

# The Birds Nest

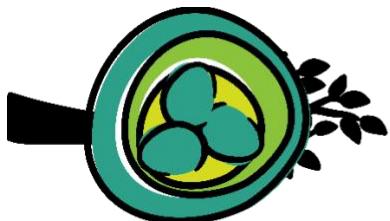
-Early Learning Village-

# Employee Handbook

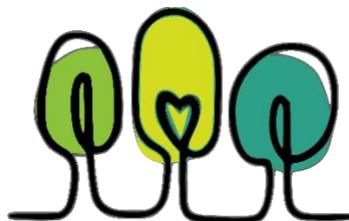
90 & 91 Northern Lights Blvd, Kalispell, MT 59901

[www.TheBirdsNestELV.com](http://www.TheBirdsNestELV.com)

Last updated March 2020



**Hatchlings**  
~ Infant Care ~



**Nestlings**  
~ Playschool ~



**Fledglings**  
~ Preschool ~

# ~ TABLE OF CONTENTS ~

## FOREWARD

## SECTION I. Introduction

- 1.1 Our Philosophy
- 1.2 Code of Ethical Conduct
- 1.3 Mission Statement
- 1.4 This Employee Handbook
- 1.5 Policy Changes
- 1.6 Probationary Period
- 1.7 The "Good Cause" Standard
- 1.8 Dispute Arbitration

## SECTION II. Employment Policies

- 2.1 Employee Classification Categories
- 2.2 Confidentiality
- 2.3 Conflicts of Interest
- 2.4 Employment of Relatives & Personal Relationships
- 2.5 Employment of Minors
- 2.6 Employee Files
- 2.7 Background and Reference Checks
- 2.8 Healthcare Information
- 2.9 Employment Eligibility
- 2.10 Political Views
- 2.11 Termination & Change of Employment Status
- 2.12 Return of Company Property
- 2.13 Rehire

## SECTION III. Payroll Practices

- 3.1 Payment of Wages
- 3.2 Overtime Pay
- 3.3 Deductions
- 3.4 Faithful Performance
- 3.5 Outside Work
- 3.6 Travel Expenses and Pay
- 3.7 Meal Breaks
- 3.8 Rest Breaks
- 3.9 Lactation Breaks
- 3.10 Time Reporting
- 3.11 Attendance
- 3.12 On-Call Shifts
- 3.13 Performance Reviews & Pay Increases
- 3.14 Payroll Policies

## SECTION IV. Standards of Conduct

- 4.1 Equal Employment Opportunity
- 4.2 Americans with Disabilities Act
- 4.3 Anti-harassment Policy
- 4.4 Harassment & Discrimination Complaint Procedure
- 4.5 Standards of Conduct & Discipline
- 4.6 Internal Promotions and Transfers
- 4.7 Personal Appearance Policy
- 4.8 Safety
- 4.9 Workplace Bullying
- 4.10 Workplace Violence
- 4.11 Drug-Free Workplace
- 4.12 Searches
- 4.13 Smoke-Free Workplace
- 4.14 Computer & Electronic Communication Policy
- 4.15 Social Media
- 4.16 Personal Phone Calls and Cell Phone Use
- 4.17 Company Equipment and Property
- 4.18 Solicitations in the Workplace

## SECTION V. Employee Benefits

- 5.1 Benefits Generally
- 5.2 Medical and Dental Insurance
- 5.3 COBRA
- 5.4 401(k) Plan
- 5.5 Worker's Compensation
- 5.6 Social Security
- 5.7 Unemployment Insurance
- 5.8 Additional Benefits

## SECTION VI. Time Off & Leave of Absence

- 6.1 Requesting Leave
- 6.2 Paid Time Off
- 6.3 Holiday Time Off
- 6.4 Family and Medical Leave Act
- 6.5 State Family and Medical Leave
- 6.6 Military Leave
- 6.7 Worker's Compensation
- 6.8 Bereavement Leave
- 6.9 Jury Duty
- 6.10 Voting Leave
- 6.11 Parental Leave for School Functions

# FORWARD

Dear Valued Employee:

Congratulations and welcome to The Bird's Nest, Inc (TBN). Whether you have recently joined our family or have worked with us for some time, we are excited to work with you. Your performance will be an integral part of TBN's future success. In order to help you perform at your full potential and create a safe and enjoyable work environment we are providing you this Handbook to inform you of the many important aspects of your employment and guide you along the way. You will also have the opportunity to complete a Professional Development Plan and participate in ongoing educational opportunities. We are committed to the success and development of each member of our family.

There are a few things to keep in mind when reading this Employee Handbook. This document is not a comprehensive compilation of all TBN's policies and procedures and does not cover all possible circumstances and exceptions that may arise. Many of the policies summarized in this Employee Handbook are covered in more detail in other official documentation. Consult such documentation for additional information regarding specific policies. Please address any specific questions regarding the interpretation or applicability of company policies and procedures to the Director. Note that the terms of the official company insurance and benefits policies supersede any terms to the contrary stated herein.

This Employee Handbook is not an employment contract, and nothing in this Employee Handbook gives you any right, express or implied, to continued employment. Furthermore, all terms, conditions, policies, and procedures as stated in this document are subject to change, and nothing stated herein is guaranteed to remain a fixed term or condition of your employment.

As a member of TBN's family, you have an obligation to keep the information provided to you in this Employee Handbook confidential. Do not discuss the contents of this document with persons who are not employees, officers, or otherwise privy to this information through an affiliation with TBN.

Please take time to thoroughly review this Employee Handbook, noting how each section relates to your employment. Pass along any questions or concerns you may have to the Director. We look forward to a harmonious and mutually fruitful relationship with you and are confident you will find your experience with us dually rewarding.

Again, welcome!

  
Corinne Kuntz - Director/Owner

# **SECTION I. Introduction**

## **1.1 Our Philosophy**

The Birds Nest holds true to a Reggio inspired philosophy and approach which fosters a child's right to explore, observe, hypothesize, question, and discuss to clarify their understanding. Children have rights and should be given opportunities to develop their potential. Influenced by this belief, the child is seen as powerful, competent, creative, curious, and beautiful.

The Birds Nest's philosophy is based upon the following set of principles:

- Children must have some control over the direction of their learning.
- Children must be able to learn through experiences of touching, moving, listening, and observing.
- Children have a relationship with other children and with material items in the world that children must be allowed to explore.
- Children must have endless ways and opportunities to express themselves.

Our program is designed to immerse children in an environment full of natural, organic, and open-ended materials. Endless opportunities derived from a wide variety of materials fill a child's day with the joy of learning through exploration. Mistakes are always learning experiences and they allow children to turn a corner and discover even more of the world.

## **1.2 Code of Ethical Conduct - Adapted from the NAEYC Code of Ethical Conduct, 2011.**

### **Ethical responsibilities to children**

Childhood is a unique and valuable stage in the human life cycle. At TBN, our primary responsibility is to provide care and education in settings that are safe, healthy, nurturing, and responsive for each child. We are committed to supporting children's development and learning; respecting individual differences; and helping children learn to live, play, and work cooperatively. We are also committed to promoting children's self-awareness, competence, self-worth, resiliency, and physical well-being.

#### **Ideals**

- To be familiar with the knowledge base of early childhood care and education and to stay informed through continuing education and training.
- To base program practices upon current knowledge and research in the field of early childhood education, child development, and related disciplines, as well as on particular knowledge of each child.
- To recognize and respect the unique qualities, abilities, and potential of each child.
- To appreciate the vulnerability of children and their dependence on adults.
- To create and maintain safe and healthy settings that foster children's social, emotional, cognitive, and physical development and that respect their dignity and their contributions.
- To use assessment instruments and strategies that are appropriate for the children to be assessed, that are used only for the purposes for which they were designed, and that benefit children.
- To use assessment information to understand and support children's development and learning, to support instruction, and to identify children who may need additional services.
- To support the right of each child to play and learn in an inclusive environment that meets the needs of children with and without disabilities.
- To advocate for and ensure that all children, including those with special needs, have access to the support services needed to be successful.
- To ensure that each child's culture, language, ethnicity, and family structure are recognized and valued in the program.
- To provide all children with experiences in a language that they know, as well as support children in maintaining the use of their home language and in learning English.
- To work with families to provide a safe and smooth transition as children and families move from one program to the next.

### **Ethical responsibilities to families**

Families, including those adults, besides parents, with the responsibility of being involved in educating, nurturing, and advocating for the child, are of primary importance in children's development. Because the family and TBN have a common interest in the child's wellbeing, we acknowledge a primary responsibility to bring about communication, cooperation, and collaboration between the home and TBN in ways that enhance the child's development.

#### Ideals

- To be familiar with the knowledge base related to working effectively with families and to stay informed through continuing education and training.
- To develop relationships of mutual trust and create partnerships with the families we serve.
- To welcome all family members and encourage them to participate in the program, including involvement in shared decision making.
- To listen to families, acknowledge and build upon their strengths and competencies, and learn from families as we support them in their task of nurturing children.
- To respect the dignity/preferences of each family and to make an effort to learn about their structure, culture, language, customs, and beliefs to ensure a culturally consistent environment for all families.
- To acknowledge families' childrearing values and their right to make decisions for their children.
- To share information about each child's education and development with families and to help them understand and appreciate the current knowledge base of the early childhood profession.
- To help family members enhance their understanding of their children, as staff are enhancing their understanding of each child through communications with families, and support family members in the continuing development of their skills as parents.
- To foster families' efforts to build support networks and, when needed, participate in building networks for families by providing them with opportunities to interact with program staff, other families, community resources, and professional services.

### **Ethical responsibilities to colleagues**

In a caring, cooperative workplace, human dignity is respected, professional satisfaction is promoted, and positive relationships are developed and sustained. Based upon our core values, our primary responsibility to colleagues is to establish and maintain settings and relationships that support productive work and meet professional needs. The same ideals that apply to children also apply as we interact with adults in the workplace.

#### Ideals - Responsibilities to co-workers

- To establish and maintain relationships of respect, trust, confidentiality, collaboration, and cooperation with co-workers.
- To share resources with co-workers, collaborating to ensure that the best possible early childhood care and education program is provided.
- To support co-workers in meeting their professional needs and in their professional development.
- To accord co-workers due recognition of professional achievement.

#### Ideals - Responsibilities to employers

- To assist the program in providing the highest quality of service.
- To do nothing that diminishes the reputation of the program in which we work unless it is violating laws and regulations designed to protect children or is violating the provisions of this Code.

### **Ethical responsibilities to community and society**

TBN operates within the context of the immediate community made up of families and other institutions concerned with children's welfare. Our responsibilities to the community are to provide a program that meet the diverse needs of families, to cooperate with agencies and professions that share the responsibility for children, to assist families in gaining access to those agencies and allied professionals, and to assist in the development of community programs that are needed but not currently available. As individuals, we acknowledge our responsibility to provide the best possible program of care and education for children and to conduct ourselves with honesty and integrity. Because of our specialized expertise in early childhood development and education and because the larger society shares responsibility for the welfare and protection of young children, we acknowledge a collective obligation to advocate for the best interests of

children within TBN and in the larger community and to serve as a voice for young children everywhere. The ideals and principles in this section are presented to distinguish between those that pertain to the work of the individual early childhood educator and those that more typically are engaged in collectively on behalf of the best interests of children—with the understanding that individual early childhood educators have a shared responsibility for addressing the ideals and principles that are identified as “collective.”

#### Ideal - Individual

- To provide the community with high-quality early childhood care and education programs and services.

#### Ideals - Collective

- To promote cooperation among professionals and agencies and interdisciplinary collaboration among professions concerned with addressing issues in the health, education, and well-being of young children, their families, and their early childhood educators.
- To work through education, research, and advocacy toward an environmentally safe world in which all children receive health care, food, and shelter; are nurtured; and live free from violence in their home and their communities.
- To work through education, research, and advocacy toward a society in which all young children have access to high-quality early care and education programs.
- To work to ensure that appropriate assessment systems, which include multiple sources of information, are used for purposes that benefit children.
- To promote knowledge and understanding of young children and their needs. To work toward greater societal acknowledgment of children's rights and greater social acceptance of responsibility for the well-being of all children.
- To support policies and laws that promote the well-being of children and families, and to work to change those that impair their well-being. To participate in developing policies and laws that are needed, and to cooperate with families and other individuals and groups in these efforts.
- To further the professional development of the field of early childhood care and education and to strengthen its commitment to realizing its core values as reflected in this Code.

## 1.3 Mission Statement

Our mission is simple: to incubate your child's creative intelligence. Everyone is born with creative "wings;" we teach kids how to "fly" by providing opportunities to play, make choices, take risks, solve problems, be hands-on, and participate in everyday world experiences. To truly educate our children for the future, we believe they need to: Learn how to think, not be told what to think. Be able to re-frame any situation through a new lens. Be empowered to become a "me."

In our program, children are navigators of their own experiences and learning. Teachers, as co-learners, and parents work together to provide the scaffolding, resources, love and support to allow your child to push the boundaries of his/her creative intelligence in a loving and safe environment.

The sky is the limit at ***The Birds Nest, Inc.***

***The Birds Nest, Inc*** staff will strive to provide the Highest Quality Childcare and Educational Service that promotes and enhances each child's development; while assuring our parent's peace of mind in the care and service we render.

***The Birds Nest, Inc*** provides a safe, nurturing and developmentally appropriate program which fosters active learning, support for the whole child, and a child friendly environment.

- **We** foster innovation.
- **We** embrace team work.
- **We** strive for excellence.
- **We** respect and support families.
- **We** commit to service at all levels.
- **We** respect and appreciate diversity.
- **We** actively listen and seek to understand.
- **We** communicate openly and productively.
- **We** use resources creatively and responsibly.
- **We** abide by the NAEYC Code of Ethics and Statement of Commitment.

## 1.4 This Employee Handbook

This Employee Handbook summarizes some of TBN's key expectations and employment policies. As such, it cannot provide guidance for every possible circumstance that may arise during employment and is not intended as an exhaustive resource for all policies. Employees that desire elaboration on specific policies should refer to official policy documentation or consult the Director. This Employee Handbook replaces all prior employee handbooks, employment policies, and TBN rules and practices, express or implied, whether written or oral. In addition, this Employee Handbook is subject to the provisions of official policy documents, including insurance and benefits policies, plan documents, and applicable law. All of TBN's employees are required to abide by the terms of this Employee Handbook as a condition of employment. The terms of individual employees' employment contracts may control over this Employee Handbook where applicable.

## **1.5 Policy Changes**

As circumstances warrant, the Director may, in their sole discretion, deviate from the terms stated herein as they see fit. The Director has the express right to amend, modify, revoke, and add to the terms of this Employee Handbook as well as other official policy documentation. The terms of this Employee Handbook may only be altered through official written policy notices. No terms of this Employee Handbook may be altered via oral statements or other representations. The Director's interpretation of the terms stated herein is absolute. Employees that need clarification as to TBN's policy on specific matter should consult with the Director. Each employee is responsible for remaining informed of policy changes.

## **1.6 Probationary Period**

The probationary period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The Director uses this period to evaluate employee capabilities, work habits, and overall performance. During the probationary period, the employment may be terminated for any reason that is not illegal or against written policy (discrimination). All new and rehired employees work on a probationary basis for the first (6) six months after the date of hire. Any significant absence will automatically extend a probationary period by the length of the absence or by a minimum of 30 days. If the Director determines that the designated probationary period does not allow sufficient time to thoroughly evaluate the employee's performance, the probationary period may be extended for a specified period. Upon satisfactory completion of the probationary period or at the end of the first (6) six months of employment, an employee who receives a successful performance review will be notified by the Director, assigned to "regular" employment classification, offered applicable benefits and wage increase, and protected by the "good cause" standard for termination.

## **1.7 The "Good Cause" Standard**

The Wrongful Discharge from Employment Act 39-2-901 is a law unique to Montana. It provides employers with a narrow window of "at-will" employment opportunities. "At-will" can be defined as the right of an employer to hire or fire for any reason that is not illegal or contrary to written policies. Only during the probationary period are employees working in Montana subject to discharge without "good cause." After the employee successfully completes his or her probationary period, the employee is protected by the "good cause" standard for termination.

## **1.8 Dispute Arbitration**

In return for TBN's promise to do the same, your continued employment, and other benefits conferred through the employment relationship, you the employee (hereinafter "you," "your") promise to submit to binding arbitration all claims, disputes, or controversies with TBN and its officers, directors, and employees arising out of or relating to your employment relationship with TBN, including disputes related to your wages and benefits, your termination, intellectual property rights, confidentiality, and any breach of this agreement, to be decided by an independent, mutually agreed upon arbitrator and any of TBN's arbitration policy or agreement.

# **SECTION II. Employment Policies**

## **2.1 Employee Classification Categories**

Under state and federal wage and hour laws, including the Fair Labor Standards Act ("FLSA"), all of TBN's employees are either classified as exempt or nonexempt.

**Exempt Employees** – Employees exempted from the minimum wage and overtime provisions of the FLSA by holding positions that satisfy the criteria under the act. These employees are generally executives, managers, professionals, administrators, and technical staff who receive salaries or sales commissions.

**Nonexempt Employees** – Employees who are NOT exempt under the criteria of the FLSA minimum wage and overtime provisions.

In addition, the following mutually exclusive classifications apply to both exempt and nonexempt employees and help determine an employee's employment status and eligibility for employee benefits, but in no way guarantee continued employment for any amount of time:

**Regular Full-Time Employees** – Employees are considered full-time employees if they are normally scheduled to work at least 30 hours per week. These employees are generally eligible to receive benefits, if any, subject to the terms and conditions of each benefit plan.

**Regular Part-Time Employees** – Employees who are NOT normally scheduled to work at least 30 hours per week or who only irregularly work 30 or more hours per week. These employees are NOT generally eligible to receive benefits.

**Provisional Employees** – Full-time or part-time employees within their six (6) month probationary period, or who are seasonally employed. Provisional employees work duration and status as a provisional employee may only be changed by a written employment agreement, signed by the Director. Provisional employees are employed on an at-will basis unless expressly stated otherwise in a written employment agreement with TBN. As at-will employees, provisional employees may be terminated prior to the end of the initially planned work duration or probationary period for any or no reason, with or without notice. Provisional employees are generally not eligible for benefits unless expressly stated otherwise in a written employment agreement.

Employees not notified of their particular classification upon hire should inquire to the Director. Note that independent contractors and consultants are self-employed individuals working with TBN and not TBN employees. As such, they are not entitled to receive benefits unless expressly provided in a written agreement between such individuals and TBN. Furthermore, these individuals will have control over the manner of completing assigned tasks, while TBN has control over assigning the tasks that independent contractors and consultants complete and defining the specific outcomes sought.

## **2.2 Confidentiality**

In order to maintain a competitive advantage in its industry, TBN requires that employees keep strictly confidential certain information related to TBN and those with which TBN conducts business. Employees are prohibited from disclosing "Confidential Information", as defined below, to any external parties without prior authorization or to other TBN employees, independent contractors, or consultants that do not have a legitimate business reason to know such information. External parties are any person or entity besides TBN's employees, representatives, and authorized agents. Employees must maintain confidentiality in all locations, all modes of communication, and at all times, continuing indefinitely after termination of their employment relationship with TBN. Employees are responsible for knowing what information should be treated as Confidential Information and should consult the Director for clarification if in doubt.

**Confidential Information** – Includes information that relates to TBN, its operations, or technology that is generally not known to the public and includes, without limitation, the following: trade secrets, business plans, business strategies, bids, marketing plans, financial information, costs, pricing, employee compensation, attorney communications, projections, and investments. Confidential Information also includes information you receive from others that TBN has an obligation to treat as confidential, including, without limitation, information from vendors, suppliers, and past, current, and prospective families.

You can help TBN safeguard its Confidential Information by adhering to the following guidelines:

- Do not discuss Confidential Information in public places.
- When discussing Confidential Information, or matters that are potentially Confidential Information, be aware of who is around you and consider whether they have a specific need to know such Information.
- Do not take hard copies of Confidential Information off TBN premises unless absolutely necessary. If you do, be sure to keep such information in a safe and secure place.

- Electronically-stored Confidential Information should never be stored on personal devices, and store hard copies in secure locations.
- Shred or tear up hard copies of Confidential Information before disposing in the trash.
- Do not share or disclose information in any way that could be construed as insider trading.

## **2.3 Conflicts of Interest**

Employees are required to avoid conflicts of interest. This means employees must avoid activities, relationships, and situations that may cause them to put their personal interests ahead of the TBN's. It is important that employees act in the best interests of TBN at all times, and for this reason, employees must take measures to avoid even the appearance of having conflicts of interest. You must disclose any actual or potential conflicts of interest to the Director, including actual or potential conflicts of interest held by another employee that such employee fails to disclose. In general, you can avoid conflicts by not using or appearing to use TBN's Confidential Information, property, or business opportunities for personal gain.

The following are examples of situations which may create or appear to create, a conflict of interest:

- Situations that you may have a personal financial interest in, transactions or business activities of TBN or competitors or enrolled families.
- Situations where, although you do not have a personal financial interest, you may nonetheless obtain some other personal gain or advantage resulting from transactions or business activities of TBN or competitors or enrolled families.
- Situations where you consult for or otherwise have a separate business relationship with a competitor or enrolled family outside of your normal employment role for TBN.
- Accepting any benefit, including gifts, services, entertainment, or favors, from a competitor, family, government entity, or other organization in connection with your relationship with TBN outside of your regular employment benefits from TBN.
- Situations where you are responsible for hiring, managing, or otherwise working with your own family members or persons of close relation to you, whether such persons are other employees or have a different business relationship with TBN, for instance as contractors, consultants, families, or suppliers.

You are required to consult your Director if you are unsure about whether a conflict of interest or the appearance of a conflict of interest exists. When a conflict of interest is found to exist, or appears to exist, you must work with your Director to remove yourself from the situation as much as possible, including creating an effective screening plan, if necessary.

## **2.4 Employment of Relatives and Personal Relationships**

Nepotism and favoritism may jeopardize TBN's operations and success. Therefore, employees are prohibited from supervising, reporting on, or otherwise working with their relatives or persons holding close personal relationships outside of their employment with TBN, except where such relationships are disclosed to and approved by the Director. To protect its business interests, the Director has the right to apply this policy whether or not relatives or persons holding close personal relationships hold supervisory or reporting positions in relation to each other. "Relatives" include spouses, children and adopted children, domestic partners, parents, siblings, grandparents, uncles, aunts, cousins, nieces, nephews, step relatives, in-laws, and relatives of domestic partners. "Close personal relationships" includes relationships with persons with whom you share a household, date, or have personally known for an extended period of time outside of your employment with TBN.

In order to safeguard TBN's interests, you must disclose any relatives or close personal relationships that exist or may exist with other employees, contractors, consultants, families, or suppliers. You should also disclose this fact if, during your employment, you become a relative or in a close personal relationship with another employee, contractor, consultant, client, customer, or supplier, for instance, through marriage or dating.

The Director may approve your working with relatives or persons holding close personal relationships where such relationships do not create substantial conflicts of interest threatening the wellbeing of TBN's operations or activities, for instance, by creating potential supervisory, morale, safety, fairness, or public relations problems. Where possible, the Director will strive to neutralize such conflicts of interests without impairing the benefits you receive from TBN; however, the Director reserves the right to take any action necessary to remove conflicts of interest that threaten TBN's interests.

## **2.5 Employment of Minors**

TBN is regulated by and adheres to state and federal child labor laws including those of The Department of Public Health and Human Services (DPHHS) and The Fair Labor Standards Act (FLSA), which is designed to protect minor employees' health, safety, and educational opportunities while employed. Among other things, these laws prohibit employment of minors less than 16 years in licensed child care programs unless they are classified as a volunteer, are never left alone with any enrolled children, and volunteer less than 160 hours per year. The FLSA also sets subminimum wage rates for specific classes of minors, students, and disabled persons. If you think you may fall into one of these classes, notify the Director to discuss your options with TBN for ensuring adherence to these laws.

## **2.6 Employee Files**

TBN maintains confidential employee records and files according to law. Supervisors and managers may only have access to an employee's file with a legitimate business need to know and as permitted by state law. Unless otherwise required by state law, current and former employees may generally be granted access to their files upon providing reasonable notice.

All employee files must be reviewed under supervision of the director during regular business hours and may not be taken off company property. You may not tamper or remove any part of your employee file; however, you may make copies of any information you have provided to TBN that have your signature affixed, as permitted by state law.

Should you dispute any item in your file, you are permitted to make a signed and dated written statement of your dispute that will become part of your file as well.

TBN will grant government agents/entities limited access to employee files when and as required by law.

An employee file is comprised of documents and information relation to each employee's relationships with TBN, including among other items the employment application, employment history verification documents, resumes, background checks, emergency contact information, tax forms, payroll and benefits information, and performance reviews, if any of these should exist and according to Program policy.

You are required to notify the director or assistant director, as applicable, should any information previously provided to TBN should change, including information provided on an employment application or form, insurance form, or tax form. Misrepresenting information in your employee file, or failing to correct a known mistake in your file, is grounds for discipline, possibly including immediate termination.

At TBN's sole discretion, you may provide a written and signed release for TBN to disclose information in your employee file to an outside entity requesting access.

## **2.7 Background and Reference Checks**

TBN may conduct various background and reference checks on potential or current employees. The information collected will become part of the employee's file and may include certification of information provided during the hiring process, resume, employment verification, criminal record, driving record and credit report, depending upon the type of position sought. Any employment offer or offer for promotion or reassignment to another position made by TBN is contingent on verification as to the accuracy of the information provided by the potential or current employee.

As background and reference checks are part of each employee's file, such information is kept confidential and may only be reviewed by those involved with hiring and personnel decision processes or Program managers having a legitimate business need to know.

Should you be denied employment based on information obtained from a background or reference check, then TBN will provide you with a copy of such report(s) and allow you an opportunity to dispute such information.

Background and reference checks may be conducted on current employees in order to assess them for continued employment, promotion, or reassignment, as permitted by state and federal law.

## **2.8 Healthcare Information**

Information related to an employee's healthcare enrollment or plan will be managed according to Program's policy for conformance with the Health Insurance Portability and Accountability Act (HIPPA), as applicable. TBN does not regularly maintain records of its employees' private healthcare information, and any such information voluntarily shared with TBN by an employee will be kept confidential.

## **2.9 Employment Eligibility**

In compliance with federal law, all new employees must complete the U.S. Citizenship and Immigration Services (USCIS) Form I-9 no later than the first day of hire in order to verify identity and employment authorization. TBN will verify proper completion of Form I-9. You will verify your identity and eligibility by providing documentation as specified on the last page of the form. TBN will not file Form I-9 with USCIS, but will retain and store the completed Form I-9 either for three years after the date of hire or for one year after employment is terminated, whichever is later.

## **2.10 Political Views**

Employees have the right to express political views and otherwise engage in political activities and freedoms outside of their role for TBN. TBN will not discriminate against employees based on their engaging in legal political activities or their affiliation with a particular political view or group. However, all employees have a responsibility to ensure that the political views they communicate and political activities engaged in are seen as separate from TBN's and their role as a Program employee.

## **2.11 Termination and Change of Employment Status**

A change in your employment status may occur for different reasons, including termination by TBN, resignation, abandonment, reassignment, or retirement. Should a change in employment status occur, wages will only accrue up to your effective date of separation with TBN, unless contrary to a written employment contract or state law.

- Termination by Program – All employees without a written employment agreement to the contrary are employed on an "at-will" basis during the initial probationary period. Upon completion of an employee's probationary period, TBN must have reasonable cause to terminate an employee.
- Resignation – If you are an at-will employee, you may choose to conclude the employment relationship at any time and for any reason. If you are considering resignation, you are encouraged to consult your supervisor in order to discuss whether other options are available to accommodate your needs. If you do decide to resign, TBN asks that you provide at least two weeks' advance written notice of your departure. Employees who fail to provide a full requested advance notice may be subject to forfeiture of accrued benefits including vacation, paid time off, or other benefits at TBN's discretion and according to state law. In addition, such employees who fail to provide the full requested advance notice may be deemed ineligible for future rehire, at the discretion of TBN. At TBN's sole discretion and business needs under the circumstances, TBN may choose to require your immediate departure and provide you with two weeks' pay instead of your being present during the notice period. Should TBN so require, you agree to complete an exit interview or memo prior to departure.
- Abandonment – Abandonment occurs where an employee fails to be present during scheduled work hours for three or more consecutive days without prior approval for the absence. If you are considering abandonment, you are encouraged to consult your supervisor in order to discuss whether other options are available to accommodate your needs. TBN asks that all employees provide at least two weeks' advance written notice of their departure. Employees who fail to provide the full requested advance notice may be subject to forfeiture of accrued benefits including vacation, paid time off, or other benefits at TBN's discretion and according to state law. In addition, such employees who fail to provide the full requested advance notice may be deemed ineligible for future rehire, at the discretion of TBN. At TBN's sole discretion and business needs under the circumstances, TBN may choose to require your immediate departure and provide you with two weeks' pay instead of your being present during the notice period. Should TBN require, you agree to complete an exit interview or memo prior to departure.
- Reassignment – Based on Program needs, your employment status may occasionally change through TBN reassigning you to a different shift, classification, or location, unless you have a written employment contract to the contrary. TBN may choose to take into consideration your requests concerning reassignment. Should TBN so require, you agree to complete an exit interview or memo prior to departure.

- Retirement – Employees seeking to retire must provide at least four weeks' advance written notice to the director. This will allow TBN sufficient time to finalize any payroll and benefits issues, determine and prepare for any hiring needs, and wrap up all other outstanding employment matters related to the planned retirement. Should TBN so require you agree to complete an exit interview or memo prior to departure.

## **2.12 Return of Company Property**

Employees must return all Program property in their possession upon ending employment with TBN. Unless otherwise notified, TBN property includes ID cards, uniforms, cell phones, laptops, electronics, office supplies, and all other tangible items in your possession that TBN owns. TBN may deduct from the final paycheck the value of all unreturned Program property, in accordance with state law.

## **2.13 Rehire**

To be rehired, former employees must have separated employment in good standing with TBN. Employees lose good standing when the reason for separation is based on a policy violation. Former employees in good standing are still required to submit to TBN's regular hiring process and screening, including, at TBN's discretion, submitting an employment application and completing any required exams. Hiring managers seeking to hire former employees must submit a request for review and approval from the director prior to hiring. Except where expressly stated to the contrary in a written employment agreement, former employees that are rehired will begin accruing benefits at the same rate and in the same manner as new employees, and tenure for all purposes will be calculated starting from the date of rehire.

# **SECTION III – Payroll Practices**

## **3.1 Payment of Wages**

Employees are paid on the 5<sup>th</sup> and 20<sup>th</sup> for their regular wages due. Employees will be paid by either check or direct deposit on their scheduled paydays, in accordance with payroll policy and as permitted by state law. Checks will be either hand delivered or mailed to employees. Please refrain from leaving paychecks in unsecure areas. If a paycheck is lost or stolen, you must notify the owner at once. Employees will receive any direct deposit of wages in a savings or checking account at the financial institution of their choosing.

You must submit a new Form W-4 if your marital status or the number of exemptions you claim changes.

## **3.2 Overtime Pay**

Employees classified as nonexempt will be paid overtime according to the FLSA and state law. Your supervisor must approve all overtime in advance. You are expected to comply with requests to work overtime during especially busy times and according to Program needs.

Montana state law sets the standard work week at 40 hours. You will earn overtime pay at one and one-half your normal pay rate whenever you exceed the standard work week. The workweek is calculated beginning at 12:00 a.m. on Saturday Morning and ending at 11:59 p.m. on Friday night but may be changed according to Program discretion. Only actual hours worked will be counted for overtime pay. Meal breaks and time off for holidays, vacation leave, personal leave, sick leave, and other leaves of absence will not be used to calculate overtime.

## **3.3 Deductions**

Deductions from your pay will be made according to federal and state law. This may include deductions for Federal and State Income Tax Withholding, Social Security, Medicare, Disability, garnishments pursuant to valid court orders, and other deductions pursuant to law. If you need to change your federal or state income tax withholding, please consult the director. Furthermore, should you elect to make employee contributions under a Program benefits plan offered to you, your voluntary contributions will also be deducted from your pay according to the benefits plan as well as federal and state law.

## **3.4 Faithful Performance**

All employees are expected to promote TBN's business interests at all times and to devote their full time and attention during working hours to faithfully and efficiently performing their assigned duties to the fullest extent possible within their individual means and talents.

## **3.5 Outside Work**

Employees may hold other jobs or engage in work outside of their role with TBN so long as such outside work does not have a negative impact on fulfilling their responsibilities to TBN. Furthermore, any outside work must not conflict or compete with TBN interests or be conducted during an employee's scheduled work time. Employees engaging in outside work must notify their supervisor or manager so that TBN can determine if such work presents a problem or a conflict with Program interests.

All employees must obtain prior written approval from their supervisor and the director before engaging in outside work. Failing to obtain prior permission is grounds for discipline, including termination.

No employee may engage in any outside work for families that TBN would normally expect to perform. Employees are prohibited from using Confidential Information or Program tools, equipment, or other property for outside work.

Employees may not use outside work as an excuse for failing to perform their responsibilities to TBN, for poor job performance, or for failing to be present during scheduled work hours. Therefore, Employees should refrain from taking on any outside work that may demand too much of their time, energy, or attention. TBN may ask you to stop or decrease your involvement in any outside work that becomes a detriment to job performance. Employees are prohibited from using any allotted time for leave of absence to engage in outside work, including leave classified under the Family and Medical Leave Act.

Outside work includes any work outside of your obligations to TBN for which you are compensated, monetarily or otherwise, including self-employment. Outside work also includes service on a board or commission for public entity or governing body. Whether or not you are paid or otherwise compensated for such work.

## **3.6 Travel Expenses and Pay**

Program reimburses employees' reasonable expenses incurred while traveling on Program business. Employees may only travel on Program business when authorized and should verify which travel expenses are eligible for reimbursement prior to making travel arrangements.

While traveling, employees must keep a detailed report of their business activities and the expenses they incur, including supporting documentation which as receipts. Employees must submit their expense reports within 5 days of their return from travel or as otherwise requested by TBN when traveling for extended periods of time.

Please use discretion while traveling to keep your expenses at a minimum and to avoid inappropriate expenses. You may not be reimbursed for expenses that are excessive or improper under the circumstances.

Nonexempt employees will be paid for travel while on Program business according to federal and state law. Exempt employees will be paid their normal salary while traveling for TBN.

## **3.7 Meal Breaks**

Meal breaks are an important time for you to rest and refuel. Taking them will help boost your health and productivity. To the extent that Montana does not require meal breaks, all breaks will require the employee to remain available to the children in attendance. During nap time, as long as all children are sleeping and cleaning duties are complete, employees may take a paid break while supervising the sleeping children. Exceptions for specific classes of workers, including workers under collective bargaining agreements and workers with written employment agreements, may apply.

## **3.8 Rest Breaks**

To the extent that Montana does not require rest breaks, employees should not take breaks where children cannot be supervised for more than 3 minutes at a time. One employee must always be visually supervising

the group while the other employee takes a break. In general, breaks outside of bathroom breaks should not occur on a regular basis. Exceptions for specific classes of workers, including workers under collective bargaining agreements and workers with written employment agreements, may apply under state law.

In the event that the program can support regularly scheduled rest breaks, supervisors may choose to stagger rest breaks as needed to manage operations. Rest breaks may not be accumulated or combined with other break periods into longer rest breaks, and employees may not use rest breaks to cover their late arrival or early departure from their shifts.

## **3.9 Lactation Breaks**

Federal law requires an employee with a nursing child to receive a reasonable amount of break time to express breast milk for her child for up to one year after a child's birth at any time when the employee needs to do so. However, employers with less than 50 employees may be exempted from some of these requirements if they would impose an undue hardship by causing the employer significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer's business. Due to the need to hire an additional employee to cover lactation breaks, TBN is not required to provide lactation breaks when ratio does not allow. When ratio does allow, you will receive pay when taking breaks for such purposes. TBN will provide a private, safe, and sanitary place other than a bathroom or toilet stall to express milk.

## **3.10 Time Reporting**

Nonexempt employees are required to keep accurate and complete time records of daily hours worked through the timekeeping system provided or used by TBN. Employees must not count any meal breaks or off-duty time towards hours worked. It is prohibited to falsify or alter time records, including those of a co-worker, without permission from a supervisor, and doing so may result in discipline or termination.

Time worked is recorded for payroll purposes by rounding to the nearest minute. One workday consists of 24 hours beginning at 12:00 a.m. and ending at 11:59 p.m. Each work week begins on Monday at 12:00 a.m. and ends on Sunday at 11:59 p.m.

## **3.11 Attendance**

Regular attendance and punctuality are essential for the smooth operation of this program. The following policies and procedures apply to all employees.

**INCIDENTS:** An incident includes the failure of any employee to report to work for any portion of their scheduled or on-call shift. Employees must notify their supervisor at least one hour prior to the start of their scheduled shift if they are going to be absent or late.

For on-call shifts, it will not be considered an incident until 30 minutes after being notified of the need for the on-call employee to work. The first 9 minutes of a scheduled shift will be considered a grace period and not counted towards attendance; however, employees should make it a habit to arrive 3-5 minutes before their regularly scheduled shift in order to allow time to unpack prior to clocking in.

**NO CALL / NO SHOW (NCNS):** Employees must report their absence each day; failure to do so is considered a no call/no show. Also, failure to report one's absence at least one-half ( $\frac{1}{2}$ ) hour prior to the start of the scheduled shift will be regarded as a no call/no show.

**ATTENDANCE CONTROL GUIDELINES:** An incident is considered one (1) point. A no call / no show is considered two (2) points. Based on the number of incidents in a twelve-month rolling period, an employee will be subject to disciplinary action under the following guidelines:

1. Three points in a rolling 90-day period will result in a documented Verbal Warning
2. Six points in a rolling 180-day period will result in a Written Warning
3. Nine points in a rolling 365-day period will result in Termination.
4. Two consecutive NCNS will be considered VOLUNTARY termination.
5. Three separate NCNS incidents within a rolling 365 days will result in Termination

**PERFECT ATTENDANCE INCENTIVES:** Employees who have perfect attendance will be rewarded under the following guidelines (please note that the number of bonuses and the type/amounts will be determined based on the financial performance of the program):

1. For each pay period that an ECT or ECAT has perfect attendance, they will be entered into a quarterly drawing to win an attendance bonus.
2. If an ECT or ECAT has perfect attendance for three (3) pay periods in a row, they will receive an attendance bonus in the amount of 1-2% of their wages for the three (3) pay periods of perfect attendance.
3. If an employee has perfect attendance for six (6) pay periods in a row, they can remove 2 points from their attendance record.

## **3.12 On-Call Shifts**

The following On-Call Policy was adopted in an effort to reduce payroll costs and ensure ratio coverage.

**SCHEDULING:** Early Childhood Assistant Teachers (ECATs) will be scheduled for up to two on-call shifts per week where they will be expected to work if the need arises.

**NOTIFICATION:** ECATs who are scheduled for an on-call shift will be notified by their Lead ECT, Director, and/or Owner that there is a need for them to work. The need may arise before the scheduled on-call shift or in rare cases in the middle of the on-call shift. This notification can be through a phone call or text message. Notification will be sent as soon as it is determined there is a need for on-call support.

**RESPONSE:** The on-call ECAT has 15 minutes to respond to the initial notification. Failure to respond within 15 minutes on three separate occasions will result in the ECAT entering the discipline/corrective action process.

**EMPLOYEE RESPONSIBILITES:** The on-call person is required to be within 30 miles driving distance of The Birds Nest campus during the entire on-call shift, in case coverage support is required at any point in the day. They are also expected to be able to arrive to work within 30 minutes of receiving notification.

**ON-CALL SHIFT TRADING:** Trading of on-call shifts is allowed, with approval from the Lead ECT, Director, and/or Owner.

**COMPENSATION:** ECATs who are scheduled for on-call shifts will receive 1 hour of on-call pay if they are not called in to work during the on-call shift. If an ECAT is called to come to work while they are on-call, the ECAT is paid for hours actually worked, at their regular rate of pay. If an ECAT is called to come to work and then released before they have worked two (2) hours, they will be paid for two (2) hours. If the total hours worked in a week, including the 1 hour of on-call pay exceed 40 hours in a work week, the ECAT is entitled to overtime pay.

If the ECAT is unable to work during an on-call shift, the ECAT will forfeit the 1-hour of on-call pay and be considered absent for attendance purposes.

## **3.13 Performance Reviews and Pay Increases**

A formal performance review will be conducted every annually. This will provide an opportunity to review your past performance in order to recognize your strengths, target weaknesses and areas for improvement, and identify specific goals going forward. Any written performance reviews will become part of the employee file.

Employees receiving a performance review will not necessarily receive an increase in pay. Pay increases are based on several factors, including overall classroom and Program business performance, and will not always directly reflect an employee's performance. Besides formal performance reviews, employees are encouraged to regularly have informal discussions with their supervisors about their strengths, weaknesses, and goals, in order to monitor their performance. Pay increases may be implemented at other times besides during performance reviews but must always be preapproved by the director to ensure that the requested increase aligns with Program policy and is in TBN's best interest.

Periodic pay bonuses are not guaranteed to employees and are at the discretion of the director. If paid by TBN, these will be based on your individual performance. Bonuses are meant to incentivize employees to exceed expectations and constantly perform to the best of their abilities. This will help ensure that TBN stays competitive in its market.

## **3.14 Payroll Policies**

TBN reserves the right to change payroll policies and practices, including those stated above, after providing prior written notice to employees and in accordance with state law.

# **SECTION IV – Standards of Conduct**

## **4.1 Equal Employment Opportunity**

TBN provides equal employment opportunities (EEO) in all our employment practices to all employees and applicants for employment without regard to race, color, religion, national origin, gender, age, sexual orientation, gender identity, disability, genetic information, marital status, military status, or any other category protected by federal, state, or local laws. This includes prohibiting unlawful discrimination against those associated with or perceived to belong to a protected class, whether or not an employee actually falls into such class. Company's EEO practices are upheld in every location that it operates and in all aspects of the employment relationship, including hiring, recruiting, placement, transfer, promotion, compensation, discipline, termination, layoff, recall, training, and leave of absence.

EEO violations must be taken seriously, and all employees must make every effort to uphold and support TBN's EEO policy. This includes reporting all instances of discrimination or harassment to the Director or Assistant Director. TBN forbids any retaliation against those who report or investigate discrimination or harassment. Employees with protected characteristics under EEO law, such as those with disabilities or seeking accommodations of their religious practices, should notify TBN Director well in advance of their need for accommodations. TBN will take reasonable measures to accommodate such employees' needs.

## **4.2 Americans with Disabilities Act**

TBN does not discriminate against qualified employees with disabilities in any aspect of their employment and provides reasonable accommodations to such individuals as required by law so that they may perform the essential job duties of the position. TBN is fully committed to upholding the Americans with Disabilities Act (ADA) and any amendments or laws related thereto. The ADA requires employers with 15 or more employees to provide qualified individuals with disabilities an equal opportunity to benefit from the full range of employment-related opportunities available to others. In compliance with the ADA, TBN does not discriminate against qualified individuals in recruitment, hiring, promotions, training, pay, social activities, and other privileges of employment. TBN also does not ask prohibited questions related to an applicant's disability prior to making a job offer.

TBN provides reasonable accommodations for known physical or mental limitations of qualified individuals that bring their needs to TBN's attention, unless it would cause TBN undue hardship. If you are currently disabled or become disabled while employed, you should notify the director to discuss any questions you may have and to request disability leave or accommodations that will enable you to perform the essential functions of your job. TBN reserves the right to require that you provide certification from your healthcare provider for your disability and your need for accommodation. If disability leave is necessary, TBN will work with you to determine how to best accommodate your needs while also balancing Program needs.

## **4.3 Anti-harassment Policy**

TBN aims to create a work environment free of harassment wherein employees treat each other with respect and courtesy. Therefore, TBN prohibits its employees from engaging in unlawful harassment against individuals on the basis of race, color, creed, national origin, religion, gender, sexual orientation, pregnancy, genetic information, age, physical or mental disability, veteran status, marital status, or any other protected classification under federal, state, or local law. Conduct considered harassment is defined below. This policy applies in all work settings, whether or not occurring on Program property, and to all aspects of the employment relationship, including hiring, recruiting, placement, transfer, promotion, compensation, discipline, termination, layoff, recall, training, and leaves of absence. It also applies to all applicants for hire and employees, whether or not the conduct is directed at a fellow employee or to an outside party, such as an independent contractor, vendor, supplier, customer, or any other party that conducts business with TBN. Furthermore, TBN aims to protect its employees from workplace harassment by nonemployees and will take appropriate steps to remedy any such harassment.

Employees violating this policy are subject to discipline, including possible termination. Instances of harassment are serious matters, and all employees must make every effort to uphold and support TBN's anti-harassment policy. This includes reporting all instances of harassment to your director or supervisor. It is Program policy to promptly investigate any reported instance in a thorough manner. TBN forbids any retaliation against those who report or investigate harassment.

**Sexual Harassment Defined** – Sexual harassment constitutes discrimination and is illegal under federal, state, and local laws. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature, when, for example a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body; sexual prowess, or sexual deficiencies; leering or whistling; repeated uninvited physical contact or touching, such as patting, pinching, or grabbing another's body; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal, written, or visual conduct of a sexual nature regardless of the rank, position, gender, or sexual orientation of those involved. Sexual harassment may occur through transmission using TBN's electronic communications system or through other online conduct. Sex-based harassment, that is harassment not involving sexual activity or language (e.g., severe or pervasive and directed at employees because of their sex.

**Harassment Defined** – Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is defined as verbal, written, or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law or that of his/her relatives, friends, or associates, and that a) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; b) has the purpose or effect of unreasonably interfering with an individual's work performance; or c) otherwise adversely affects an individual's employment opportunities.

Harassment includes, but is not limited to, epithets, slurs, or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is circulated in a work setting, whether by being posted on Company premises or communicated via e-mail, phone, text messages, online forums, or other means.

## **4.4 Harassment and Discrimination Complaint Procedure**

In order to maintain a safe and enjoyable work environment, it is imperative that any employee who believes that he or she has been the victim or witness of harassment or discrimination, as prohibited by this policy or law, should immediately report such behavior to the director or assistant director. Discrimination or harassment should be reported whether engaged in by an employee, independent contractor, vendor, supplier, customer, or any other party that conducts business with TBN.

Many times, individuals are not even aware that their behavior is harmful to others. If they feel comfortable doing so, victims and witnesses of harassment or discrimination have the option to first seek to remedy the situation informally by notifying the offending party that his or her actions are not welcome and are believed to constitute a violation of Program policy. If warranted by the situation, this type of open and frank discussion can help resolve problems before they escalate to the point of irreparably harming working relationships. However, victims and witnesses that do not feel comfortable trying to resolve the problem verbally should immediately report the offending behavior to the director or assistant director.

Upon receiving a report of harassment or discrimination, TBN will promptly complete an investigation to determine the merits of the allegations, discover the nature and extent of the improper behavior, and, if necessary, determine the proper corrective action to take, which may include termination. TBN may take any legal steps it believes are necessary in making its investigation, which may include, without limitation,

reviewing electronic communications and conducting interviews of any individuals who may have information relevant to the allegations. TBN will make every effort to keep the investigation as confidential as possible under the circumstances while still being as thorough in its efforts as is necessary to do its due diligence. All employees are required to cooperate and be forthcoming in assisting with TBN's investigations, and any employee possessing information that may be helpful should notify the director or assistant director.

Employees should not refrain from reporting harassment or discrimination or cooperating in investigations for fear of reprisal. Retaliation against those who report or cooperate in investigations is strictly prohibited in any form. Freedom to report and cooperate in investigations is an essential component of enforcing TBN's anti-harassment and discrimination policies. Therefore, employees that report or cooperate in investigations must not receive any ill treatment or disadvantage due to their participation in helping enforce Program policy. Employees that are victims or witnesses of retaliation are encouraged to report retaliation to the director or assistant director. Reports of retaliation will be investigated, and corrective action will be taken, according to the same harassment and discrimination procedures outlined above. Similarly, intentionally false or malicious reports of harassment, discrimination, or retaliation that TBN becomes aware of will be investigated, and corrective action will be taken, according to the procedures.

If the victim or alleged offender does not agree with the resolution of a complaint; that party has the right to appeal the decision to the Director, who will have the final say on the matter. Victims and alleged offenders that still do not agree with the final resolution of a complaint may seek legal remedy by contacting the state or federal agency responsible for enforcing such matters.

## **4.5 Standards of Conduct and Discipline**

All employees are responsible for knowing and abiding by Program rules and policies. TBN prides itself on its ability to meet high standards of ethical and personal conduct throughout its operations. Therefore, you are expected to maintain the highest ethical standards and perform your duties in good faith and to the best of your abilities at all times when engaged in Program business.

Where warranted under the circumstances, TBN will seek to use progressive discipline to correct, improve upon, and prevent future recurrences of conduct falling below our standards. At TBN's discretion, progressive discipline may proceed along the following line: verbal warning, written warning, conduct evaluation period, suspension with or without pay, demotion, reassignment, and termination. A conduct evaluation period, if instituted for an employee, will be a set period not to exceed 90 days in which the employee will receive counseling and monitoring by a supervisor with the aim of targeting possible causes and correcting the poor performance. Depending upon the employee's performance during the conduct evaluation period, further discipline or corrective action may occur at the end of the period, including termination.

TBN reserves the right to combine, skip, or reorder any steps in the process depending upon the nature of the offenses and the circumstances. Note that this means that TBN has the right to immediately terminate an employee without warning or the use of progressive discipline should the circumstances call for such action. When determining the appropriate discipline for a given instance TBN may consider, at its discretion, any of the following factors, without limitation: the employee's prior history of poor conduct with TBN or prior employers, the employee's work record and level of commitment to Program goals, the number of repeated instances of the particular offense, the amount of counseling and/or training received in order to prevent such offenses, the impact the offense has on TBN's performance or perception in the marketplace, and the level of egregiousness and purposeful intention to violate Program policy. Note that supervisors and others who fail to report violations or who withhold relevant information concerning a policy violation will be disciplined as is warranted under the circumstances.

At TBN's discretion, Employees may be disciplined or terminated for violating any Program policy or rule. Misconduct can take many forms, and it is impossible for us to provide you with a comprehensive list of prohibited behaviors. Therefore, the list below is only illustrative and is intended to give you notice of some of TBN's general expectations concerning standards of conduct; TBN may always discipline or terminate employees for engaging in any conduct it deems inappropriate. Employees are expected to use good judgment in all their actions and to consult their supervisors or directors if there is any doubt as to whether their intended conduct falls below Program standards.

Examples of misconduct that may result in discipline or termination include, but are not limited to, the following:

- Unsatisfactory job performance, including poor quality or quantity of work.
- Engaging in insubordination or disobedience to the legitimate orders of a supervisor.
- Repeatedly arriving tardy or starting work late, unexcused absences.
- Falsifying time records or failure to accurately record time worked, including time records for another employee.
- Dishonest behavior.
- Illegal discrimination or harassment.
- Disorderly conduct, such as violence or threats of violence or blackmail.
- Violating Program procedures or instructions.
- Failure to abide by health or safety regulations.
- Intentionally falsifying Program documents, including Program records and documents provided by the employee during the hiring process.
- Excessive use of obscene, profane, or abusive language.
- Misusing Program property, including using property without authorization; using Program property improperly; or damaging, destroying, or stealing property.
- Possession or use of weapons or other dangerous items or materials on Program property.
- Possession or use of illegal drugs, alcohol, or controlled substances without a valid prescription on Program property or while engaged in Program business.
- Failure to disclose conflicts of interests.
- Unauthorized use or disclosure of TBN's confidential information.
- Conviction of a crime that indicates you are unfit to work for TBN or represent a potential threat to TBN personnel or operations.
- Violating applicable laws or regulations in performing your duties.
- Violating any other Program policy or rule.

**Giving and Accepting Gifts** – You may not give or accept gifts, services, entertainment, or favors, from a Program competitor, family, supplier, government entity, or other organization in connection with your relationship with TBN outside of your regular employment benefits from TBN. However, you may receive gifts that are lawful, customary, of nominal value of less than \$50, and authorized in advance. For example, you may accept meals and refreshments of nominal value given in connection with business activities. When in doubt, consult the director or assistant director, and notify your supervisor if you do receive a gift of more than nominal value.

## **4.6 Internal Promotions and Transfers**

TBN may choose to initiate promotions or transfers of employees between different positions, classrooms, and/or locations in order to meet TBN's various business needs. Employees that feel that they are well qualified are also encouraged to apply for job vacancies that become available. However, you must notify your supervisor if you apply for a position. TBN prefers to promote from within unless it decides that hiring outside the organization is advisable under the circumstances. TBN will take into account the past performance, length of service, conduct, skill, potential, and qualifications for the position of all employee candidates for promotion or transfer. Therefore, employees will not become "entitled" to a promotion or transfer through length of service alone. Employee candidates may be subject to the same hiring interviews, tests, and other processes as outside applicants. At all times TBN retains discretion to hire outside candidates and make exceptions to this promotions and transfers policy.

## **4.7 Dress Code and Grooming**

What we wear to work is a reflection of the pride we have in our Program, in what we do and in ourselves. We also need to be good role models to the children in our care. Although dress code requirements will vary according to job responsibilities, we ask that your appearance at all times show discretion, good taste, and not present a hazard or impediment in the performance of your job. Clothing might get dirty or bleach stained in a child care center, and care givers need to be able to get on the floor to interact with the children.

At a minimum, clothing needs to be clean, of appropriate fit, and free from stains, holes, tears, fraying, inappropriate messages or advertising, and severe fading. Shorts shall have an inseam at least 7 inches long, and skirts must be below the knees without leggings. Shirts must have straps that are at least 1 inch wide and cover the bra straps, and they must cover the cleavage and the front and back midriff, including when arms are raised, and when bending over or crouching down. Shoes shall be clean and in good repair and have non-slip soles. Heels over 1 inch are not allowed. Jewelry shall be discreet and not present a risk of injury to children. Piercings are to be limited to three or fewer posts or small loops in each ear, and necklaces should be able to be tucked into clothing to avoid being pulled by the children. No facial or body piercings are to be worn at the center. Visible tattoos need to be covered during working hours.

On themed days at the center, employees are expected to dress according to the theme.

Ask your director or assistant director if you are unsure as to what is appropriate for an occasion. Employees displaying improper dress or appearance will be notified. Repeated inappropriate appearance is grounds for discipline. Management will determine what is considered "appropriate" dress and appearance.

**Grooming** - Staff is expected to arrive at work clean and free from strong perfumes or odors. Children, clients, visitors and other staff may have sensitivities or allergies to some odors, and strong odors make the work environment unpleasant.

Natural and/or artificial nail tips should be kept at a length less than 0.25 inches long. Nails should be trimmed and clean. Long fingernails might puncture a glove, which may put the individual staff member in harm's way. Nail polish may chip and enter food. If a staff chooses to wear nail polish or artificial nails, gloves must be worn during food service to ensure nail polish and/or artificial nails do not chip or fall off and enter food.

Hair should be clean and neat, and controlled so that it is not obstructing the staff member's vision or is falling into food or children's faces. Long hair that is not tied back can also be pulled by young children.

## **4.8 Safety**

Each employee is tasked with helping maintain a safe work environment and complying with all safety and health laws and regulations. Employees must report all injuries, accidents, illnesses, safety hazards, and health concerns that they experience or observe to the director, assistant director, or other designated manager. Failure to abide by Program safety policies or to report unsafe conditions may result in discipline.

The Occupational Safety and Health Act (OSHA) is a federal law requiring that we maintain records of all work-related accidents and illnesses. You are required to submit an incident report to the director or assistant director for all accidents, illnesses, or unsafe working conditions that an employee suffers or witnesses while on the job, no matter how small. Management may prescribe a standardized incident report form for you to use. Failure to complete an incident report may result in discipline or prevent your ability to receive worker's compensation and other benefits.

Contact a member of management if you or another co-worker is injured on the job. If necessary, contact emergency medical assistance.

**Fire Safety** – Employees are required to know and observe OSHA regulations, including helping prevent fires and maintain safe practices for avoiding fires in the workplace. Do not block access to any fire exits, doorways, windows, or fire extinguishers. Please keep all flammable materials stored in covered metal containers.

**Security** – TBN is committed to providing the organization with the most thorough and comprehensive security measures possible. The security measures are intended to provide legitimate and reasonable guidelines for safeguarding our facility and proprietary information.

Outside child care room doors and the staff room door should not be propped open when the room is unoccupied to prevent unauthorized access to the building. Playground gates should be secured at all times to prevent unauthorized access. Clients and visitors are required to enter and exit through the main entrance at the front of the building, and either sign in or register at the director's office.

No one may remove a child from the building without written consent from the child's parent or legal guardian. Non-custodial parents, including parents whose children have been temporarily placed under the custody of the Montana Department of Public Health and Human Services, must have legal authority to remove the child or written permission from the custodial parent or legal guardian.

Entry codes for the center doors should not be shared with anyone, including clients and staff. If a client or staff member has forgotten the entry door code, they will need to request a new code from the director. Opening and closing staff that have building keys or master door codes shall not share or allow access to these with any other individuals, including clients and staff, nor shall they make copies of any center keys.

Every employee has an obligation to protect our Program's proprietary data and to practice good security common sense. Further details on specific policies and procedures are provided in this handbook and can be supplemented by the director.

Contact a member of management if you have questions or concerns regarding TBN's security measures.

## **4.9 Workplace Bullying**

Program employees are to be treated with courtesy and respect at all times. Bullying through repeated inappropriate abuse of another will not be tolerated in the workplace, whether physical, verbal, or otherwise. Examples of bullying include pushing physical assault, threats, insults, ridiculing, humiliating, and slandering. If you are a victim or witness of bullying, report it to management immediately.

Communications regarding bullying and any resulting investigations will be kept as confidential as possible under the circumstances. Retaliation against those who report instances of bullying is prohibited. Violations of this policy will result in discipline and possible termination.

## **4.10 Workplace Violence**

TBN does not tolerate violence or dangerous behavior of any kind in the workplace, whether through physical abuse, threats, intimidation, coercion, stalking, or otherwise. Please report all incidents of direct or indirect violence or dangerous behavior to management as soon as possible. Reporting incidents and concerns early can help prevent a situation from escalating and becoming even more dangerous. Those who report workplace violence may not be disciplined or retaliated against. Never attempt to handle a potentially dangerous situation yourself.

Reports of violence or dangerous behavior will be promptly investigated. Identities of those involved will be kept as confidential as is possible under the circumstances. Those suspected of violence or dangerous behavior may be suspended during the investigation, with or without pay, in order to maintain safety in the workplace. If found guilty of violence or other dangerous behavior, including threats of violence, you may be disciplined and terminated at TBN's discretion.

## **4.11 Drug-Free Workplace**

TBN's drug and alcohol policy applies to all employees and applicants for hire and is designed to identify and correct instances of substance abuse in the workplace. Management is responsible for implementing and enforcing this policy.

Drug and alcohol abuse are serious threats to Program operations and success, not to mention employee health and safety. In order to provide a safe and productive workplace, employees are prohibited from consuming, possessing, selling, or purchasing illegal drugs at any time on Program property or while engaged in Program business. Likewise, employees may not consume alcohol at any time on Program property or while engaged in Program business, except for reasonable and moderate alcohol consumption during Program business and social events. Additionally, employees may not have any detectable amount of alcohol or illegal drugs present in their bodily systems at work. The prohibition in this policy apply whether employees are at a work facility, operating a vehicle while on the clock, or conducting off-site work.

A drug is considered illegal if it is illegal to possess or obtain or is legal to possess but has been obtained illegally, such as possessing prescription drugs without a valid prescription. This policy does not prohibit employees from lawfully possessing and using prescribed drugs. However, employees with valid prescription drugs are prohibited from abusing such drugs by consuming them in excess of the prescribed amounts or from consuming prescribed drugs that impair their ability to safely perform their duties. TBN reserves the right to require employees taking prescribed drugs to produce proof that they possess valid prescriptions. Consult a doctor if you are unsure as to the potential effects of any prescribed drugs you take. You are responsible for notifying your supervisor if any prescribed drugs you take may impair your ability to work safely or perform your duties effectively.

Any violation of this policy can result in disciplinary action and possible termination, even for an employee's first offense. We encourage you to seek help if you have developed an addiction or dependence on drugs or alcohol. TBN will make reasonable efforts to accommodate employees who voluntarily seek help, whether through counseling, rehabilitation, or another type of assistance program, before committing a violation of this policy. As warranted under the circumstances, such employees may be allowed to use paid time off, referred to treatment programs, placed on leaves of absence, or otherwise accommodated as required by law. Before returning to their prior work status, such employees may be required to provide proof that they have successfully completed their treatment program and to submit to testing to ensure they can perform their duties safely.

**Drug Testing** – In order to maintain a safe and productive workplace, TBN may conduct random, intermittent drug or alcohol testing of any employee where circumstances or job responsibilities justify such testing. Regardless of job responsibilities, employees may be required to submit to drug or alcohol testing in the following circumstances:

- When applying for a position and before receiving a job offer.
- When reasonably suspected based on observations by a supervisor of being under the influence of illegal drugs or alcohol during work.
- When reasonably suspected based on observations by a supervisor of possessing, selling, or distributing illegal drugs during work.
- After violating a safety policy or rule or being involved in a serious accident that causes damage to anything on Program property, including that employee or another employee.

Employees will receive their normal pay for time spent undergoing testing, but may be suspended pending the results of the test, with or without pay. Should the results prove negative, employees suspended without pay are entitled to receive back pay.

Employees testing positive or refusing to submit to testing under any of the circumstances stated in this policy are subject to discipline and possible termination. In determining discipline, one factor to consider is whether the employee voluntarily agrees to enter a rehabilitation program, drug or alcohol counseling, or another treatment program. Such employees that test positive and are not discharged may also be required to submit to additional testing at various intervals for up to two years after testing positive.

Information related to drug and alcohol tests, addictions, and dependencies, including medical information, will be kept strictly confidential to the extent required by law and separate from the normal employee file.

Supervisors must consult a manager before requiring an employee to submit to testing when the employee is reasonably suspected of being under the influence of illegal drugs or alcohol or possessing, selling, or distributing illegal drugs during work. Applicants testing positive will be disqualified from consideration for all job vacancies. Supervisors or management may contact law enforcement where appropriate when they reasonably suspect criminal activity.

## **4.12 Searches**

TBN reserves the right to conduct searches and inspections of Program property and any items on Program premises, including personal items owned by employees brought on the premises such as bags, vehicles, and other containers. TBN may search or inspect any part of its premises or property including items provided to employees for their use, such as lockers, desks, cabinets, and drawers. Searches for illegal drugs, alcohol, paraphernalia, and other items possessed illegally may be conducted at any time, without notice. Any illegal items confiscated will be turned over to the appropriate law enforcement agency. Employees that fail to fully cooperate in all searches or inspections are subject to discipline.

## **4.13 Smoke-Free Workplace**

Except in designated smoking areas and in conformance with state law, TBN prohibits smoking on all Program premises, including inside and outside on all areas on Program premises, during off-site Program meetings and events, and inside Program vehicles. Smoking is only allowed as follows: Staff is discouraged from smoking on the street directly in front of the child care facility as this presents a negative image to the public. If you chose to smoke in your vehicle, the vehicle must be removed from daycare property while you smoke. Please be courteous to neighboring property owners, and do not smoke on private property.

without owner consent. If you smoke on public or private property, do not leave cigarette butts or other debris on that property.

Odors and smoke from cigarettes remain on your clothing after you return to the daycare building. These odors and smoke may cause discomfort, irritation and/or allergic reactions in some people and children may smell like smoke after close contact with your clothing. Please wear a smock or jacket when smoking, and leave it in your vehicle when you return to the daycare building. Please do not take smoking jackets or smocks to your assigned work area, the staff break room, or hang it where it might contact clothing belonging to other people.

This policy applies to all employees, contractors, visitors, and other persons that are present on Program premises or any other place where smoking is prohibited by this policy. "Smoking" is defined as the "act of lighting, smoking or carrying a lighted or smoldering cigar, cigarette or pipe of any kind."

## **4.14 Computer and Electronic Communication Policy**

All employees must use computers and other forms of electronic communication in an ethical and professional manner at all times. This policy is designed to guide you in your use of computers and other electronic communication devices on behalf of TBN, including all electronic communication devices owned or leased by TBN, used or accessed on Program premises, used for or on behalf of TBN, or used to create content identifying or associated with TBN's business operations. Consult a supervisor or manager if you have questions or concerns related to this policy.

An "electronic communication" is any digitally- or electronically-stored or transferred information using an electronic device, and includes use of computers, email, internet, telephones, fax machines, and any other electronic device. All electronic communications and information you may create on Program premises or otherwise on behalf of TBN are the sole property of TBN, not you, and should only be created or used for TBN's best interests and never for personal use. This includes all digital files, software, and hardware you may create. You have no right to privacy in your electronic communications created on behalf of TBN or using Program property.

TBN has the right to override your personal passwords in order to gain access to digitally stored information owned by TBN. TBN may also keep a record of the passwords you use to gain access to TBN's electronic communications. Take care to not transmit or store your own sensitive personal information using or on Program property. TBN routinely monitors your use of its electronic devices. We may access all Program owned electronic communications, including emails, internet posts, text messages, voicemails, blogs, and "tweets." You will be subject to discipline if found to be using or creating Program-owned electronic communications or devices in an inappropriate or illegal manner.

Employees may only access TBN's electronic communications and devices that they have been granted access to. This means you may not access electronic communications restricted to management, other employees, or third parties without prior authorization.

Employees must use TBN's electronic communications and devices in strict compliance with TBN's confidentiality policy described herein. Take care not to disclose confidential information to inappropriate persons or without authorization via TBN's electronic communications or devices, especially when sending emails to outside parties. TBN may use its electronic communications and devices according to the needs of the business and applicable law.

TBN's electronic communications and devices may not be used to create or display anything that might disparage or negatively impact TBN's public image or reputation or that would otherwise be contrary to TBN's best interests. In addition, employees using TBN's electronic communications and devices are prohibited from the following: engaging in discriminatory, harassing, obscene, or illegal conduct; engaging in copyright, trademark, or other intellectual property infringement; accessing electronic communications that an employee is restricted or prohibited from accessing, or otherwise violating Program policy.

Employee's may only use TBN's electronic communications or devices for business purposes, not personal use. This means accessing internet websites not for business purposes or accessing personal email during work is prohibited. Additionally, you may not install personal software on Program electronic devices or systems. You may only use your personal electronic devices while on break. Note that illegally duplicating Program software may result in copyright charges against you and TBN.

You must also take care to not use TBN's electronic communications or devices in any way that disrupts the ability of others to use them. Be wary of suspicious emails, emails from unknown parties, and pop-ups and downloads from sites that are not trusted. Contact a manager if you become aware of any virus on a Program device or think you may have downloaded a virus accidentally.

## **4.15 Social Media**

Utilization of social media is a powerful way to market TBN's business, influence TBN's reputation, and engage with the community and public at large. While we encourage your support of TBN through your use of social media, you must obtain authorization prior to making posts of Program-related content that are accessible to the public or any party outside TBN.

Social media refers to any social interaction via the internet or similar platforms, such as YouTube, Facebook, Twitter, LinkedIn, Instagram, blogs, forums, and other online communities or sites accessible to the public or outside parties. When using social media, please conduct yourself in a professional and courteous manner at all times and respect the views of others. Remember that your statements reflect on TBN's reputation and public image. Take care to distinguish any personal opinions you may have from TBN's, for instance, by inserting "The opinions I have included here are my own and do not necessarily represent the opinions of The Birds Nest."

Employees are prohibited from creating content on social media that could be considered discrimination, harassing, or obscene, or that may damage TBN's reputation or public image. Employees also may not use social media for personal use during work. "Followers," "friends," and other contacts gained through TBN's social media accounts are TBN's sole property. TBN may monitor your use of social media and may ask you to delete or change any Program-related content found to be inappropriate or not in TBN's best interest.

## **4.16 Personal Phone Calls and Cell Phone Use**

Making personal phone calls or using your cell phone during work can be disruptive to others and interferes with employee's productivity. Therefore, employees may not make personal phone calls or use their cell phones during work except during breaks, emergencies, or on rare occasion to handle pressing personal matters. TBN retains the right to outright prohibit all personal calls and cell phone use, except during emergencies, and supervisors may prohibit personal calls for individual employees that abuse the privilege.

Keep your cell phones silenced or on low volume at all times during work so that you do not disturb others. When making personal calls, keep your voice at a low volume and move away from others if possible.

Any employee that receives a Program-issued cell phone must not use it to make personal calls. Program-issued cell phones will remain TBN's exclusive property and must be returned at the end of your employment.

## **4.17 Program Equipment and Property**

Any equipment that TBN issues to employees will remain TBN's sole property and must be returned promptly at the end of employment. Program-issued equipment may include cell phones, laptops, vehicles, and other items. You are responsible for performing regular maintenance, follow all operating instructions and safety guidelines, and not damaging or destroying any Program equipment or property you receive or use during the course of your employment. Please notify your supervisor immediately if you discover any Program equipment or property that is damaged, defective, hazardous, or in need of repair. Ask your supervisor if you have questions or concerns regarding proper operation or maintenance of Program equipment or property.

Employees that handle Program equipment or property improperly, negligently or in an unsafe manner may be disciplined, and employees may be required to reimburse TBN for damages they cause directly or indirectly to Program equipment or property.

## **4.18 Solicitations in the Workplace**

Soliciting for causes and distributing non work-related materials in the workplace may cause disruptions and interfere with productivity. Employees and nonemployees are prohibited from solicitation and distributing or posting literature or other materials in the workplace without prior authorization. This includes things such as requesting donations and funds, selling products or services, gathering signatures, promoting organizations,

posting on bulletin boards, sending non-work-related emails, and posting solicitations on Program online spaces. TBN may make limited exceptions to this policy for charitable activities, community organizations, or Program-sponsored events and organizations.

# **SECTION V – EMPLOYEE BENEFITS**

## **5.1 Benefits Generally**

In addition to benefits required by state and federal law, employees may become entitled to a range of benefits offered by TBN. TBN reserves the right to alter, supplement, amend, or end employee benefits at any time. Official benefits plans and documentation contain many terms and conditions. The policy below is only intended to outline general guidelines and procedures TBN follows with regard to its benefits. However, specific benefits are governed by their plan documents and other official benefit documentation, which is controlling over this policy, and any statement in the below policy that contradicts or does not align with official benefit documentation shall be considered void. Therefore, be sure to consult official documentation to specific benefits and/or the director if you have any related questions or concerns.

Your eligibility for benefits that TBN may offer is contingent on many factors including employee status and performance as well as Program performance and profitability. Speak to your supervisor or director if you are unsure as to which benefits you are or may become eligible to receive.

## **5.2 Medical and Dental Insurance**

You may become eligible to receive health insurance. TBN will cover 66% of your health insurance premium. This benefit is governed by its official benefit documentation plan. Contact your Director to review the plan or should you have any questions or concerns regarding eligibility or coverage.

## **5.3 COBRA**

According to the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1986, if you are enrolled in a Program group health insurance plan, you may qualify for continued coverage when your employment with TBN ends. State law may offer you additional protections. TBN will provide you with written notification whether or not you will receive continued coverage prior to your departure. Contact your director should you have any questions or concerns regarding COBRA.

## **5.4 401(k) Plan**

Employees may become eligible to enroll in a 401(k) plan. This plan allows employees to make contributions into an account for retirement savings from their paychecks on either a pre- or post-tax basis, depending on the specific plan. The savings in each 401(k) account are invested in various mutual funds chosen by the employee composed of stocks, bonds, and money market investments. TBN will match up to 5% of employee contributions. Contact the director should you have any questions or concerns regarding the plan.

## **5.5 Worker's Compensation**

Worker's compensation laws are designed to provide support for employees that suffer work-related injuries or illnesses. TBN carries worker's compensation insurance for all employees. Worker's compensation generally covers necessary medical, surgical, and hospital expenses in addition to lost wages and disability payments. If you suffer a work-related injury or illness, no matter how small, seek medical assistance at once and notify a director who will assist you in completing a report. This will ensure that you receive any worker's compensation to which you are entitled.

## **5.6 Social Security**

Both you and TBN contribute to the Federal government's Social Security Program. This program is designed to provide you benefits when you retire, become disabled, or are unemployed. Contact a director should you have any questions or concerns regarding your social security contributions.

## **5.7 Unemployment Insurance**

TBN pays taxes toward unemployment insurance in accordance with federal and state law. This provides you with supplemental income should you become unemployed through no fault of your own and also meet certain other eligibility requirements. Contact a director should you have any questions or concerns regarding unemployment insurance.

## **5.8 Additional Benefits**

In addition to the benefits described above, you may become eligible to receive the following benefits:

**Reduced Child Care Tuition** - All employees pay a reduced daily tuition rate for their dependents. Care availability is subject to the limitations defined in the parent handbook, and no credit or reimbursement is offered for care when spaces are not available in the center. Sibling discounts may not be used with the employee discount AND your child(ren) may not attend on days that you are not working unless prior approval by the Director is given.

**Paid Time Off (PTO)** - Full time employees are eligible to receive and use PTO upon successful completion of their probationary period. PTO hours are accrued based on the actual hours worked. In an attempt to encourage the use of accrued PTO benefits, each employee will no longer accrue additional PTO once they reach 160 hours. In order to continue to accrue PTO, employees will need to use PTO hours. Any unused PTO is forfeited at separation and will not be paid to exiting employees (in accordance with Montana state law).

Employees should notify their direct supervisor a minimum of 10 business days in advance of taking PTO, unless special circumstances are recognized. All requests must be submitted to the employee's direct supervisor and approved prior to using said time. All requests will be reviewed by the supervisor with a focus on TBN's needs, deadlines and requirements during the requested dates. The direct supervisor will inform the employee within 10 business days of receipt of the request of the acceptance or rejection thereof.

PTO must be taken in half-day or larger units. PTO pay is based on your regular rate of pay.

**Merit Pay Increases and Promotions** - Periodically, the owner and director will conduct a formal performance evaluation of each employee. The evaluation will consist of a review of the employee's performance, attitude, attendance, progress and ability. The information required to review your job performance is collected continuously by the owner and director. Evaluations will weigh heavily in determining promotions and merit pay increases.

An employee may at any time, take the opportunity to ask questions, make suggestions or to discuss any matters relating to his or her job or TBN in regard to this evaluation.

It is TBN's policy to promote employees from within TBN, when possible, to all jobs in which vacancies arise. Factors considered in making promotions are employee knowledge, training, skill, efficiency, compatibility with fellow employees, and the ability to perform the job which is available, with due consideration of the employee's length of continuous service with TBN. In the event of an opening for a promotion, the director shall determine which employee is to be promoted to the open position. Program staff may recommend the strongest candidates for open positions in which a promotion is involved within the organization, and the director will consider these recommendations along with the candidates' other qualifications.

**Student Loan Assistance and Paid Training Time** - Full-time employees are eligible for up to \$2,400 per year for student loan assistance after graduating with a degree that applies to the field of Early Childhood Education. Training time is paid at your training pay rate.

Paid training time does not include drive time or mileage. Certificates of attendance are required, and training time is paid based on the number of contact hours on the certificate. Payment receipts are required for student loan assistance.

Employees that are seeking college credit for classes in early childhood education or child development, or are seeking a Child Development Associate (CDA) might be eligible for additional scholarship funds. For more information, see the director.

# **SECTION VI – Time Off & Leave of Absence**

## **6.1 Requesting Leave**

Program operations rely on having a dependable and consistent workforce. However, we understand that circumstances will sometimes require employees to take time off work. Eligible employees are entitled to various types of leave that are either mandated or offered by TBN on a discretionary basis. Unless a specific type of leave in this policy provides a different notice time or otherwise required by law, employees must provide at least 10 days' advance notice prior to taking planned leave. If the need for leave is unforeseeable, you must give notice as soon as possible under the circumstances.

Employees must properly submit all requests for leave within the notice period required and receive authorization prior to taking the time off work. Unless required to authorize the leave by law, TBN will grant leave requests based upon Program needs and TBN's ability to absorb the missed work. TBN reserves the right to penalize, demote, transfer, or reassign employees that take extended leaves of absence, unless prohibited by law. Unless otherwise noted or required by law, regular full- and part-time employees that receive paid time off will be paid at their normal base pay rate for the hours absent. If you are unsure as to which types of leave you are eligible to receive, consult the director.

## **6.2 Paid Time Off**

Eligible employees are entitled to annual paid time off (PTO) based on length of employment. PTO will be paid at an employee's base pay rate multiplied by the number of hours the employee would have worked if not absent. Unused PTO leave remaining at the end of the year will be carried over to the following year. Employees may only accrue up to a maximum of 160 hours of PTO at any one time. Once this limit is reached, employees must use some of their accrued PTO in order to accrue more. Upon proper notice and request, TBN may approve employee requests for unpaid time off. TBN will try to accommodate requests for PTO when possible, but TBN has the right to disapprove any requests that may interfere with or negatively impact its operations. Employees may use PTO hours once they have successfully completed their probationary period. Employees will NOT be paid for any accrued unused PTO remaining at the end of employment.

## **6.3 Family and Medical Leave Act**

Due to its size, TBN is not required to comply with the federal Family and Medical Leave Act (FMLA) mandating family and medical leave under certain circumstances. This policy affords employees with all rights required under applicable state and federal law regarding family and medical leave. State law may provide employees with additional family and medical leave rights not provided under federal law, and relevant information concerning any such rights is included below or otherwise provided by TBN in accordance with state law. Please contact your director should you have any questions or concerns regarding family or medical leave.

To the extent that family and medical leave is not required under state law, TBN will consider granting employee requests for leave for the birth and care of a newborn; for the placement or care of a child for adoption or foster care; to care for the employee's spouse, child, or parent who has a serious health condition; to seek care for the employee's own serious health condition; to manage an exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on active duty; or to care for a service member with a serious injury or illness. When possible, such requests must be made at least 30 days prior to the anticipated leave and provide TBN an estimate of the duration of the leave. Requests will be granted on a case-by-case basis according to the needs of both TBN and the employee.

## **6.4 State Family and Medical Leave**

Under Montana state law, employees may have additional family and medical leave rights. The information provided here is meant to give you a general description of your rights. TBN will provide employees with all information regarding any relevant state family and medical leave law, as may be required by law. Please contact a director should you have any questions or concerns regarding family or medical leave.

## **6.6 Military Leave**

TBN strives to provide job security and prevent discrimination against employees engaged in military service. Eligible employees that are members of the Uniformed Services of the United States are entitled to military leave to participate in active or inactive duty, training, or fitness examinations, including but not limited to those in the Armed Forces, the Army National Guard, the Air Force National Guard, state militias, or reservists. Military leave is granted according to state and federal law for employees that satisfy the pertinent legal requirements. You may be entitled to continued health insurance or paid or unpaid leave for a period of time during leave. You must provide your director with as much advance notice as possible before taking military leave and return to work within the timeframe prescribed by law after your service ends.

In accordance with state and federal law, it is against Program policy to discriminate against an employee or applicant for employment on the basis of that person's membership or other service to the Uniformed Services of the United States, including denying such person employment, reemployment, promotion, compensation or other benefit. No such person may be retaliated against for exercising his or her rights as a military service member under law or Program policy. Contact your director immediately if you believe you may have been the subject of discrimination, retaliation, or harassment on the basis of your military membership. Also, contact your Director to request detailed information regarding your eligibility for military leave or for other related inquiries.

## **6.7 Worker's Compensation**

If you are unable to work due to a work-related injury or illness, you may be eligible for worker's compensation leave and benefits in accordance with state law. Your worker's compensation leave may run concurrently with the first 12 weeks of your FMLA leave. Contact a director to request detailed information regarding your eligibility for worker's compensation leave or for other related inquiries or concerns.

## **6.8 Bereavement Leave**

Eligible employees are entitled to up to 3 days' paid leave to attend the funeral or otherwise deal with the death of an immediate family member. "Immediate family members" include an employee's spouse, civil partner, child (biological, adopted, foster, stepchild, or otherwise), parent, sibling, grandparent, grandchild, same-sex domestic partner, or same-sex domestic partner's parent or child. Additionally, eligible employees are entitled to up to 3 days' paid leave to attend the funeral or otherwise deal with the death of a relative who is not an immediate member, including an aunt, uncle, nephew, niece, or in-law.

Bereavement leave will be paid at an employee's base pay rate multiplied by the number of hours that the employee would have worked if not absent. You should notify your director immediately if you wish to take bereavement leave. Bereavement leave will normally be granted unless there are unusual business needs or staffing requirements. An employee may, with his or her director approval, use any available vacation for additional time off as necessary. TBN may request verification of the facts surrounding the requested leave.

## **6.9 Jury Duty**

Company encourages employees to serve on jury duty when called. In accordance with state and federal law, employees receive unpaid time off to serve on jury duty. If an employee receives health insurance benefits, such benefit will normally be maintained during jury duty.

Employees must present their jury summons notice as soon as possible so that TBN may make arrangements to cover their shift. Employees must promptly report to work whenever their jury duty schedule does not conflict with their work schedule. TBN may allow employees called for jury duty to use accrued vacation or personal leave upon request. Time off for jury duty should be reported and appropriately logged in each employee's time records. Notify your supervisor that you have been selected for jury duty as soon as possible.

## **6.10 Voting Leave**

TBN encourages employees to fulfill their civic duty to vote in elections. If possible, employees must vote outside of work hours either before or after their scheduled shifts. TBN may grant employees unpaid time off

sufficient to vote upon request. Unless the time off to vote occurs at the end of the work shift, employees must return to work promptly after voting. Time off to vote should be reported and appropriately logged in each employee's time records.

TBN abides by any and all state and federal requirements pertaining to voting leave. Notify your director of your intention to take time off to vote prior to voting day. Consult your director if you have any questions or concerns regarding voting leave.

## **6.11 Parental Leave for School Functions**

Upon proper notice and request, TBN may allow unpaid time off for eligible employee-parents to attend their children's school functions upon request. TBN may require you to use accrued vacation or personal leave. If approved, you are required to promptly return to work upon the completion of the school function. Requests will be granted based on departmental coverage and Program needs at the time. TBN has the right to disapprove any requests that may interfere with or negatively impact its operations, unless otherwise required by law.