment for** up to 160 hours of available PTO when they leave employment. Employees hired prior to January 1, 2015, **will be eligible to receive payment for** up to 210 hours of available PTO when they leave employment. **Please see number 9 at the bottom of this page for further information.**
2. Accumulated PTO shall be granted by the employee's supervisor at such time as will not materially affect the efficient operations of the Center. No more than two (2) weeks PTO should be approved for any one month except in the case of illness or unusual circumstances. A maximum of 480 hours (12 weeks), including both PTO and sick time will be allowed for use in any given year. Additional requests will be reviewed and evaluated on a case-by-case basis.
3. Temporary or part-time employees will not accumulate PTO. Job Group 1 and 3 do not accumulate PTO.
4. PTO will be accrued on the last day of each payroll period. PTO may not be taken during any period of employment probation. New full-time employees will begin accrual on the last day of the second payroll period after effective date of full-time employment. Any employee who changes from a part-time position to a full-time position may take available PTO if they have completed their employment probation. Employees who are off from work without pay for 40 or more hours in a pay period will not receive their PTO accrual for that pay period.
5. Employees who are off from work without pay when a holiday occurs will not receive holiday pay. An employee must receive pay for the day before and the day after a holiday in order to be paid for the holiday. PTO for the day before or after a holiday must be scheduled two weeks in advance. Doctor excuses may be requested at the discretion of a supervisor. **A doctor's excuse will not justify receiving pay for the holiday.**
6. The minimum charge against PTO shall be one-half hour.
7. PTO may be granted to an employee because of illness. PTO must be used prior to leave without pay. If a full time employee with benefits works less than 40 for the week, PTO will not be used to total 40 hours unless approved by supervisor.
8. In the event of the death of an employee who has not used all of his/her earned PTO, payment for the unused portion shall be made to his/her heirs or estate.

9. An employee who has resigned **with the required notice** (see Policy 282) or who has been laid off or dismissed **without cause** shall be entitled to and shall receive all PTO not to exceed 160 hours for employees hired after January 1, 2015, or 210 hours for employees hired prior to January 1, 2015, that has accrued to his/her credit as of the last working day with the Center. **An employee who resigns without the required notice or is dismissed with cause will only receive half of the PTO as specified above.** Any employee who has been dismissed because of gross misconduct may, at the discretion of the Chief Executive Officer, be denied all or any part of such leave. An employee may file a grievance for any nonpayment of accrued time which may be reviewed by both the CEO and the Board of Directors.

B. Use of PTO for Non-Approved Absences or Carried Forward Sick Leave

It is understood that there are times when an employee must unexpectedly be absent from work. Employees may use non-approved paid time off (PTO) for the following reasons.

1. Illness or injury of the employee that is incapacitating or is contagious. Absences in excess of three (3) days must have a physician's excuse.
2. Sudden or catastrophic illness of an immediate family member.
3. Illness of a member of the household that requires your presence.
4. If reasons one, two, or three exceed three (3) consecutive days, a physician's excuse must be submitted. Request for family leave should be discussed with the Human Resource Director or designee for ongoing or reoccurring absences.
5. Health care appointments are limited to the time needed for the appointment. Employees are encouraged to schedule appointments in either non-peak hours or on days off. A certificate from the attending physician is requested to verify use of PTO.
6. Any employee who believes that the weather is too bad to come to work or needs to leave early must use PTO. If applicable an employee can work remotely at the discretion of the supervisor.
7. Supervisors are to watch for patterns of usage of non-approved PTO. A pattern would be the use of unauthorized leave as quickly as leave is earned ("**earning and burning**"), or calling in sick prior to authorized PTO. A physician's excuse may be requested at any time.

8. PTO time is a benefit and whenever possible should be planned. "Earning and burning" will not be tolerated and will be addressed by the supervisor as a pattern of absence.
9. PTO requests for time that is not available may be denied by supervisor.
10. The minimum charge against PTO shall be one-half hour.

C. Limits of PTO or Carried Forward Sick Leave

1. Employees hired prior to July 1, 2003, that have sick leave on the books at the time of resignation, retirement, or termination will be paid one-half of their total sick leave hours not to exceed 210 hours.
2. Employees are entitled to carry forward from one fiscal year to the next a total of PTO and sick leave as follows.

Less than 5 years	630 hours
5 – 10 years	770 hours
10 – 15 years	910 hours
Over 15 years	1,050 hours
3. Employees who have maximized time off at their respective level will be paid out for the overage of PTO hours at 50% of the current accrued value instead of losing the time.

D. Jury Duty Leave

Only employees with benefits are eligible for jury duty leave.

Leave with full pay will be granted for those days on jury duty. The employee must provide verification of jury duty and will be expected to work regularly scheduled hours when not required to be in court. Work excuses are required for any loss time.

E. Subpoenas

All employees are eligible.

All work related subpoenas will be presented to the supervisor, Human Resource Director, and Chief Compliance Officer as soon as received. A determination will be made regarding the appropriateness of the subpoena.

Contact with an attorney will be made if needed. Medical Records requires a Court Order or informed consent prior to release.

Work related subpoenas commanding staff to appear in court for testifying as a witness or to produce designated documents or other evidence will be granted the actual time required to be in court in addition to travel time with full pay. The employee must provide verification of a duly served subpoena to the immediate supervisor. The employee is expected to work regularly scheduled hours when not required to be in court. An employee must use PTO for any subpoena for any purpose other than Southern Highlands work related.

F. Family Leave

All employees are eligible for family leave.

1. An employee is eligible for family leave for the following reasons:
  - a. To care for a newborn child, or a child who is newly adopted or foster care.
  - b. To care for a spouse, child, foster child or parent (but not a parent-in-law) who has a “serious health condition.” A “serious health condition” is defined as one that requires inpatient care in a hospital, hospice, or other residential medical facility or a condition that requires continuing intense medical treatment.
  - c. When the employee has a “serious health condition.” A “serious health condition” is inpatient care, or absence requiring more than three calendar days from work that involves continuing treatment, or continuing treatment by a physician for a chronic or long-term health condition that is so serious that, if not treated, would result in absence of three calendar days.
2. To be eligible for family leave an employee must:
  - a. Have worked for at least 12 months.
  - b. Have worked for at least 1,250 hours over the prior 12 months.
3. Family leave is for a total of 12 weeks in a 12-month period or the total of all paid leave, whichever is greater.
4. Family leave will be charged to PTO first. Any remaining time will be leave without pay. For example, if an employee has three weeks of PTO, that will be applied toward the 12 week leave, and only 9 weeks unpaid

leave needs to be provided. **No PTO will be accrued while on family medical leave if the employee is not working.**

5. Employee health/life insurance will be maintained while the employee is on family leave as long as payment arrangements are followed according to the Benefit Continuation Contract (See attached) between the employee and the Human Resource Department. With the employee's written consent, the employee's share may be deducted from the last pay check to pay health/life insurance costs, if the employee has an outstanding balance at the end of employment, the employee will be responsible.
6. Leave may be taken in a single block of time or in smaller increments if this type of intermittent leave is medically necessary. If the need for intermittent leave is foreseeable based on planned medical treatment, the employee is responsible for scheduling the treatment in a manner that does not unduly disrupt the employer's operations, subject to the approval of the health care provider.
7. An employee will be able to return to work on Intermittent Family Leave if their physician releases them to do so. During the time that an employee is on Intermittent Family Leave, they accrue PTO by the following formula:

Actual Time Worked	Pro-Rated Leave (x)
80	Payroll Accrual Rate

For example: If employee accrual rate for is 4.61 hours every pay period this number will be used in the above mentioned formula to determine the number of hours you will accrue while on Intermittent Family Leave.

$$\frac{20}{80} = \frac{X}{4.61} \quad 80x = 92.20$$

$$X = 92.20 \text{ divided by } 80$$

$$X = 1.50 \text{ hours PTO for that payroll period.}$$

8. The Center may determine that use of sick leave or PTO is family leave. It is the Personnel Coordinator's responsibility to inform the worker that he/she is using his/her family leave.
9. All requests for family leave must be in writing and include physician's documentation of "serious health condition" on the attached Department of Labor form. A thirty-day advance notice of the need must be given when the need for leave is foreseeable.
10. An employee who has taken family leave for his/her own serious health condition must submit documentation certifying the employee's fitness to return to work.

11. An employee returning from family leave is entitled to return to the same or equivalent position held when leave commenced. An equivalent position must have the same pay, benefits, status, duties, and responsibilities. Position locations will continue to be in the same county as before the leave commenced. At the end of 12 weeks or the utilization of all PTO, whichever is greater, the employee's current position can no longer be held. The current position will be advertised. If the employee is later available to return to work, the person may apply for any open positions.
12. An employee may be requested to provide a second medical opinion (at the employer's expense).

G. Military Leave

All employees are eligible for military leave.

1. Any employee who presents official orders requiring his attendance for a period of training or other active duty as a member of the United States Armed Forces, State Reserve Corps, or State Guard will be entitled to military leave for a period not to exceed four weeks or twenty working days.
2. Military leave is leave without pay. Employee must provide verification of military duty and military pay.
3. Reservist called for active duty for indefinite lengths of time will be considered on leave without pay and will have the following rights:

Reemployment Rights: Upon completion of active duty a reservist has the right to return to the same position or a similar or comparable position if the original position is not available. Not only is reemployment to be guaranteed, unless the Center's circumstances have so changed as to make it impossible or unreasonable to do so, but the individual is to be restored to employment in such manner as to give the person the status in his employment as the person would have enjoyed if he had continued in his employment. This escalator provision essentially means that the veteran must be offered the position he/she would have held had his/her employment not been interrupted. Individuals restored to employment are to be entitled to participate in insurance or other benefits by the Center pursuant to established practices relating to employees on furlough or leave of absence.

Insurance: Any reservist called to active duty will be eligible to continue their insurance through COBRA continuation of benefits.

PTO: There will be no accrual of leave while a reservist is on unpaid leave for active duty. Payment of due the employee will be at the option of the employee with the same restrictions as resignation.

H. Bereavement Leave

Only employees with benefits are eligible for bereavement leave.

Each employee will receive 24 hours of leave for regularly scheduled shifts for absences due to death in the employee's immediate family. This absence will be authorized by the employee's supervisor. Bereavement leave is not charged to an employee's PTO. Employees will be paid their regular rate of pay for this type of leave. If additional time is needed, the employee must obtain prior approval from the supervisor to use PTO. Time not approved will be leave without pay. Immediate family members shall be understood to include father, mother, spouse, son, daughter, brother, sister, mother or father-in-law, grandparent, grandchildren, or anyone acting in these roles.

I. Holidays

Only employees with benefits receive holiday pay.

1. Employees who are off from work without pay when a holiday occurs will not receive holiday pay. An employee must receive pay for the day before and the day after a holiday in order to be paid for the holiday. Staff must work their regularly scheduled shift before and after the holiday to receive holiday pay. PTO for the day before or after a holiday must be scheduled and approved by a supervisor two weeks in advance. Doctor excuses may be requested at the discretion of a supervisor.
2. There will be eight officially observed holidays for the Center's personnel. All classifications of personnel will observe these:

New Year's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day	Christmas Eve
Labor Day	Christmas Day

A holiday is considered to be 8 hours. If an employee is normally scheduled to work less than 40 hours per week but 35 hours or more per week, the holiday will be prorated according to the number of hours worked. If an employee is scheduled for a 12-hour shift, only 8 hours is a paid holiday.

3. In addition, the Chief Executive Officer, on special occasions and consistent with religious and local business practices, or by declaration of the President or Governor, may excuse an employee from work.



4. If a holiday occurs on Saturday the preceding Friday will be observed; if on Sunday the following Monday will be observed.

K. Workers' Compensation

All employees are eligible for Workers' Compensation.

All employees will be covered by Workers' Compensation.

If staff is not working while on Workers Compensation PTO will not be accrued.

L. Medical Insurance

In compliance with the Affordable Care Act, anyone who works an average of 30 or more hours per week will be eligible for medical insurance.

New Employees (employed for less than a year)

This will be based on the number of hours that an employee is scheduled to work. This will be reviewed each quarter to determine if they are working more than the 30 hours.

All Other Employees

Any time an employee changes from a position that is scheduled less than 30 hours to a position that is scheduled for more than 30 hours, the employee will become eligible for health insurance immediately.

In January of each year, the CFO will determine the average number of hours that each employee worked per week. If the employee averaged over 30 hours per week, he/she will be eligible for insurance at the time of open enrollment in April to be effective beginning in July. Hours will be calculated based on the actual number of weeks worked divided into the total hours worked for the previous calendar year. PTO will be counted as hours worked.

Since medical insurance payments are due at the first of each month, all employee contributions are deducted from the employee's paycheck in the preceding month. The amount the Center will pay of the insurance cost will be determined by the Board of Directors on an annual basis. Any employee who is off without pay for a period of 30 days or more is responsible for the full payment of his/her insurance except when using family leave (see Section D). Refer to your insurance books for details concerning coverage. Southern Highlands does not provide or contribute to the cost of retiree insurance. See attached Board affirmation.

M. Employee Expenses

All employees receive reimbursement for official work expenses.

1. Reimbursement Policy

Employees will be reimbursed for on the job expenses, such as official telephone calls, parking, motels and meals, subject to the conditions established by the budgets of the Center by the policies of the funding sources. Receipts are required for all expenditures with the exception of WV Turnpike tolls.

2. Out-of-Town Expenses

Within budget limitations, out-of-town on the job expenses may be paid subject to the authorizations of the Chief Financial Officer. Payments may not exceed the limits set by funding sources.

3. Automobile Expenses – Use of Personal Car

Employees will be reimbursed on a mileage basis, at the same rate that Medicaid reimburses, for the use of the personal car in connection with authorized work connected job responsibilities. **If an agency vehicle is available, the employee must utilize the agency vehicle. The employee will not be reimbursed for travel if they do not utilize the available agency vehicle. If agency vehicle is unavailable, the employee will be reimbursed for their mileage.** Employees who transport consumers in their personal vehicle must submit proof of insurance **and vehicle registration.** Mileage begins at the location where you **are assigned.** **Employees will not be paid mileage from their home if they are traveling to their assigned location.**

4. Payment

The employee must submit a claim together with appropriate supporting documents for approval by the supervisor.

N. Pension Plan Participation

Effective April, 2011, the defined benefit pension plan was frozen. All participating plan participants will not receive additional credit for earnings until the plan is unfrozen. Employees hired after April, 2011, are not included in the plan. Effective November 2015, a 403(B) plan is available for employee contributions.

O. In-House Services

All employees are eligible for In-House Services.

An employees' spouse, children and parents are afforded outpatient medical and therapy services of the corporation. Services provided will be billed to the medical insurance. The family member will not be charged a co-pay or deductible. All other services will be the same as other consumers. Employees are afforded outpatient medical and therapy (except DUI) services of the corporation without charge through an agreement with FMRS Mental Health Council, Inc. or **Seneca Health Services Inc.** Employees must identify themselves at the time of appointment as an employee of Southern Highlands CMHC. All FMRS and **Seneca** employees will be seen at Southern Highlands at no charge for the same services. All in-house providers have the right to refuse to offer services to employees' families when the potential for conflict of interest exists. **Employees may be seen on a crisis-basis as needed. Human Resources will assist any employees who may need outpatient services as needed. Employee will be encouraged to seek services at FMRS or Seneca for confidentiality reasons. SHCMHC will assist the employee in making a referral.**

P. Credit Union

Effective October 1, 2017, the criteria to join the Central Credit Union changed. Any current employee who was a member of the Credit Union as of September 30, 2017, can remain a member. New employees or current employees who had not joined the Credit Union prior to September 30, 2017, are not eligible to join.

Q. Salary Advances

There will be no salary advance to any employee for any reason.

## American Rescue Plan Payment

As part of the American Rescue Plan (ARP), a plan to temporarily adjust Medicaid waiver rates and behavioral health rates to address workforce stabilization was established. The plan includes a monthly payment for each staff based on job performance for 32 months that will be **effective from August 1, 2021 through March 31, 2024**. Payments will occur on a monthly basis for the previous month. Payments will be taxed and will be on the second paycheck of each month unless otherwise noted.

All staff will receive a memo from Human Resources on the amount of payment they will be eligible for each month along with the criteria to receive the payment.

### Eligibility

All staff, except staff who received a permanent pay adjustment in July 2021, are eligible for the monthly payment based on their consecutive years of service along with criteria that is required to be met monthly. Any future permanent pay increase by job category may deem that job category no longer eligible for the incentive.

Staff who were in their 90-day probationary period prior to August 1, 2021 will be eligible for the monthly payment effective August 1, 2021. Staff hired after August 1, 2021 will begin to receive the payments after completion of their 91-day probationary period.

**Staff must be an active working employee the day of the payout in order to receive the incentive.**

Staff's part time or full status on the last date of the month will determine the amount received according to years of service.

### Years of Service

The years of service is based on staff's **consecutive years** of employment with SHCMHC at the beginning of each fiscal year (July 1<sup>st</sup>- June 30<sup>th</sup>) and will be reevaluated each July. This includes staff working PRN.

4 tiers of increase pay:

Tier 1: 91 days- 3 years will receive \$300.00

Tier 2: 4 years- 5 years will receive \$400.00

Tier 3: Greater than 5 years will receive \$500.00

Tier 4: Part time will receive half of their increase amount according to their years of service

### Criteria

Staff are required to meet the following criteria monthly in order to receive the increase monthly:

- No disciplinary action(s) within the month
- Cannot be tardy more than three times within the month
- No calls in for any scheduled shift for the month. Emergency situations will be evaluated on an individual basis by Human Resources. (This does not apply to approved PTO).

Scheduled/ approved PTO will not affect the payment. SHCMHC policy must be followed when requesting or utilizing PTO.

Staff who are on full FMLA or Workers Compensation will not be eligible for the monthly increase until they return back to work an entire month.

Staff who are on Intermittent FMLA will be evaluated monthly. Staff on Intermittent FMLA must work 75% of their scheduled hours in order to receive the incentive.

PRN staff are required to work a minimum of 32 hours within the month to be eligible for the part time incentive pay.

**Supervisory Requirements**

Supervisors will be responsible for completing the Incentive Spreadsheet provided by Human Resources to track staff's criteria for the incentive to determine which staff is eligible for the payment. Supervisors will email the Incentive Spreadsheet to the Payroll Specialist and the Human Resource Director, by the 5th business day of each month informing them of staff that are not eligible for the monthly payment. Supervisors must note the staff name and reason why they are not eligible.

**Supervisors will ensure staff are held accountable for any actions that would require disciplinary action. Examples include: if staff are violating policies/protocols or if staff let trainings expire, submit late documentation, let licenses expire, earn/ burn PTO, etc. supervisors will follow up with a disciplinary action.**

*Disclaimer: Please note that this criterion may change as needed based on individual situations and state guidelines.*

**SOUTHERN HIGHLANDS CMHC  
EMPLOYEE MEDICAL INSURANCE**

The Board wishes to make clear to all employees the existing group health plan coverage policies of Southern Highlands Community Mental Health Center, which are administered in accordance with West Virginia law.

Southern Highlands has never promised retiree health benefits nor contributed to a health insurance plan for retirees. Although, in the past, the West Virginia Public Employees Insurance Agency ("PEIA") has permitted retired employees of Southern Highlands to participate in the State's health plan, Southern Highlands has neither promised nor contributed to such retiree health coverage. As a courtesy to retirees, Southern Highlands has in the past merely collected insurance premiums from retirees and passed those along to PEIA.

As a result of recent changes within the PEIA plan that have resulted in the State mandating that Southern Highlands contribute to the cost of retiree health coverage if it were to be offered, Southern Highlands must reaffirm that it has never promised employee post retirement health benefits and cannot permit or acquiesce to participation by Southern Highlands retirees in the PEIA plan.

This notice serves as a reaffirmation of existing policies and in no way effects a change with respect to health benefits. Active employees continue to be afforded the privilege of participation in the PEIA health plan as long as they are eligible pursuant to the rules of the PEIA plan and as set forth in the Southern Highlands Policy and Procedures Manual, as the same may be modified, revised or terminated from time to time by the Board.

According to the state law and PEIA, those employees who retired prior to the changes within the PEIA plan that require Southern Highlands to contribute toward the cost of retiree health coverage, and who were already participating in the PEIA plan prior to that time, continue to be eligible for health coverage as permitted by the PEIA plan and in accordance with state law and PEIA rules. Of course, those retirees continue to be responsible for the premiums associated with participation in PEIA. Those employees retiring after the changes to the PEIA plan were implemented, however, will not be eligible to participate in the PEIA plan as retirees. This reaffirmation of existing policies has been communicated to all employees who have retired since the changes to the PEIA plan were implemented and in no way effects a change with respect to health benefits.

Please sign and return this notice to the Human Resources Department. A copy of this memorandum will be included with Policy 270 of Southern Highlands Policy and Procedure Manual which is located on the intranet.

**Name:** \_\_\_\_\_

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