



**Bluegrass Area
Development
District**

**EMPLOYEE HANDBOOK
October 2014**

Employee Welcome

Dear Employees,

The Bluegrass Area Development District would like to welcome you to our family of employees. We are confident that you will find the Bluegrass Area Development District a dynamic and rewarding place in which to work and we look forward to a productive and successful association.

We deliver valuable services to the region and you will be a part of that team. As such, you are the most important asset we have. It is our goal to have a fair and consistent policy. This manual will help you understand the rules and policies which govern our group. Please feel free to bring any questions or concerns to the attention of your Department Head or the Human Resources Director.

This manual is not, however, intended to be a contract of employment. All Bluegrass Area Development District employees are “at will”, which means that the Bluegrass Area Development District maintains the unilateral right at all times to terminate any employee or alter any terms and conditions of their employment. The Bluegrass Area Development District also reserves the right to add, delete or amend any of the policies set forth herein, in an effort to remain compliant with all Federal and State requirements. Any additions, deletions or amendments will be approved by action of the Board of Directors. You will be notified of any such changes.

Once again, welcome to the Bluegrass Area Development District and best wishes of success to you during your employment. We hope through our Bluegrass Area Development District, you will reach your goals and help us reach ours.

Sincerely,

David Duttlinger, P.E., MPA
Executive Director

Copies of this Employee Policy Manual can be obtained from the HR Office. An electronic copy is found on the server at: /DATA/EVERYONE/PERSONNEL. Ask your Supervisor or human resources about any questions you may have about the interpretation of these policies.

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Introduction

This Employee Handbook is intended to organize and communicate certain policies and procedures to all Bluegrass Area Development District (hereafter referred to as “BGADD”) employees. This Handbook is designed to increase understanding, promote consistent practices, and promote compliance with applicable laws and regulations. It is not intended to cover every situation which may arise or to create a specific policy to be applied in every instance. The policies in this Handbook supersede any previous policies either written or unwritten. On occasion, you may receive updated information regarding changes in policies and those updates should be kept with your copy of the Handbook.

BGADD may choose for its own reasons at any time and with no prior notice to change, suspend, delete, add, remove or otherwise modify any or all content in this Employee Handbook. The regulations and benefits required by law will always remain in force. In the event any provision in this Employee Handbook is found to be unenforceable and invalid, such finding does not invalidate the entire Employee Handbook, but only that particular provision.

No changes shall be made to this Employee Handbook (other than correcting typographical errors) without the express approval of the BGADD Board of Directors. Supervisors may not make promises to employees in regard to modifying, dissolving or exempting employees from abiding by rules found in the Employee Handbook. Employees will be immediately advised of any changes through their supervisor. They will be provided with the change in writing and they are responsible for placing it in their copy of the Personnel Policy. Employees will be required to sign that they received all amendments to the Personnel Policy.

This Handbook is the property of BGADD. Its contents are confidential and employees should not reveal them to anyone who is not employed by BGADD. The policies, procedures, rules, benefits, and other elements of this Handbook pertain only to our employees and have no bearing on persons outside of the BGADD.

Employment At-Will

The BGADD is an “at-will” employer. Employees have the right to terminate their employment relationship with the BGADD at any time, with or without notice and with or without cause. Likewise, the BGADD has the right to terminate the employment relationship at any time, with or without notice and with or without cause.

No representative other than the Executive Director is authorized to modify this policy or to enter into any agreement, oral or written, contrary to this policy. No statements made in pre-hire interviews, employment discussions, or in recruiting materials of any kind can alter the “at-will” nature of employment.

This policy is not modified by any statements in this Employee Handbook, the BGADD’s Employment Application, the BGADD’s recruiting materials, the BGADD’s memoranda, the BGADD’s Performance Appraisals, or other materials provided to candidates and employees in connection with their employment. None of these documents, whether singularly or combined, create either an expressed or implied contract or agreement of employment, or an expressed or implied contract or agreement concerning any terms or conditions of employment. Similarly, BGADD policies and procedures do not create any contractual obligation on the part of the BGADD or agreement that

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termination will occur only for “just cause.” Statements regarding grounds for termination set forth in this Handbook or in any other BGADD documents are examples only, not all-inclusive lists, and are not intended to restrict the right of the BGADD to terminate “at-will.”

About the BGADD

The Primary purpose of the BGADD shall be to plan, promote, and encourage the comprehensive development of the Area's resources including, but not limited to, community services, transportation, health, education, and human and natural resources.

Thought of as a partnership of local units of government, the BGADD uses a staff made up of professionals with a wide range of backgrounds in such areas as economic development, human services, management, and planning to provide regional planning support and technical and management assistance to local communities.

Chain of Command

The responsibility for the overall governing and policy setting of the BGADD is the Executive Board, as established in the Bylaws. The Executive Board appoints the Executive Director.

The Executive Director is charged with the day to day administration of the Personnel Policies and work rules. The Executive Director may delegate administration of all or part of the Personnel Policies or work rules to other employees.

Employees are advised to observe the chain of command at all times. Whistleblower Policy notwithstanding, employees are to discuss any personnel issues or concerns with their immediate supervisor. If the immediate supervisor is not able to satisfy the employee's request, the employee may request permission to discuss this matter with the next layer of management. This may continue, if necessary, all the way to the Executive Director. It is imperative that the employee seek the approval of the previous layer of management before proceeding to the next level. Once the request to go to the next level is made, the employee may then proceed to contact the next layer of management.

Employees should always follow the chain of command and not discuss BGADD business with senior staff or the Board without prior approval. The only exception is in the event of a complaint or concern that may fall within the Whistleblower policy. In those cases, the employee may go directly to the Board Chair.

Representing the BGADD

When employees speak or take action on behalf of the BGADD, they must do so with consideration of the generally accepted practices of the BGADD or upon approval of the Executive Director.

Should an employee publicly take a position inconsistent with our policy or practice, we ask that the employee make clear they do not speak as a BGADD representative.

Employment Practices

Equal Employment Opportunity

The BGADD believes that diversity in the workplace is essential and the overall responsibility for equal employment opportunity rests with the Executive Director. The BGADD does not discriminate against employees or applicants for employment based upon race, color, national origin, genetic information, religious beliefs, gender, age, marital status, disability, U.S. veteran status, or any other protected classifications, activities, or conditions as required by federal, state, and local laws. The BGADD will make every reasonable effort to ensure that all applicants and employees receive equal opportunity in personnel matters, including recruitment, selection, training, placement, promotion, demotion, compensation and benefits, transfers, terminations, and working conditions (including reasonable accommodation for qualified individuals with disabilities). The BGADD complies with all applicable federal, state, and local laws relating to employment as a matter of policy and practice.

Any employee with a disability who requires reasonable accommodation should contact Human Resources. Generally, disability refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. The BGADD will seek to reasonably accommodate qualified individuals with a known disability. Further information on this topic is set forth below, in the section addressing the Americans with Disabilities Act Amendments Act (ADAAA).

No Discrimination and No Harassment

The BGADD strives to maintain a work environment free from unlawful discrimination and harassment. It is the BGADD's policy that any form of harassment or discrimination on the basis of race, color, national origin, genetic information, religious beliefs, gender, age, marital status, disability, U.S. veteran status, or any other protected classifications, activities, or conditions as required by federal, state, and local laws, will not be tolerated in the workplace. Discrimination or harassment, or condoning such conduct, will result in disciplinary action, up to and including termination.

The BGADD's policy against unlawful discrimination and harassment applies to all employees of the BGADD. In addition, the BGADD's policy against workplace discrimination and harassment applies to vendors and other third parties with whom our employees come into contact while conducting BGADD business, provided that the BGADD is made aware of the objectionable conduct.

The BGADD accepts no liability for harassment of one employee by another employee. The individual who makes unwelcome advances, threatens, or in any way harasses another employee is personally liable for such actions and their consequences. The BGADD may or may not provide legal, financial, or any other assistance to an individual accused of harassment if a legal complaint is filed.

Anti-Bullying

The BGADD strives to provide all employees with safe and healthy work environments. It is the position of BGADD, then, that bullying of other employees, clients, guests, or anyone on BGADD property will not be tolerated and any employee who violates this policy is subject to disciplinary action, up to and including termination.

Bullying is behavior that is demeaning, humiliating, or intimidating to others, and it can target a single individual or a group of people. It can be ongoing or a single incident, and the number of occurrences matters less than the type of behavior and the intent behind it.

This policy cannot list all possible examples of prohibited conduct; however, the examples of the kind of speech and conduct prohibited in our workplace include, but are not limited to, the following:

- Insulting comments;
- Offensive/abusive language;
- Rumor spreading;
- Inappropriate innuendos;
- Teasing;
- Deliberate exclusion; and
- Practical jokes.

Reporting Suspected Bullying

The most important factor in determining bullying is the context, as there is a difference between friendly banter between long-time colleagues and comments that are meant to bully or demean others. However, it is better to report suspected bullying than to allow actual bullying to go unreported. It is everyone's responsibility to maintain a work atmosphere free of bullying, and the BGADD cannot resolve complaints that are not brought to its attention. An employee who experiences bullying or has witnessed bullying should promptly report the matter. All such reports may be made to your supervisor, department head, or Human Resources. This policy does not require reporting bullying to any individual who is responsible for the bullying.

Reports will be thoroughly investigated. Every employee has a duty to cooperate with any investigation conducted by the BGADD. Confidentiality will be maintained to the maximum extent possible. However, absolute confidentiality is not guaranteed.

Any employee who violates this policy is subject to disciplinary action, up to and including termination.

Sexual Harassment

Included within this prohibition are unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature including, but not limited to, any attempt to make submission to such conduct a term or condition of an individual's employment; or where the submission or rejection of such conduct is used as a basis for employment-related decisions; or where such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

This policy cannot list all possible examples of prohibited conduct; however, the examples of the kind of speech and conduct prohibited in our workplace include, but are not limited to, the following:

- verbal abuse of a sexual, racial, or ethnic nature;
- commenting about an individual's body in a sexually or otherwise offensive manner;
- using offensive or degrading words in connection with an individual's race, age, sex, religion, ancestry, or disability;
- lewd, off-color, sexually-oriented comments or jokes;

- foul or obscene language;
- questioning, making remarks, or commenting on an individual's sexual preference or experience;
- suggestive or sexually explicit posters, calendars, photographs, graffiti, cartoons, or literature;
- sexually offensive or explicit remarks, including written or oral references to sexual conduct, gossip regarding one's sex life, body, sexual activities, deficiencies or prowess;
- sexual favors in return for employment rewards, or threats if sexual favors are not provided; and

Reporting Suspected Discrimination, Harassment, or Retaliation

It is everyone's responsibility to maintain a discrimination-free, harassment-free, and retaliation-free work atmosphere. The BGADD cannot resolve complaints that are not brought to its attention. An employee who experiences any job-related harassment, has a related complaint, or believes he or she has been treated in an unlawful, discriminatory manner should promptly report the matter. All such reports may be made to your supervisor, department head, or Human Resources. This policy does not require reporting harassment or discrimination to any individual who is creating the alleged harassment or discrimination.

Reports will be thoroughly investigated. Every employee has a duty to cooperate with any investigation conducted by the BGADD. Confidentiality will be maintained to the maximum extent possible. However, absolute confidentiality is not guaranteed.

Any employee who violates this policy is subject to disciplinary action, up to and including termination.

No Retaliation for Reporting Discrimination, Harassment, or Bullying

The BGADD prohibits any form of retaliatory action against an employee for reporting a concern or making a complaint under this policy, or for assisting in an investigation. Employees should immediately report any suspected retaliation to your supervisor, department head, or Human Resources.

Complaints of retaliation will be investigated and, where appropriate, may lead to disciplinary action, up to and including termination. No employee will be penalized for good faith, honest reporting under this policy. Acting in "good faith" means that an employee comes forward with all of the information he or she has and believes that he or she is giving a sincere and complete report. In other words, it does not matter whether the report turns out to be true, as long as it is delivered honestly. Deliberately false reports – allegations made maliciously or in bad faith – may result in disciplinary action, up to and including termination.

Whistleblower Policy

Policy

The objective of the BGADD's Whistleblower Policy is to establish protection for directors, board members, and employees who report concerns of organizational wrongdoing. This protection is from retaliation, harassment, or adverse employment consequences related to the reporting of concerns.

Procedure

The BGADD encourages directors, board members, and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. Employees and representatives of the organization should practice honesty and integrity in fulfilling their responsibilities and comply with all applicable laws and regulations.

Detailed are the procedures for reporting organizational wrongdoing and for the receiving and retention of complaints received. Examples of violations include, but are not limited to, questionable or improper accounting or auditing matters and violations and suspected violations of applicable laws and regulations (herein collectively referred to as Concerns).

Reporting Responsibility

Each director, board member, and employee of the BGADD has an obligation to report in accordance with this Whistleblower Policy within 90 days of discovering the violation.

No Retaliation

This Whistleblower Policy is intended to encourage and enable directors, board members, and employees to raise Concerns within the organization for investigation and appropriate action. With this goal in mind, no director, board member, or employee who, in good faith, reports a Concern shall be subject to retaliation or, in the case of an employee, adverse employment consequences related to whistleblower complaints. Moreover, an employee who retaliates against someone who has reported a Concern in good faith is subject to discipline up to and including termination of employment.

Reporting Concerns

Employees should share their Concerns with someone who can address them properly. In most cases their supervisor is in the best position to address a Concern. However, if the employee is not comfortable speaking with the supervisor about the Concern, the employee is encouraged to speak with the department head, someone in Human Resources, or anyone in management with whom they are comfortable in approaching. Supervisors and managers are required to report suspected Concerns to the appropriate person/people immediately.

For suspected fraud, or when employees are not satisfied or are uncomfortable with following the open door policy, contact the Chair of the Board of Directors, the Department for Local Government, the Auditor of Public Accounts, or the State Attorney General.

Handling of Reported Violations

The HR Director shall address all reported Concerns. The HR Director shall notify the Board of Directors and the Executive Director of any such report within three business days.

The HR Director will notify the sender and acknowledge receipt of the Concern within five business days, if possible. It will not be possible to acknowledge receipt of anonymously submitted Concerns.

All reports will be investigated and appropriate corrective action will be recommended to the Board of Directors, if warranted by the investigation. In addition, action taken must include a conclusion and/or follow-up with the complainant for complete closure of the Concern.

The BGADD and/or Board of Directors has authority to retain outside legal counsel, accountants, private investigators, or any other resource deemed necessary to conduct a full and complete investigation of the allegations.

Acting in Good Faith

Anyone reporting a Concern must act in good faith and have reasonable grounds for believing the information reported indicates a violation of the law, or constitutes an inappropriate accounting or financial practice. The act of making allegations that prove to be unsubstantiated, and that prove to have been made maliciously, recklessly, or with the foreknowledge that the allegations are false, will be viewed as a serious disciplinary offence and may result in discipline, up to and including termination of employment. Such conduct may also give rise to other actions, including civil lawsuits.

Confidentiality

Reports on Concerns, and investigations pertaining thereto, shall be kept confidential to the extent practical, consistent with the need to conduct an adequate investigation.

Disclosure of reports of Concerns to individuals not involved in the investigation will be viewed as a serious disciplinary offense and may result in discipline, up to and including dismissal from the volunteer position or termination of employment. Such conduct may also give rise to other actions, including civil lawsuits.

For additional information, please see the Whistleblower Policy in Appendix C.

Nepotism Prohibition

No officer or employee of the BGADD shall advocate, recommend or cause the: employment, appointment, promotion, transfer or advancement of a family member or an immediate family member to an office or position of employment with the BGADD. The BGADD refrains from employing a staff member's family member.

No officer or employee of the BGADD shall supervise or manage the work of a family member or an immediate family member.

No officer or employee shall participate in any action relating to the employment or discipline of a family member or immediate family member, except that this prohibition shall not prevent an elected or appointed official from voting on or participating in the development of a budget which includes compensation for a family member or immediate family member, provided that the family member or immediate family member is included only as a member of a class of persons or a group and the family member or immediate family member benefits to no greater extent than any other similarly situated member of the class or group.

The prohibitions in this section shall not apply to any relationship or situation that would violate the prohibition, but which existed prior to the effective date of this code.

Consensual Relationships

Although the BGADD acknowledges consensual relationships are within the realm of individual privacy, it is necessary to advise that these relationships, particularly those occurring between management and staff members, may lead to circumstances that can be interpreted as sexual

harassment. Consensual relationships may also be interpreted as causing a hostile or offensive work environment when other staff members believe that the person(s) is/are receiving favorable treatment in employment decisions and actions. In addition:

- Employees are strictly prohibited from engaging in physical contact (public displays of affection) on the BGADD's property whether during working hours or not;
- The BGADD will presume that the relationship is welcomed between both parties unless one or the other notifies the BGADD to the contrary;
- Conduct occurring during a disagreement or following the end of the relationship must not violate the BGADD's No Discrimination and No Harassment policy. Examples of unacceptable behavior include: sending hateful e-mails and "name calling." This behavior is not limited to workplace conduct, but also includes conduct outside the workplace such as stalking, berating phone calls to an employee's home, etc.;
- Conflicts of interest may arise in the connection with a consensual relationship between managers and subordinates. Individuals may not make or influence decisions affecting those with whom they have intimate, familial relationships. The same principles apply to consensual relationships.

Manager-Employee Relationships

The BGADD views as inappropriate any amorous relationship involving an executive or manager, and a staff employee where the individual in the management position has authority, influence, or responsibility with regard to that employee. Managers engaging in such conduct may be subject to disciplinary action, up to and including termination.

We trust all employees of the BGADD will continue to act responsibly to maintain a working environment free of discrimination and harassment. The BGADD encourages employees to raise questions they may have regarding discrimination or harassment by contacting Human Resources.

Immigration Law Compliance

The BGADD employs only United States citizens and those non-U.S. citizens authorized to work in the United States in compliance with all applicable federal and state laws.

As a condition of employment, employees must complete the Employment Eligibility Verification Form INS I-9 and must provide originals of acceptable documents (as specified by the I-9 form) verifying the employee's identity and eligibility to work in the United States. The I-9 form and documents must be provided to the designated representative within the first three (3) days of employment. Failure to provide acceptable documents within three (3) days of the start date will result in a delay of employment, including pay, benefits, and a rescheduling of the start date. Employees who are rehired must complete a new form if the one previously completed is more than three (3) years old.

Americans with Disabilities Act (ADA) and ADA Amendments Act (ADAAA)

Consistent with applicable law, the BGADD prohibits discrimination against otherwise qualified individuals with disabilities that substantially limit their ability to perform a major life function. The BGADD will provide reasonable accommodation to enable qualified individuals with a disability to perform the essential functions of their job if such accommodations would not impose an undue hardship on the BGADD.

Any given situation, however, will be analyzed on a case-by-case basis depending on the medical condition, job requirements, and business needs. Therefore, not all possible accommodations are available in every situation.

Employees with a disability requiring accommodation(s) who believe they may be otherwise qualified should contact Human Resources. The BGADD will engage in an interactive process with the employee by having the employee complete a Request for Reasonable Accommodation Form and Medical Inquiry Form. Employees should not provide unsolicited medical or family medical history information.

If employees believe that any discrimination or failure to accommodate has occurred, they should report the matter promptly to their supervisor, department head, or Human Resources. No employee will be subjected to any form of discipline or retaliation for making a report under this policy.

Nursing Mothers

The BGADD complies with applicable provisions of the Patient Protection and Affordable Care Act. Consistent with this statute, the BGADD provides all nursing mothers with reasonable break time to express breast milk for the nursing of a child for one (1) year following the birth of a child. In addition, the BGADD will provide a private place other than a bathroom where a nursing mother may express breast milk.

GINA Notice to Employees

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to any request for medical information.

Genetic information, as defined by GINA, includes information such as: an individual's family medical history, the results of an individual or family member's genetic tests, and/or an individual or an individual's family member seeking/receiving genetic services or genetic information related to a fetus carried by an individual or an individual's family member.

HIPAA

The BGADD maintains health care and related plans that are subject to HIPAA (Health Insurance Portability and Accountability Act) requirements. Thus, HIPAA privacy and security provisions will apply to protected health information (PHI) maintained by the BGADD for its employees.

In addition, some BGADD employees help to maintain and administer healthcare and health-related programs to clients as part of their position. Thus, HIPAA privacy and security provisions will also extend to protected health information (PHI) related to these clients that is maintained or accessed by BGADD employees.

HIPAA regulations will be followed in administrative activities undertaken by assigned personnel when they involve PHI in any of the following circumstances: health information privacy, health information security, and health information electronic transmission.

The BGADD will consider any breaches in the privacy and confidential handling of PHI to be extremely serious, and disciplinary action up to and including termination may result if an employee violates this policy.

Healthcare Coverage Continuation under COBRA

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the BGADD's health plan for a limited period of time as part of a qualifying event.

Qualifying events include, but are not limited to:

- termination of employment for reasons other than wrongdoing/misconduct
- death of an employee
- a reduction in an employee's hours
- leave of absence
- divorce or legal separation
- dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage after a qualifying event at the BGADD's group rates plus an administration fee for continuation coverage. The BGADD provides each eligible employee with a written notice describing rights granted under COBRA when a qualifying event occurs. The notice contains important information about the rights and obligations of the employee and/or beneficiary(ies). Failure to comply with the notice in a timely fashion may result in a loss of insurance coverage. It is imperative that each employee keep the BGADD apprised of their marital/family status and of the age of his/her dependents.

Employment Process

Employment Application Process

Individuals interested in a position with the BGADD must submit a resume to the Human Resources Director. Department Directors who receive resumes solicited or unsolicited must forward a copy of all resumes to the Human Resources Director. The BGADD may also require an official application and letters of reference. Copies of resumes will be kept on file for a period of three months after which time they will be shredded.

When an opening exists, the Human Resources Director will review the resumes on file to determine if the candidates meet the minimum qualifications for the position. Following the BGADD's review of all resumes the BGADD will request completed applications from those candidates judged to be the most suitable. The interview process will then commence.

The BGADD will make conditional offers of employment to those candidates selected during the interview process. The conditional aspect of the job offer depends on the employee agreeing to acknowledge BGADD policies in writing, consenting and passing all necessary drug (See Substance Abuse Policy Appendix B), background and reference checks, and finally any other condition that should be met before the candidate may consider themselves an employee.

Following an acceptance of an offer of employment, all new employees will be given a start date and location to report for an orientation session. Orientation is paid. During the orientation, the new employee will be given workplace rules, policies and other information about their position. Authorization forms and policies must be signed at this time BEFORE actual work is performed and before they are sent for a meeting with their new department director.

Announcement of Position

Announcement of a position will include such information as where to apply, deadlines for application, the title and pay ranges for the position, summary of duties of the position, and the position qualifications required. All written announcements of a position will contain the following statement: "An Equal Opportunity Employer M/F/D."

Consideration will be given to current employees in filling new and vacant positions. The notice of openings will be submitted via e-mail from the Human Resources Director to all BGADD employees. Additional outlets may be used as deemed appropriate.

If the Department Director or the Executive Director does not believe that the current workforce includes an individual that meets the minimum qualifications for the position, or that the best interests of the BGADD would be better served, the position may be advertised to the general public in an appropriate manner.

Application

Each candidate for interview for a position with the BGADD, will be required to complete an Application for Employment. The BGADD may investigate all statements contained in the aforementioned documents at any time before or after employment commences. Any misrepresentation or omission of facts stated therein may be cause of immediate dismissal. An applicant is a person who completes a BGADD provided application for a specific position.

Applications for Positions

Official application forms supplied by the BGADD and completed by the candidate will require legally authorized:

- Information about the applicant's training and experience;
- References and signed release form; and
- Whatever additional information is required for an evaluation of the applicant's fitness for the position applied for. Additional testing or evaluations deemed necessary for employment may be identified and required.

Each resume will be reviewed by the Human Resources Director or appropriate Department Director and such other persons as deemed appropriate.

No person may be appointed to a position unless verified information on an official application form indicates that the person meets the qualifications set forth for the posted position.

All non-solicited resumes filed with the BGADD will be kept by the Human Resources Director, or designee, for three months.

Upon request, all applicants will be given a copy of the position description describing the job requirements and necessary qualifications.

The Executive Director or their designee will be the sole judge of the qualifications and competence of all employees and applicants for employment and will have the right to select, hire, promote, suspend, discipline, discharge, layoff, or make work assignments and/or transfer employees from one job to another. Employees understand that employment is "at will".

Work Environment

Ethics

An employee of the Bluegrass Area Development District is a public employee bound by the basic moral and ethical principles inherent in any position of public trust. His/her conduct shall exemplify the highest standards of the professional ethics in the District's relationship to the public, the constituent governments of the region, and all agencies and officials of local, state, and federal governments. To ensure adherence to these standards, please reference the complete code of professional ethics in Appendix E of this handbook.

Open Communication

The BGADD subscribes to the open door policy. To ensure effective working relations, it is important that misunderstandings or conflicts are resolved before serious problems develop. If a situation persists that you believe is detrimental to you or the BGADD, we encourage free discussion with your supervisor, department head, or Human Resources, following the chain of command. The BGADD will endeavor to work out a satisfactory solution to the problem.

Attendance

If you are ill, injured, or an unexpected emergency arises which prevents you from coming to work, you must notify management prior to the start of your scheduled work day. If you are physically unable to contact the BGADD, you should direct another person to make the contact on your behalf. When you report, identify a date when you expect to return to work. If you cannot provide a date, you may be requested to call every day of your absence.

If you are absent due to illness or injury for more than three (3) consecutive workdays, management reserves the right to require proof of illness, injury, or accident, including a doctor's statement(s) or notice(s), for any temporary disability.

An employee who fails to call or report to work for three (3) consecutive workdays shall be considered to have abandoned the job without notice. Paperwork to terminate the employee will be initiated at the expiration of the third (3rd) workday.

Excessive absences and/or late arrivals and failure to report absences may lead to disciplinary action, up to and including termination of employment. At the discretion of the BGADD, a statement from a doctor may be required to return to work.

Solicitation and Distribution

Employees shall not solicit or distribute literature for any groups or organizations, including charitable organizations, during the working time of either the employee(s) engaging in such activity or the employee(s) at whom the activity is directed. Working time does not include breaks, meal periods, or other times that the employee is not supposed to be working. Employees shall not distribute literature in working areas at any time. Employees shall not sell merchandise on BGADD premises at any time. The BGADD prohibits solicitation and distribution of literature for any groups or organizations by any person not employed by the BGADD. In addition, distribution of literature or printed material of any kind, in any work area, and posting notices or signs in any form anywhere on BGADD premises, inside or outside of BGADD facilities, without prior approval from

the Executive Director, is prohibited. The use of electronic mail for solicitation and personal distribution is prohibited.

Any employee who solicits other employees for employment with another BGADD will be subject to disciplinary action, up to and including termination.

The BGADD is prohibited from releasing employee names or addresses for solicitation purposes except as required by federal, state, and local laws.

The BGADD may, at its discretion, sponsor fundraising activities in support of local or national charities or other not-for-profit entities. Employees are not required to make contributions or donations, but will be notified of these activities and invited to participate at their discretion.

Employee Records

Collection and Retention of Employee Records

Current information on all employees is necessary for processing payroll, administering benefits, and maintaining accurate personnel files. The BGADD will collect, use, and retain information required for business and legal compliance. Due to the confidential nature of some information, the BGADD strictly limits access to employee records and/or the disclosure of information contained in these records.

Access and Disclosure of Employee Records

An employee who wishes to review his or her personnel file should contact Human Resources. You may see information in your personnel file if you wish and request copies of all documents you have signed; however, there may be a charge of up to .50 cents per copy. Please make arrangements with the Human Resource Director.

Data Changes

Employees must notify management when a change in personal information occurs (such as those listed below) to ensure the BGADD's records are up-to-date at all times. Employees should also notify management if the employee needs to add/change a beneficiary designation with respect to any benefit program or if the employee needs to change the number of dependents (exemptions) for income tax purposes.

Please contact Human Resources if any of the following have changed or will change in the near future:

- Legal Name
- Home address
- Home telephone number
- In Case of Emergency Contact
- Number of dependents
- Marital status
- Change of beneficiary
- Military/draft status
- Exemptions on your W-4 or K-4 tax forms
- Driving record or status of Driver's License (if you operate BGADD vehicles)
- Training certificates
- Professional licenses

Employees must notify management within thirty (30) days of a qualified change in family status, as this could affect benefit eligibility. A qualified change in family status includes marriage, divorce, birth, adoption, or death.

Verification of Employment

All inquiries regarding a current or former employee must be referred to management. The BGADD limits verification of employment information to employment dates and job title, unless the employee provides written permission to release specific information related to wages and compensation. In all other cases, with the exception of data necessary to satisfy legal or investigative requests, the BGADD limits the disclosure of employee information to outside companies, agencies, bureaus, and institutions only when it is authorized by the employee or former employee.

Dress Code

The BGADD maintains high standards of professionalism when it comes to the dress code in order to present a professional, modest, fresh, and neat appearance while also ensuring safe and sanitary working conditions. It is the responsibility of each employee to uphold these standards in all areas of their work, including work habits, customer relations, and appearance. The dress code, personal appearance, and hygiene standards for your particular position will be reviewed with you by your supervisor. However, all employees are expected to practice good personal hygiene and body cleanliness.

All employees are expected to report to work properly groomed and wearing appropriate attire. Appropriate dress is considered attire appropriate for the environment and business setting. Jeans are not permitted unless BGADD indicates it is a special occasion or there is a theme (i.e. Spirit Wear). No employees will be permitted to wear un-natural hair colors (blue, green) or piercings in any visible part of the body other than the ears while working. Employees with visible tattoos shall make best effort to cover them during work hours with the understanding that some tattoos can be considered unacceptable or offensive. It is preferable that employees not wear fragrances/perfumes but, if necessary, make sure the application is moderate to light.

Outside Employment

In some instances, BGADD employees may obtain secondary employment outside of the BGADD, provided such employment does not present a conflict of interest (i.e., working for a customer, supplier, or competitor) and does not adversely affect the employee's attendance or performance at the BGADD. However, Employees must seek permission from BGADD prior to engaging in outside employment. Permission will be denied if the outside employment presents a potential or actual conflict of interest, or could be perceived as such. For example, your other job cannot:

- conflict with your work schedule, duties, or responsibilities;
- require you to conduct work or related activities on the BGADD's premises, during the BGADD working hours, or using the BGADD facilities, equipment, or trade secrets; and/or
- affect the performance standards of your job with the BGADD.

For the purposes of this policy, self-employment is considered outside employment. All employees are evaluated by the same performance standards. Your performance with regard to the BGADD's scheduling demands will be evaluated on par with all other employees, without accommodation for any outside work commitments.

Please reference the Conflicts of Interest policy and form in Appendix B for additional information.

Standards of Conduct

If any employee engages in activity detrimental to the best interests of the BGADD, our clients, or our employees, then he or she will receive appropriate corrective action. Corrective action may include a verbal or written correction notice, suspension, or discharge. The BGADD does not guarantee that one form of action will necessarily precede another. Whether on duty or off duty an employee's conduct reflects on the BGADD. Employees are, consequently, encouraged to observe the highest standards of professionalism at all times.

Types of behavior and conduct the BGADD considers inappropriate include, but are not limited to, the following:

- Falsification or omission of requested information on any BGADD record or report, including job applications, personnel forms, medical certification documents, and timekeeping documents.
- Sexual, discriminatory, or other unlawful harassment of another employee, visitor or customer (or potential customer) of the BGADD.
- Not reporting for all scheduled working hours regularly and on time (i.e., unexcused absence and tardiness).
- Dishonesty.
- Reporting to work while under the influence of alcohol or any illegal substance.
- Illegal manufacture, possession, sale, use, distribution, or transportation of a controlled substance other than a drug prescribed by a physician for the employee.
- Restricting production or interfering with others in the performance of their jobs.
- Possession of firearms or other weapons on BGADD premises (please see the policy on Violence-Free Workplace for more details) except as specifically allowed under state or local law.
- Insubordination.
- Assault or battery on a fellow employee, visitor of the BGADD, or customer (or potential customer) of the BGADD.
- Arrest or conviction for a criminal act that (1) renders the employee unable to perform his/her job due to incarceration, or (2) reflects the employee's inability to safely and adequately perform his/her job.
- Theft or unauthorized removal or possession of BGADD property, another employee's property, or the property of any visitor to the BGADD.
- Neglect of job duties, unsatisfactory performance or job related incompetence.
- Failing to maintain the integrity of the BGADD's confidential information or the release of confidential information about the BGADD, its customers, or firms that do business with the BGADD.
- Inappropriate use of the BGADD telephones, equipment, computer systems, and communications tools (e-mail, fax, PDA's, wireless devices, etc.). This includes excessive personal use of these systems and tools.
- Intentional destruction of the BGADD's or another employee's assets/materials/property or disruption of work. Inappropriate or careless use of BGADD equipment/materials.
- Solicitation that violates the policy described in this Handbook.
- Inappropriate or unprofessional conduct, to include rude or unprofessional behavior towards another employee, customers, contractors, suppliers, or other third parties.
- Use of abusive, threatening, rude or otherwise offensive language, or actions towards another employee, customer, contractor, supplier, or other third party.

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- Horseplay and/or any other unsafe behavior or actions.
- Failure to report an overpayment of wages.
- Misuse of BGADD funds.
- Soliciting or accepting gratuities from suppliers.
- Disregarding or violating safety, quality, or security policies.
- Failing to maintain the integrity or release of BGADD confidential information.

This is not a complete list of unacceptable conduct, and it does not limit or restrict the BGADD's "at-will" employment policy. Should an employee's performance, attendance, work habits, overall attitude, conduct, or demeanor become unsatisfactory in the judgment of the BGADD, based on violations of the above or any other BGADD policies, rules, or regulations, the employee will be subject to disciplinary action, up to and including termination. The BGADD may act in its discretion on a case-by-case basis, as appropriate.

Performance Appraisals

Performance appraisals will be conducted annually to give employees the opportunity to gain feedback from their supervisors/managers and to make goals to improve performance. Performance appraisal sessions also allow employees the opportunity to provide feedback to BGADD. Each department is responsible for scheduling their own appraisals.

Grievance/Arbitration Policy

If a grievance/ employment dispute arises while you are employed at the BGADD, please utilize the provisions of the BGADD's Open Door policy and report your issues to the person you feel is most appropriate to handle your issue. Every effort will be made by the BGADD to work with you to resolve your issue.

If, however, such a dispute cannot be settled to your or BGADD's satisfaction, by accepting or continuing employment with the BGADD you agree that escalated disputes will be exclusively settled by binding arbitration under the Federal Arbitration Act. Any dispute associated with employment, termination of your employment, discrimination, harassment, etc. will qualify for arbitration resolution, and arbitration shall be the final resort. Employees in any court or any forum can bring no other action.

By accepting and/or continuing employment at the BGADD, both you and the BGADD and agree to waive all rights to a civil court action regarding your employment and the termination of your employment. Only the arbitrator, and not a judge nor a jury, will decide the dispute.

If you decide to dispute an alleged incident during your employment and an agreement is unable to be reached using the normal channels within the BGADD, you must deliver a written request for your decision to arbitrate to the Executive Director. You will have up to two (2) months from the date of termination, or two (2) months from the date on which the alleged incident(s) or conduct occurred, whichever occurs first, to make such request. You will also have up to fourteen (14) calendar days to respond to each communication from the BGADD regarding the selection of an arbitrator and the scheduling of a hearing.

If the BGADD does not receive a written request for arbitration from you within two (2) months, or if you do not respond to any communication from the BGADD about the arbitration proceedings within fourteen (14) calendar days, you will have waived any right to raise any claims arising out of the original issue.

The arbitrator will be selected by both parties from a list of available representatives. You and the BGADD shall each bear respective costs for legal representation at any such arbitration. The parties, if any, shall share the cost of the arbitrator and court reporter, equally.

Non-Disclosure Policy

All employees at one time or another will receive or be exposed to personal, privileged and/or confidential information. That information may concern other employees, the BGADD's operations, client lists, BGADD affairs, business models, or other organizations with whom we do business. You are obligated to ensure that this information remains confidential and is not disclosed. This is true regardless of whether you are actively employed, on leave, or your employment with the BGADD ends (for any reason). Employees who disclose such sensitive information will be disciplined, up to and including immediate termination or legal action.

In addition, employees are not permitted to photograph, record, photocopy, or otherwise preserve BGADD forms, lists or other materials belonging to the BGADD without prior authorization.

Conflicts of Interest

A conflict of interest is a situation where the aims of two parties are incompatible. BGADD considers conflicts of interests to be unacceptable and, while it is impossible to cover all of the circumstances that may be called a "conflict of interest," some examples include:

- Acceptance of outside employment with any BGADD that does business with the BGADD or is a competitor of the BGADD or in which the BGADD has oversight responsibility.
- No employee may engage in outside work that will interfere with his or her primary job with the BGADD.
- If an employee, spouse, or other member of the employee's immediate family or household is engaged in a business that is similar in nature to the business of the BGADD, the relationship must be disclosed in full by the employee to the Executive Director.
- No employee may accept a business related retainer, commission, consulting fee, or any other fee arrangement.
- No employee may, directly or indirectly, borrow from, lend to, invest in, or engage in any financial transaction that may result in a conflict of interest with a potential customer, vendor, or supplier.
- No work in connection with outside employment may be done during an employee's regular work hours, and none of the BGADD's facilities, equipment, labor, or supplies are to be used to conduct work for outside employment.
- No employee may use any confidential information or knowledge acquired by virtue of the employee's position with the BGADD for any personal gain or advantage against the BGADD or divulge such knowledge or information to anyone who would use it in any way detrimental to the interests of the BGADD. This includes sharing of information regarding pricing, terms, or conditions of our contracts, business markets, and customers. It is against the BGADD's policy to communicate, directly or indirectly, with any competitor regarding its present or contemplated business actions, including any pricing, terms, or conditions of contract negotiations.
- Employees who engage in political activities must do so on their own time as private citizens. This includes visible expression and discussions of political preferences while at work or conducting BGADD business. Employees who hold public office or serve on commissions or advisory groups should be alert to conflict-of-interest situations and be

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prepared to abstain from participating in any deliberations or voting on any issues that directly involve the BGADD.

- Employees, directly or indirectly, offering, promising or giving anything of any value to a representative of an organization in connection with any BGADD transaction or business that the BGADD may have with such organization.
- Misuse of any BGADD proprietary, non-public information prior to public disclosure.

If an employee has questions concerning a possible conflict of interest, they should contact their supervisor, department head, or Human Resources. For related forms, see Appendix B of this handbook.

Confidentiality of Proprietary Information

Employees of the BGADD are entrusted with confidential information from the BGADD and/or from a third party. This information is to be used only for the business purpose intended and may not be used for personal reasons. Information relating to customers, their records, and/or their accounts should not be disclosed to any non-employee unless the customer has consented to the release in writing. In addition, employees are not permitted to photograph, record, photocopy, or otherwise preserve BGADD forms, lists or other materials belonging to the BGADD without prior authorization. Confidential information should only be shared with other employees on a strict “need-to-know” basis and only with proper approval. Any questions regarding a release of information or records should be directed to the Executive Director.

All subpoenas relating to any business or customers of the BGADD should be forwarded immediately to the Executive Director.

Trade Secrets, Intellectual Property, and Inventions

Proprietary information, trade secrets, intellectual property, and inventions make up a substantial part of the competitive advantage the BGADD may hold over its competitors. This includes all information relating to the BGADD’s customers and suppliers, including but not limited to customer lists, supplier lists, and information. As such, the BGADD and its employees must guard these valuable resources. The BGADD employees agree to protect and maintain the BGADD’s exclusive access to these resources.

All rights to any invention, process, compilation of information, method, program, technique, application or other physical or intellectual property developed by an individual while employed by the BGADD, using the BGADD business resources, resulting from any work for the BGADD or relating to the BGADD business is considered “work for hire” by United States copyright laws and will remain the property of the BGADD.

Upon leaving the BGADD, exiting employees agree to surrender any and all rights to the above stated BGADD resources. Employees agree to return any and all equipment of the BGADD as well as BGADD information. Employees agree not to make or maintain any copies or facsimiles of BGADD data, electronically or otherwise.

Safety

The BGADD seeks to provide a work environment for employees, customers, and vendors as free as possible from recognized hazards. To achieve this goal, every employee has a responsibility to be safety conscious. Employees should immediately report any unsafe or hazardous condition to their

supervisor. This includes safety violations, unsafe equipment or conditions, and employer rules which an employee believes are not adequately protecting employees. Efforts will be made to remedy problems as quickly as possible.

In case of an accident on the job resulting in a personal injury, regardless of how minor, employees should notify their supervisor immediately. Failure to report accidents may result in a violation of legal requirements and may lead to difficulties in processing insurance and benefit claims. Please review the details in the “Workers’ Compensation” policy in this Handbook.

Failure to comply with this policy and failure to cooperate with the safety efforts of the BGADD will result in appropriate disciplinary action, up to and including termination.

Emergency Procedures

The safety and security of all employees, customers, and others on our premises is of the highest priority to the BGADD. In the event of an emergency, you should use your best judgment. Do not hesitate to call 911 if this is the appropriate action. If you call 911, you should also call the Executive Director immediately.

Violence-Free Workplace

The BGADD has a policy of zero tolerance for violent acts or threats of violence against employees, clients, vendors, visitors, contractors, applicants, and the general public. Violence includes, without limitation, physically harming another, shoving, pushing, harassing, intimidating, coercing, brandishing weapons, and threatening or talking of engaging in those activities. Bullying is any repeated, unreasonable behavior directed toward an employee, customer, or vendor that is intended to intimidate, creates a risk to health and safety, or results in threatened or actual harm.

Any person who believes he or she has been subjected to workplace violence or bullying should report the incident(s) to their supervisor, department head, or Human Resources.

Please take immediate action if you or another employee are threatened, you witness violent behavior or a violent act, or you become aware of any situation that may threaten the safety or security of yourself or any other person, or the BGADD property or facility.

If danger is imminent, dial 911 and request law enforcement for the location. As soon as safely possible, notify the Executive Director of the threat.

If danger is not imminent, report the situation to management immediately.

Weapons

The BGADD prohibits all persons who enter BGADD property from carrying a prohibited weapon of any kind onto the property regardless of whether the person is licensed to carry the weapon or not. BGADD property includes, without limitation, all BGADD-owned vehicles, all BGADD-owned or BGADD-leased buildings and surrounding areas such as sidewalks, walkways, driveways, and parking lots under the BGADD’s ownership and secured control, as determined by applicable state, local and/or federal law. While this list is not all inclusive, prohibited weapons include firearms, knives, any explosive materials, or any other objects that could be used to harass, intimidate, or injure another individual.

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The BGADD prohibits all persons from carrying a weapon while in the course and scope of performing any task on the BGADD's behalf at another work site or at any BGADD sponsored function such as parties, picnics, or other get-togethers.

Employees are held responsible for ensuring beforehand that any potentially covered item they possess is not prohibited by this policy. Employees should contact Human Resources if they have a question about whether an item is covered by this policy.

The only exceptions to the weapons provision of this policy are police officers, law enforcement officials, or licensed security guards.

Searches/Inspections

The BGADD reserves the right to question employees and all other persons entering and leaving our premises. In addition, the BGADD may conduct searches of BGADD property or personal property brought onto the BGADD's premises. This can include, but is not limited to, desks, vehicles, lockers, purses, and briefcases. Employee entry on the BGADD's property constitutes consent to such searches or inspections, and consent to such searches and inspections are a condition of employment. Inspections may be conducted at any time at the discretion of the BGADD without prior announcement.

Persons entering the premises who refuse to cooperate in an inspection conducted pursuant to this policy will be asked to leave. Employees working on the premises, entering or leaving the premises, who refuse to cooperate in an inspection, are subject to disciplinary action, up to and including termination. Following an inspection, an employee who is believed to be in possession of stolen property or illegal drugs will be sent immediately to the Executive Director. In that event, the employee will be subject to disciplinary action, up to and including termination, if on investigation he or she is found to be in violation of the BGADD's policies or state, federal, or local laws.

Drug-Free Workplace

The BGADD is committed to providing a safe work environment and to fostering the well-being and health of its employee through maintaining a drug-free environment. The purpose of this policy is to avoid the dangers of drugs in the workplace and to advise employees of available sources of counseling, rehabilitation, and employee assistance. All employees are expected to understand and comply with the following guidelines, in adherence with the Drug-Free Workplace Act of 1988.

The BGADD prohibits the unauthorized possession, use, or sale of alcohol and/or illicit drugs or other illegally obtained controlled substances by employees and prohibits employees from being under the influence of alcohol and/or illicit drugs or other illegally-obtained controlled substances on the BGADD's premises, while performing BGADD business, or during working hours. "Under the influence" for purposes of this policy shall be defined as reporting for work in a condition which results in a positive result for any drug or alcohol screening test.

No employee shall engage in unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the workplace.

Drug tests will/may be administered:

1. Prior to employment
2. Post-accident
3. When an employee is returning to duty after a violation of this policy

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4. When there is a reasonable suspicion of drug use
5. Randomly

As a condition of employment, employees must agree to abide by the Drug-Free Workplace policy and to notify management, no later than five (5) calendar days, after any conviction under a criminal drug statute. Within thirty (30) days, the BGADD shall take appropriate action.

Violations of this policy are subject to disciplinary action, up to and including termination.

Any employees found to be abusing drugs, but not convicted of any drug statute violation, will be subject to appropriate personnel action up to and including termination, or are required to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes. The employer is not required to pay for this rehabilitation. Any employee violating the terms of this policy is subject to immediate dismissal.

For more information, see the Drug-Free Workplace Policy included in Appendix D of this handbook.

Smoking/Tobacco Use

All forms of smokeless tobacco are forbidden in the workplace. Employees who use smokeless tobacco as an alternative to smoking tobacco will be disciplined.

In accordance with law, the BGADD prohibits smoking in the building. Smoking is permitted outside at least 20 feet from a door so long as employees do not litter the area. Please use the ash containers that are provided.

Should a dispute arise between employees concerning smoking, the Executive Director should be notified immediately. The BGADD shall make every effort to accommodate the interests of the non-smoker to the extent reasonably practicable.

All employees and applicants for employment are free to exercise their rights under this policy without fear or threat of retaliation or reprisal.

Personal Property on BGADD Premises

The BGADD does not assume responsibility for the loss, theft of, or damage to, personal property on BGADD premises, including the parking lot. All parking is at your own risk. It is recommended that you lock your vehicle and take other appropriate safeguards. The BGADD is not responsible for any articles placed or left in a vehicle, office, or desk that are lost, damaged, stolen, or destroyed.

Employees should return personal articles found on BGADD premises to the owner, if known, or to management.

BGADD Property

Employees may not obtain, use, or divert BGADD property for their personal use or benefit. Removal of BGADD property from the BGADD facilities without permission may be regarded as theft.

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Employees are expected to use proper care and attention when using BGADD property. In the event of any loss, damage, or destruction of BGADD property, employees must report the incident to management immediately. At any time, without prior notice, employees may be required to surrender BGADD property, as requested by management. Failure to return BGADD property as specified is cause for disciplinary action, which could include termination of employment.

All work product originals and copies must be returned immediately to the BGADD upon an employee's separation from the BGADD or conclusion of a work assignment. No work product may be destroyed or materially altered without permission, except in accordance with applicable BGADD policy.

Compensation and Pay Practices

Workweek and Hours

The workweek for all employees is defined as a seven (7) day period that begins every Saturday at 12:00 a.m. EST and ends the following Friday at 11:59 p.m. EST, regardless of the actual days worked during that period. Each workweek stands alone for overtime purposes.

Individual schedules may vary according to circumstances, including the position you hold, your employment status, or business needs. You will be made aware of any scheduling issues as they relate to your position in advance of accepting a position with BGADD. Your acceptance of the position will be considered your agreement to any special scheduling that was discussed. In other cases, you may be made aware of your schedule as soon as practicable in advance of when you are scheduled to work.

Pay Practices

Employees are paid bi-weekly (every two weeks) for the preceding two weeks. Paychecks are distributed on Fridays. Except as otherwise provided, if any date of paycheck distribution falls on a holiday, you shall be paid on the preceding scheduled workday. Direct deposit is the only method available.

Recording your Time

Law requires accurate recording of time worked by all employees. Your recorded time is a legal record of the hours you are at work and your paycheck is based upon the time you record. Falsification of time records either by the employee or the supervisor will be grounds for dismissal.

You are required to begin work at your scheduled start time and stop work at the end of your scheduled shift.

Please review paychecks for errors. If a mistake is found, report it to management and the BGADD will take the steps necessary to correct the error.

Payroll Deductions

All required deductions (federal, state, and local taxes), and all authorized voluntary deductions will be withheld from the employee's paycheck.

By law, a deduction for Social Security benefits is made from the pay check of every employee. The BGADD matches this deduction with an equal amount. Benefits under Social Security for retirement, disability, or death depend on the length of time an employee works and the amount of contribution to their account – all as provided by law.

Fair Labor Standards Act and Employment Classifications

The BGADD complies with the requirements of the Fair Labor Standards Act (FLSA) and any applicable local law with respect to wages and hours. Employees are generally categorized as follows:

- **Full-time Employees:** Regularly works at least 37.5 hours per week. Full-time employees are eligible for benefits, although in some cases the benefits will be determined according to the amount of earnings and hours worked.

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- **Temporary Employees:** May be hired through a staffing firm or via an in-house hiring program for summer help, projects, etc. A temporary employee is hired for a fixed or open-ended temporary period not to exceed one (1) year. However, the actual duration may change from the original estimate depending on changes in the scope of work/project plans. Temporary employees should have no expectation of continued or regular employment and cannot become a regular employee unless such an offer of regular employment has been formally made by BGADD. Unless otherwise specified or as required by law, temporary employees are not eligible for employee benefits.
- **Part-time Employees:** An employee who works less than 37.5 hours per week on average. Part-time employees are not eligible for any benefits other than those that are Federally mandated.

Employees are categorized based on the definitions outlined in this policy. It is important for all employees to understand that (1) no employee is guaranteed any certain number of hours per week or a particular schedule; and (2) employees may be shifted from part-time to full-time or vice versa. The BGADD specifically reserves the right to make changes to employees' hours and schedules without any advance notice or consent by the employee unless otherwise prohibited by law.

Exempt/Non-Exempt Employees

Before the beginning of each calendar year, all Department Directors will complete a Fair Labor Standards Act (FLSA) checklist for each job classification in their department. The completed checklists will be reviewed by the Executive Director or his/her representative and filed with the Human Resources Director.

Exempt Employees

Exempt employees are paid on a salary basis and meet the duties test to be classified as an exempt employee under the FLSA and/or state law exemption tests, as applicable, and thus not eligible for overtime in the event hours are worked outside of the normal scope of hours.

For full-time exempt employees, the normal workweek is generally thirty-seven and a half (37.5) hours. A non-compensated meal break will be provided, as applicable to federal, state, or local laws. Employees will be provided with flexible scheduling options as appropriate to the needs of the business.

Exempt employees may not have their salary reduced for variations in the quantity or quality of work performed. Exempt employees typically must receive their full salary for any week in which they perform any work, without regard to the number of days or hours worked. However, exempt employees need not be paid for any workweek which they perform no work at all for the BGADD. In addition, exempt employees may be required to charge time off to available paid time off banks to cover absences from work.

Deductions from pay cannot be made as a result of absences due to the circumstances listed below:

- jury duty;
- military leave of less than one (1) workweek;
- absences caused by the operating requirements of the business; or
- partial day amounts other than those specifically discussed below.

Such improper pay deductions are prohibited by the BGADD, regardless of the circumstances.

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There are some circumstances where changes to an exempt employee's pay are acceptable under the FLSA, including the following:

- deductions when an employee is off of work for one (1) or more full days for personal reasons other than sickness or disability;
- penalties imposed for infractions of safety rules of major significance;
- deductions for the first and last week of employment, when only part of the week is worked by the employee;
- deductions for unpaid disciplinary suspensions of one (1) or more full days imposed for workplace conduct rule infractions such as rules prohibiting sexual harassment, workplace violence or drug or alcohol use or for violations of state or federal laws;
- absence from work for one (1) or more full days as a result of sickness or disability (including work related accidents) if the deduction is made in accordance with a plan, policy or practice of providing compensation for loss of salary caused by such sickness or disability;
- fees received by the employee for jury duty, being a witness in a legal proceeding or military service may be applied to offset the pay otherwise due to the employee.

If an employee believes that an improper deduction has been made to his or her salary, the employee should immediately report this information to management. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for any improper deduction made. The BGADD prohibits any form of retaliation against individuals who report an improper deduction or who cooperate in the BGADD's investigation of such reports. Retaliation is unacceptable, and any form of retaliation in violation of this policy will result in disciplinary action, up to and including termination.

Non-exempt Employees

Non-exempt employees perform work that does not meet criteria stipulated in the FLSA that would exempt them from the protection afforded by the Act. A non-exempt employee generally is subject to the minimum wage and overtime provisions of the FLSA and is typically paid on an hourly basis.

Non-exempt employees will be paid overtime pay in accordance with federal, state, or local law. For purposes of calculating overtime pay, any paid leave (i.e. PTO, holidays) is not considered time/hours worked. Unpaid absences are not considered time/hours worked. If the workload is such that overtime is necessary for non-exempt employees, overtime hours must be pre-approved by their supervisor.

Time/Hours Worked

Full-time, non-exempt employees are paid at the regular rate for hours worked up to 40 hours a week, with overtime in the amount of 1.5 times the normal rate of pay due for hours over 40 hours. Hours worked do not include paid leave (PTO or holidays) for the purposes of calculating overtime. Non-exempt employees are not paid for lunch and therefore must "clock-out" before dining and "clock-in" upon return to the work area. All employees – full-time and part-time – will be furnished with a daily or weekly work schedule. Daily starting times, lunch period, and/or end times may vary from day to day.

Employees may be expected to work on weekends and some evenings on an as needed basis. Employees exempt from overtime under the FLSA who are asked to work on a Saturday, Sunday, or holiday may be eligible, at the discretion of the Executive Director, for compensatory time.

Meal and Break Periods

Non-exempt employees are provided with one unpaid meal period of at least one hour (60 minutes) for each eight-hour span of work; employees must then “clock out” before dining and “clock in” upon return to the work area. Meal breaks may not be taken sooner than 3 hours after the beginning of the normal work day and must not begin later than 5 hours after the beginning of the work day. Employees may not ask their supervisor to allow a meal time outside of the established limits. The recognized lunch time is 12:00-1:00 as there is no reception support during this time. The meal period may not be waived to shorten an employee's work hours or to be used in lieu of time without pay. Any employee scheduled to work not more than six (6) hours in any workday, may, by mutual agreement between the BGADD and the employee, work without a meal period.

Employees are also provided with two paid fifteen (15) minute breaks per day. Breaks will be designated by the supervisor as the daily schedule and situations allow. In general, employees will receive one break at 10:00 am and a second break at 3:00 pm. Employees should use the restroom and make phone calls if needed during this time so they minimally affect their work time.

For exempt employees, a non-compensated meal break will be provided, as applicable to federal, state, or local laws. Employees will be provided with flexible scheduling options as appropriate to the needs of the business.

Insurance Benefits

The BGADD offers insurance benefits to full-time employees. The BGADD reserves the right to change or terminate medical plans or other benefits at any time. Dependent coverage is also available on some benefits at the expense of the employee. Please see the “Benefit Summaries” for specific information.

Eligibility of Benefits

If you are a full-time employee you will be entitled to medical benefits according to the BGADD's plan documents. All benefits are provided according to the plan documents, which may be modified as set forth therein. The plan document will dictate when the plan becomes effective for the employee.

Medical/ Health Insurance

The BGADD will pay a fixed amount per employee towards health insurance as determined by the Executive Board. If an employee chooses to add family members, they will be responsible for the remaining cost which will be automatically deducted from each pay check. In addition, the amount of premium you pay may be deducted tax free through the IRS 125 Plan.

Medical Plan Opt Out

If an employee can obtain coverage through their spouse's medical insurance plan, the BGADD will contribute \$250 at the first of each month to a Health Reimbursement Account (HRA) for staying on the spouse's medical plan. This only applies to medical; not dental, vision, or any other plans. A VISA card will be provided for quick access to an employee's funds. The card cannot be swiped for amounts greater than the current account balance. The Funds that remain at the end of the plan year (December 31st) will rollover to the next plan year.

Dental Plan Benefits

The BGADD pays the single rate for dental benefits plus half the difference between the single rate and the rate of the plan chosen. Employee dental benefit contributions are paid by payroll deduction. Employee contributions are paid automatically through the IRS 125 Plan and are pre-tax. The dental insurance is effective the first of the month after completing 30 work days.

Vision Plan Benefits

The BGADD pays the single rate for vision benefits plus half the difference between the single rate and the rate of the plan chosen. Employee vision benefit contributions are paid by payroll deduction. Employee contributions are paid automatically through the IRS 125 Plan and are pre-tax. The vision insurance is effective the first of the month after completing 30 work days.

Life Insurance

The BGADD pays the premium for a \$20,000 term life insurance policy for each full-time employee.

457 and 401(k) Deferred Compensation Plans

Employees can participate in deferred compensation plans through the Commonwealth of Kentucky. The BGADD does not match contributions to the 457 or 401(k) Deferred Compensation Plans.

IRS125 PLAN

The BGADD offers an IRS 125 Plan to help employees pay for certain medical and dependent care expenses pre-tax.

The BGADD provides each employee the opportunity to enroll in the IRS 125 Flexible Spending Account, which reduces the employee's gross wages, therefore reducing tax liability. An employee can withhold up to the amount allowed by the IRS. There are currently two IRS 125 Flexible Spending Account benefit plans available to employees.

Flexible Spending Account (Medical FSA) – A health care FSA lets employees set aside money from their paycheck before it is taxed to pay for eligible health care expenses incurred for themselves and eligible dependents. Employees must re-enroll each year even if they are not making any changes. The employee will be issued a Health Care Spending Debit MasterCard, which can be used to make medical payment from the account.

Dependent Care Flexible Spending Account (Dependent FSA) – The dependent care FSA enables employees to pay for out of pocket work related dependent day care costs with pre-tax dollars. A debit or credit card is provided to pay for dependent care expenses.

Employees are eligible the first of the month following 30 work days. The plan year is January 1st through December 31st, however participants are given an additional 2 ½ months to incur expenses after the last day of the plan year.

Travel Policy

The BGADD reimburses authorized travel expenses associated with traveling for the BGADD. The BGADD reimburses employees for authorized expenses after proper completion of an expense form with appropriate receipts, if applicable.

Please see the Travel Policy and expense form in Appendix F for more information.

Personal Vehicle Use

The BGADD will not pay for personal traffic tickets while the employee is operating their personal car for BGADD business. This is the personal liability of the operator. Traffic tickets include, but are not limited to, speeding or parking violations.

Automobile Accidents

If involved in an automobile accident while on BGADD business, you must first report the accident to the police department, and then, as soon as possible, to your supervisor. You should request and obtain a police report and police investigation at the scene of the accident.

Cell Phone Use

Unless hands-free devices are available, employees are prohibited from cell phone use, use of PDA's (personal digital assistants), and texting while driving. If hands-free capability does not exist, drivers need to pull off the road to conduct conversations or to review e-mails and text messages. The BGADD does not require employees to make business calls while driving.

All Bluegrass Area Development District cell phones are managed and tracked per compliance with audit regulations. Applications installed, phone location, and data used on company provided cell phones is monitored and recorded. The same policies and regulations that apply to the computers also apply to the company provided cell phones.

Closings Due to Emergency

Emergency conditions, such as severe weather and power outages, may cause the BGADD to close temporarily. We will notify you as soon as practicable when such a closing will occur. Employees will be paid for time that is not actually worked due to an emergency closing.

Protocol for office closure due to inclement weather or an emergency dictates that the Executive Director makes the decision whether the office needs to be closed.

In the event the office is closed, notification will be given to each department supervisor or his/her designated staff by telephone so that others in each department can be notified in turn. It will be the responsibility of each department to disseminate the information to each staff person of their department.

Every effort will be made to post cancellations on the District's website.

Time Away From Work

Paid Time Off/Annual Leave

The purpose of Paid Time Off/Annual Leave is to provide full-time employees with paid time off for vacation, illness, appointments, personal reasons, and activities not covered by other sections of this Handbook. Employees will start accruing Annual Leave on their first day of work.

The amount of Annual Leave hours received is based on the employee’s length of service or as specified in a written employment offer.

Part-time employees are not eligible for PTO/Annual Leave.

Years of Service: FULL TIME	PTO Days per Calendar Year	Breakdown of Hours	Maximum Hours Accumulated
Immediately upon hire	12 days	90 hours	750 hours
5 Completed Years	15.2 days	114 hours	750 hours
10 Completed Years	18 days	135 hours	750 hours
15 Completed Years	20.8 days	156 hours	750 hours
20 Completed Years	24 days	180 hours	750 hours

Annual Leave

The BGADD provides each full time eligible employee with annual leave. Employees should attempt to use their annual leave within the year earned. The BGADD feels this rest period will benefit you and your co-workers.

Other paid leave categories are explained in the following sections of the handbook.

Annual Leave hours are accrued each payroll. The number of annual leave hours each employee earns depends on their length of service and employment status.

Using Annual Leave

Employees are urged to give as much advance notice as possible when they need to take time off. The Annual Leave request form should be completed and given to your supervisor. In general, we ask that employees give their immediate supervisor two (2) weeks of notice of their intent to use annual leave. The BGADD recognizes that it is not always possible to give this much notice (i.e., if you become injured or ill). Therefore, supervisors will be flexible in dealing with employees who make a good faith effort to give notice. In any event, all employees must abide by the punctuality requirements set forth in this Employee Handbook.

The BGADD discourages employees from having a negative balance of leave days/hours. In the event an employee has a negative balance at the end of the fiscal year, the employee will be invoiced for that negative balance at their hourly rate.

Unused Annual Leave Policy

Every June 30 an employee may roll forward unused Annual Leave into the next year’s earned Annual Leave up to a limit of 750 hours. The combination of rolled forward annual leave plus sick

leave converted to annual leave may not exceed the maximum 750 hours on June 30. While employees refer to their earned leave in hours or days, the accounting is in dollars. Therefore, an increase in pay will result in a reduction of earned annual leave hours. The monetary value will remain the same.

For Example: John has 100 hours of earned leave and is paid \$10.00 per hour. 100 hours at \$10 has a monetary value of \$1,000. If John receives a pay raise to \$10.30 his earned leave hours will be adjusted. The \$1,000 monetary value would be divided by his new hourly pay rate of \$10.30 resulting in him having 97.25 (97.08) hours earned after the pay raise. After the calculation is made it will be rounded to the nearest quarter hour

Annual Leave Buy-Back Policy

BGADD is committed to creating long term careers, not short term employment. Institutional knowledge is the most important contribution that staff makes to the economic development, vitality and sustainability of our region. To encourage and promote retention, BGADD is willing to buy-back accrued leave from employees at the 5, 10, 15, 20 and 25 year milestones of a career. Employees may submit a request to sell back leave during the anniversary month of these milestone years. Requests may not exceed 500 hours and employees must leave a minimum of 90 hours in their leave account. Employees will receive payment equal to the number of hours sold back times their current hourly pay rate. All applicable taxes will be taken from the payment.

Remaining Annual Leave upon Termination

Notwithstanding the “at-will” nature of the BGADD, if an employee is terminated for a reason other than willful misconduct or resigns and gives the BGADD a minimum of two weeks of notice, they will be entitled to be paid for their unused annual leave. Otherwise, an employee shall not be entitled to be paid for unused annual leave. Unused annual leave is not vested.

In cases where an employee gives notice to resign, the employee may not use annual leave during their resignation period. If annual leave is used during the resignation period, the employee will not be eligible to be paid for the remaining balance.

Sick Leave

The BGADD provides paid sick time in the form of sick days. Sick leave may be taken when an employee is unable to report for work due to illness, for medical appointments, or to assist family members with medical issues. The BGADD may request that the employee furnish a doctor's certificate or other reasonable proof when absent for three (3) days or when circumstance warrant, such as situations where questions arise concerning the legitimacy of the absence or whether the absence may qualify for Family Medical Leave (FMLA).

Eligible employees will accrue sick leave at a rate of 12 days or 90 hours per year. The accrual is earned on a bi-weekly basis. On June 30 of each year, earned and unused sick leave is converted to annual leave.

Sick Leave Bank

A sick leave bank is established by BGADD to assist employees who have exhausted their earned leave and are facing additional time off due to a catastrophic medical issue. The bank will be made up of donated annual leave time and forfeited sick leave time of voluntarily terminated employees of the BGADD. An employee must have completed two years of employment to be eligible to receive Sick Leave Bank Hours. To be eligible to donate annual leave hours, the employee can donate up to 150 annual leave hours per fiscal year as long as they do not drop below 90 annual hours remaining

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in their annual leave account. Please see the Human Resource Director for additional sick leave guidelines.

Holidays

Full-time employees are entitled to the following eleven and a half (11.5) paid holidays per year. The BGADD will be closed for the following holidays:

Holiday	Date	Hours
New Year's Day	January 1 st	7.5 hours
Martin Luther King Day	3 rd Monday in January	7.5 hours
Good Friday Afternoon	April	3.5 hours
Memorial Day	Last Monday in May	7.5 hours
Independence Day	July 4 th	7.5 hours
Labor Day	1 st Monday in September	7.5 hours
Veterans Day	November 11 th	7.5 hours
Thanksgiving Day	4 th Thursday in November	7.5 hours
Christmas	December 25 th	7.5 hours
Primary Election		Time off to vote
General Election Afternoon		Time off to vote
Floating Holiday		3 floating days at the discretion of Exec. Director

Holidays falling on Saturday are celebrated the preceding Friday; those falling on Sunday are observed on the following Monday. Part-time employees and temporary employees are not eligible for paid holidays.

No holiday pay will be paid to an employee who is on an unpaid status, on any leave, or absent due to workers' compensation.

A list of recognized holidays for a calendar year will be distributed in April of each year. To receive pay for a holiday, you must work the scheduled day before the holiday and the scheduled day after the holiday unless you have made prior arrangements with your supervisor to be on leave.

Should you be required to work on a paid holiday, you will be entitled to an additional day off with pay. The compensating day may be taken upon approval so as not to interfere with the BGADD's operations. The compensating day must be taken during the same pay period as the holiday.

Under no circumstances will compensatory time off be given in place of overtime pay. Since we do not pay a special higher rate of pay for hours worked on recognized holidays, we reward employees with paid time off at the time they choose. If a holiday is worked and it is also at a time when the employee is earning overtime, they will receive the overtime and only the equivalent of 7.5 hours off at a time in the future.

Bereavement

A full-time employee may request a leave of absence with pay for a maximum of three (3) consecutive working days upon the death of their immediate family. The BGADD may require verification of the need for the leave.

Immediate family members are defined as an employee's spouse, parents, stepparents, siblings, children, stepchildren, grandparent, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, or grandchild. Individual situations or circumstances may be addressed at the discretion of the Executive Director.

Paid leave days can be used to cover time missed that occurs between the date of the death through the date of the funeral. Exceptions for travel out of state will be made on a case-by-case basis. If additional days off are required, employees may use accrued time off benefits and/or unpaid time subject to approval. Extension of leave may be granted in some situations at the discretion of the Executive Director.

Jury Duty

In the event you receive notice to report for jury duty, please notify your supervisor immediately so that arrangements can be made to have your duties covered until you return to work. If, however, this time is not convenient for the BGADD you may be provided with a letter to request that your jury duty be postponed.

While you serve as a juror, the BGADD will pay you your regular straight time pay for up to 10 working days. The BGADD will pay your full regular straight time earnings and you will be entitled to retain your jury pay check from the government. Time spent on jury duty will be counted as regular working time for all purposes except overtime. For each week of service, a copy of Jury Duty or Witness Pay Compensation must be submitted as proof of attendance. The employee must return to work for any reasonable time the court is closed during normal work hours. Any hours in excess of the 75 hour jury duty allowance must be approved by the Executive Director.

No adverse employment action will be taken against employees or applicants due to their service as a juror in state or Federal courts

Voting

Employees are provided with time off to vote according to applicable state, federal, or local law. In Kentucky, an employee is entitled to reasonable time off to vote and reasonable time is defined as not less than four hours. However, BGADD may determine which hours the employee is absent, and the time off is unpaid. If voting during the employee's normal work schedule is required, plans to do so are to be discussed with management in advance.

Worker's Compensation Leave

The BGADD complies with Workers' Compensation insurance Laws and provides payment for your medical treatment and part of any income you may lose while recovering from an occupation-related injury or disease. Reporting requirements and benefit levels are regulated in each state by a State Workers' Compensation Board. All BGADD employees are eligible for this benefit.

Any on-the-job injury or illness, no matter how minor, must be reported to the employee's supervisor within 24 hours. This ensures that the BGADD can assist with obtaining the appropriate medical treatment. Failing to do so could jeopardize your right to Workers' Compensation benefits

in connection with the injury or illness. It is against the law for an employer to terminate or punish an employee for reporting an accident or injury.

If your physician recommends that you not return to work because of a job-related injury or illness, there may be a waiting period required before workers' compensation insurance coverage begins, which varies from state to state. The BGADD will not continue to pay an employee through the waiting period (unless stipulated by state law). Once the waiting period is completed, if applicable, workers' compensation payments will commence through the BGADD's workers' compensation insurance carrier if the employee meets the carrier's qualifications for the period of disability as defined by a licensed physician. Disability payments may continue as governed by the workers' compensation program.

It is your responsibility to contact your supervisor each day that you are absent. When you return from a workers' compensation leave, you must provide a Return to Work Certification signed by a licensed physician to management.

If you return to work and are required by the physician to receive additional medical care or therapy, you will have to charge this time to available accrued time off benefits or unpaid time if accrued time off benefits is not available. This time must be scheduled in advance with the supervisor and every effort should be made to minimize the impact on the work schedule.

Leave without Pay

Leave without pay may only be taken in extreme instances and only with the advance permission of the Executive Director. Employees who have exhausted all of their accumulated paid time off as well as any sick bank time may request leave without pay status from the Executive Director. The request should specify the extreme situation that precipitated the request, as well as the reason for the lack of paid leave that could otherwise be used. Leave without pay may not be used to extend vacations or take days off; it only accompanies a critical situation.

Employees are responsible for staying in touch with the Executive Director concerning their proposed return to work. Employees should update the Executive Director or his/her designee no less than once per month. It is understood that employees who have reached maximum medical improvement and/or are unable to fulfill the requirements of their position may be replaced.

Family Medical Leave Act (FMLA)

Upon hire, the BGADD will provide new employees with the notices required by the U.S. Department of Labor (DOL) on Employee Rights and Responsibilities Under the Family and Medical Leave Act.

This policy is intended to provide employees with a general description of their FMLA rights. If there is a conflict between this policy and the applicable law, employees will be afforded all rights required by law.

General Provisions

In compliance with FMLA, the BGADD will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

Eligibility

To qualify to take family or medical leave under this policy, the employee must meet the following conditions:

- The employee must have worked for the company for 12 months or 52 weeks. The time does not need to have been consecutive; separate periods of employment will be counted, provided that the break in service is seven years or less. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the employer's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.
- The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.
- The employee must work in a work site where 50 or more employees are employed by the company within 75 miles of that office or work site. The distance is to be calculated by using available transportation by the most direct route.

Type of Leave Covered

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

- The birth of a child and in order to care for that child.
- The placement of a child for adoption or foster care and to care for a newly placed child.
- To care for a spouse, child or parent with a serious health condition (described below).
- The serious health condition (described below) of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or as a condition that requires continuing care by a licensed health care provider.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Employees with questions about what illnesses are covered under this FMLA policy or under the company's sick leave policy are encouraged to consult with Human Resources.

If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the company may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

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- Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.

An employee whose spouse, son, daughter or parent has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following:

- short-notice deployment
- military events and activities
- child care and school activities
- financial and legal arrangements
- counseling
- rest and recuperation
- post-deployment activities
- additional activities that arise out of active duty

The employer and employee must agree on timing and duration of the leave for the above reasons.

Covered active duty means:

- In the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country.
- In the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in Title 10 U.S.C. §101(a)(13)(B).

The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.

- Military caregiver leave (also known as covered service member leave) to care for an injured or ill service member or veteran.

An employee whose son, daughter, parent or next of kin is a covered service member may take up to 26 weeks in a single 12-month period to take care of leave to care for that service member.

Next of kin is defined as the closest blood relative of the injured or recovering service member.

The term covered service member means:

- A member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation or therapy or is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.
- A veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

The term *serious injury or illness* means:

- In the case of a member of the Armed Forces (including a member of the National Guard or Reserves), an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or that existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that

may render the member medically unfit to perform the duties of the member's office, grade, rank or rating.

- In the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered service member, a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on an active duty in the Armed Forces (or that existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

Amount of Leave

An eligible employee may take up to 12 weeks for the first five FMLA circumstances above (under heading "Type of Leave Covered") under this policy during any 12-month period. The company will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the company will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount of time the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA military caregiver leave circumstance above during a single 12-month period. For this military caregiver leave, the company will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

Employee Status and Benefits During Leave

While an employee is on leave, the BGADD will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

Employee Status After Leave

An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider.

Use of Paid and Unpaid Leave

All paid vacation, personal and sick leave runs concurrently with FMLA leave.

Disability leave for the birth of a child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA.

Intermittent Leave or a Reduced Work Schedule

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced-hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period).

Certification for the Employee’s Serious Health Condition

The BGADD will require certification for the employee’s serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

Certification for the Family Member’s Serious Health Condition

The BGADD will require certification for the family member’s serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

Certification of Qualifying Exigency for Military Family Leave

The BGADD will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

Certification for Serious Injury or Illness of Covered Service Member for Military Family Leave

The BGADD will require certification for the serious injury or illness of the covered service member. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

Recertification

The BGADD may request recertification for the serious health condition of the employee or the employee’s family member when circumstances have changed significantly, or if the employer receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the BGADD may request recertification for the serious health condition of the employee or the employee’s family member every six months in connection with an FMLA absence.

Procedure for Requesting FMLA Leave

All employees requesting FMLA leave must provide the HR manager with verbal or written notice of the need for the leave. Within five business days after the employee has provided this notice, the HR manager will provide the employee with the DOL Notice of Eligibility and Rights.

When the need for the leave is foreseeable, the employee must provide the employer with at least 30 days’ notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the company’s usual and customary notice and procedural requirements for requesting leave.

Designation of FMLA Leave

Within five business days after the employee has submitted the appropriate certification form, the HR manager will provide the employee with a written response to the employee’s request for FMLA leave.

Intent to Return to Work from FMLA Leave

The BGADD may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

Military Service Leave

A leave of absence will be granted in accordance with USERRA (Uniformed Services Employment and Reemployment Rights Act) and applicable state laws. No employees or prospective employees will be subjected to any form of employment discrimination or retaliation on the basis of voluntary membership or in obligation to perform service for any of the Uniformed Services of the United States, the Reserves, or the National Guard.

If an employee is called to active duty, he/she must provide advance written or verbal notice to the BGADD for all military duty unless giving notice is impossible, unreasonable, or precluded by military necessity. Full-time and part-time employees with benefits will be paid their normal straight time salary for up to 15 days each fiscal year. Such employees will submit a copy of their military deployment orders to the Human Resource Director. An employee may use his/her annual time for the purpose of military duty.

During the period of leave, the employee will retain his/her previously earned seniority, annual and sick time, but no additional benefits shall accrue. Employees honorably-discharged from military service are entitled to reinstatement to their former positions upon returning from military leave.

Benefits

If an employee is absent from work due to military service, benefits will continue as outlined below.

1. All BGADD medical, dental, and vision benefits received by an employee taking active duty leave will be continued by the BGADD, on the same terms and conditions as if the employee were not on leave, for a period of up to ninety (90) days. Upon ninety-one (91) days of leave, the employee will be entitled to maintain medical, dental, and vision benefits pursuant to the provisions of COBRA.
2. The group life and disability insurances will terminate the day the employee becomes active military. Employees do not accrue PTO while on military leave of absence status.
3. Upon reemployment, employees who have taken military leave will be credited for purposes of vesting with the time spent in military service and will be treated as not having incurred a break in service. Immediately upon reemployment, the employee may, at the employee's election, make any or all employee contributions that have been interrupted by military service. Such contributions must be made within a period that begins with the employee's reemployment and that is not greater in duration than three (3) times the length of the employee's military service. Employees will receive all associated BGADD match for such contributions.

Reemployment

Upon an employee's prompt application for reemployment as defined below, an employee will be reinstated to employment in the following manner depending upon the employee's period of military service.

1. *Less than 90 days of military service* - (i) in a position that the employee would have attained if employment had not been interrupted by military service; or (ii) if found not qualified for such position after reasonable efforts by the BGADD, in the position in which the employee had been employed prior to military service.

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2. *More than 90 days and less than 5 years of military service* - (i) in a position that the employee would have attained if employment had not been interrupted by military service or a position of like seniority, status and pay, the duties of which the employee is qualified to perform; or (ii) if proved not qualified after reasonable efforts by the BGADD, in the position the employee left, or a position of like seniority, status and pay, the duties of which the employee is qualified to perform.
3. *Employee with a service-connected disability* - if after reasonable accommodation efforts by the employer, an employee with a service-connected disability is not qualified for employment in the position he or she would have attained or in the position that he or she left, the employee will be employed in (i) any other position of similar seniority, status and pay for which the employee is qualified or could become qualified with reasonable efforts by the BGADD; or (ii) if no such position exists, in the nearest approximation consistent with the circumstances of the employee's situation.

Application for Reemployment

An employee who has engaged in military service must, in order to be entitled to the reemployment rights set forth above, submit an application for reemployment according to the following schedule.

1. *If service is less than 31 days (or for the purpose of taking an examination to determine fitness for service)* - the employee must report for reemployment at the beginning of the first full regularly scheduled working period on the first calendar day following completion of service and the expiration of eight hours after a time for safe transportation back to the employee's residence.
2. *If service is for 31 days or more but less than 180 days* - the employee must submit an application for reemployment no later than fourteen (14) days following the completion of service.
3. *If service is over 180 days* - the employee must submit an application for reemployment no later than ninety (90) days following the completion of service.
4. *If the employee is hospitalized or convalescing from a service-connected injury* - the employee must submit an application for reemployment with the BGADD no later than two (2) years following completion of service.

Exceptions to Reemployment

In addition to the employee's failure to apply for reemployment in a timely manner, an employee is not entitled to reinstatement as described above if any of the following conditions exist:

1. The BGADD circumstances have so changed as to make reemployment impossible or unreasonable.
2. Reemployment would pose an undue hardship upon the BGADD.
3. The employee's employment prior to the military service was merely for a brief, non-recurrent period and there was no reasonable expectation that the employment would have continued indefinitely or for a significant period.
4. The employee did not receive an honorable discharge from military service.

Information Security

Security Awareness and Acceptable Use Policy

The intentions for publishing a security awareness and acceptable use policy are not to impose restrictions that are contrary to the established culture of openness, trust, and integrity. The BGADD is committed to protecting all employees and the BGADD from illegal or damaging actions by individuals, either knowingly or unknowingly.

Internet/Intranet/Extranet-related systems, including but not limited to computer equipment, operating systems, applications, storage media, network accounts providing electronic mail, Internet browsing, instant messaging, and remote access, are the property of the BGADD. These systems are to be used for business purposes in serving the interests of the BGADD, and of our clients and customers in the course of normal operations. Effective security is a team effort involving the participation and support of every employee and affiliate who deals with information and/or information systems. It is the responsibility of every computer user to know these guidelines, and to conduct their activities accordingly.

The purpose of this policy is to outline the acceptable use of computer equipment at the BGADD. These rules are in place to protect the employees and BGADD. Inappropriate use exposes us to risks including virus attacks, compromise of network systems and services, and legal issues. This policy applies to employees, contractors, consultants, temporary employees, and all other workers at the BGADD, including all personnel affiliated with third parties. This policy applies to all equipment that is owned, leased, or personally owned/authorized by the BGADD.

General Use and Ownership

- While network administration desires to provide a reasonable level of privacy, users should be aware that the data they create on the corporate systems remains the property of the BGADD. Because of the need to protect the network, management cannot guarantee the confidentiality of employee's personal information stored on any network device belonging to the BGADD.
- Employees are responsible for exercising good judgment regarding the reasonableness of personal use. Individual departments are responsible for creating guidelines concerning personal use of Internet/Intranet/Extranet systems. In the absence of such policies, employees should be guided by departmental policies on personal use, and if there is any uncertainty, employees should consult the Executive Director.
- The BGADD recommends that any information that users consider sensitive or vulnerable be encrypted.
- For security and network maintenance purposes, authorized individuals within the BGADD may monitor equipment, systems, and network traffic at any time.
- The BGADD reserves the right to audit networks and systems on a periodic basis to ensure compliance with this policy.

Security and Proprietary Information

- The user interface for information contained on Internet/Intranet/Extranet-related systems should be classified as either confidential or not confidential. Examples of confidential information include but are not limited to: credit card information, corporate strategies, competitor sensitive, trade secrets, specifications, customer lists, and research data.

Employees should take all necessary steps to prevent unauthorized access to this information.

- Keep passwords secure and do not share accounts. Users are responsible for all actions performed under all of their accounts.
- All PCs, laptops and workstations should be set to lock after fifteen (15) minutes of inactivity.
- Employees should secure their workstations by logging off or locking (control-alt-delete for Windows users) when the equipment will be unattended.
- Use encryption of confidential, sensitive, or proprietary information in compliance with Information Technologies' Security Policies as determined by the Executive Director.
- Because information contained on portable computers is especially vulnerable, special care should be exercised. Protect laptops in accordance with the corporate security standards, including not changing or disabling any of the laptop's security and firewall applications and/or settings.
- Postings by employees from a BGADD e-mail address to newsgroups should contain a disclaimer stating that the opinions expressed are strictly their own and not necessarily those of the BGADD, unless posting is in the course of business duties.
- All hosts used by the employee that are connected to the BGADD Internet/Intranet/Extranet, whether owned by the employee or the BGADD, shall be continually executing approved virus-scanning software with a current virus database.
- Employees must use extreme caution when opening e-mail attachments received from unknown senders, which may contain viruses.

Unacceptable Use

The following activities are, in general, prohibited. Employees may be exempted from these restrictions during the course of their legitimate job responsibilities (i.e., systems administration staff may have a need to disable the network access of a host if that host is disrupting production services). Under no circumstances is an employee of the BGADD authorized to engage in any activity that is illegal under local, state, federal or international law while utilizing the BGADD's owned resources. The below lists are by no means exhaustive, but attempts to provide a framework for activities which fall into the category of unacceptable use.

System and Network Activities

The following activities are strictly prohibited, with no exceptions:

- Violations of the rights of any person or BGADD protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by the BGADD.
- Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, and the installation of any copyrighted software for which the BGADD or the end user does not have an active license is strictly prohibited. The use of any recording device such as, but not limited to, digital cameras, video cameras, voice recorders, and cell phone cameras, within the premises of all BGADD properties is discouraged.
- Connecting network devices including, but not limited to, wireless access points, personal laptops, and switches in the BGADD network environment without proper authorization of the Executive Director is prohibited.

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- Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws, is illegal. The appropriate management should be consulted prior to export of any material that is in question.
- Introduction of malicious programs into the network or server (i.e., viruses, worms, Trojans, etc.).
- Revealing an account password to others or allowing use of the employee's account by others. This includes family and other household members when work is being done at home.
- Using a BGADD computing asset to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws in the user's local jurisdiction.
- Making fraudulent offers of products, items, or services originating from any BGADD account.
- Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server or account that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties. For purposes of this section, "disruption" includes, but is not limited to, network sniffing, packet spoofing, and denial of service for malicious purposes.
- Port scanning or security scanning is expressly prohibited unless given approval by management.
- Executing any form of network monitoring which will intercept data not intended for the employee's host, unless this activity is a part of the employee's normal job/duty.
- Circumventing user authentication or security of any host, network or account.
- Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user's terminal session, via any means, locally or via the Internet/Intranet.
- Providing information about, or lists of, the BGADD's employees to parties outside of the BGADD.

E-mail Use of Electronic Technologies and Other Telephonic Communications

The BGADD may provide employees with electronic technologies and services, including computers, facsimile machines, e-mail, voice mail, smart phones, telephones, cell phones, Intranet and Internet services ("BGADD systems") to assist in performing their job efficiently and effectively. Except for occasional personal use, the BGADD's systems and all forms of electronic communications are to be used for authorized business purposes only. Personal use must still conform to the other provisions of this policy and each user is accountable for his or her usage of the BGADD's systems and all forms of electronic communications in accordance with this policy. In addition, the user's management is responsible for assuring appropriate use of resources.

Employees are prohibited from using any of the BGADD's computer, system, network, or software to prepare, send, receive, solicit, forward or otherwise obtain any messages or graphics that might be taken as offensive based on race, color, national origin, genetic information, religious beliefs, gender, age, marital status, disability, U.S. veteran status, or any other protected classifications, activities, or conditions as required by federal, state and local laws. This includes, for example, generating or forwarding offensive "humor" that contains sexually or otherwise offensive terms.

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Given the ever-changing nature of these technologies, it is impossible to catalogue all possible abuse or misuse. The following guidelines have been established to assist employees in using the BGADD's electronic technologies and services in an appropriate, ethical and professional manner. Employees are prohibited from:

- Sending chain letters or participating in any way in the creation or transmission of unsolicited commercial e-mail ("spam").
- Utilizing the BGADD's systems for any other business or profit-making activities.
- Impersonating another user in the use of the computers, networks, e-mail, or other messages.
- Using the BGADD network for any purposes that violate U.S. or state laws.
- Engaging in unlawful or malicious activities, corporate espionage, or breaching (hacking) another computer or another BGADD's systems.
- Intentionally copying, destroying, deleting, or removing files or programs.
- Knowingly and intentionally engaging in any activity that spreads computer viruses to the BGADD's computers or other computers on the Internet.
- Deliberately propagating any virus, worm, Trojan horse, trap-door program code, or other code or file designed to disrupt, disable, impair, or otherwise harm either the BGADD's networks or systems or those of any other individual or entity.
- Using abusive, profane, threatening, racist, sexist, or otherwise objectionable language in either public or private messages.
- Utilizing special e-mail banners, background, closing signatures, screen savers, graphics, and/or other stationery related items that do not conform with the BGADD's communications standards.
- Sending, receiving, or accessing pornographic materials.
- Causing congestion, disruption, disablement, alteration, or impairment of BGADD networks or systems.
- Maintaining, organizing, or participating in non-work-related web logs ("blogs"), web journals, "chat rooms", schooling, or private/personal instant messaging.
- Disclosing confidential information, proprietary data, or customer information without authorization.
- Failing to log off any secure, controlled-access computer or other form of electronic data system to which you are assigned, if you leave such computer or system unattended.
- Defeating or attempting to defeat security restrictions on BGADD systems and applications; and/or
- Removing BGADD data of any kind on "removable" storage devices without express permission of management.

Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

Electronic communications are records of the BGADD and, in the event of litigation, could be regarded as legally equivalent to written documents in BGADD files. Therefore, the BGADD employees must use good judgment in composing electronic communications, including e-mail messages. Before creating and/or transmitting an electronic communication, each employee must carefully review it and consider whether the Executive Director would approve of the communication before sending. A document that has been deleted is not necessarily deleted from the BGADD system and can be retrieved.

No Expectation of Privacy

Electronic communications and data sent from, received by, or stored in or upon the BGADD systems are the sole property of the BGADD, regardless of the form and/or content of these electronic communications and data. Employees shall not consider electronic communications and data sent from, received by, or stored in or upon the BGADD systems to be private even if the communication is sent using a password protected, personal e-mail account. Employees should not send, receive, or store sensitive personal or private information using the BGADD systems.

The BGADD may audit, monitor, and access electronic communications and data sent from, received by, and stored upon the BGADD systems to ensure that these systems are not abused or misused, and to ensure compliance with this policy. Auditing, monitoring, and access of computers and communications systems will be conducted by authorized personnel at any time, with or without notice to affected users. Information obtained during auditing and monitoring of the BGADD systems may be disclosed to federal, state, and/or local law enforcement officials without any prior notice or consent from affected users. All users will be held personally responsible for their use of the BGADD systems during both business and non-business hours.

Employees who receive an offensive message, whether sexual or otherwise, over a computer or other equipment at work from another BGADD employee, vendor, supplier, or customer should report the message to their supervisor immediately. Employees who receive such a message from a person not associated with the BGADD should delete it immediately and inform the sender that the BGADD does not permit receipt of such offensive messages and that no such messages should be sent to the BGADD in the future.

Social Media Policy

Social media includes all means of communicating or posting information or content of any sort on the Internet, including to the employee's own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the BGADD, as well as any other form of electronic communication.

The employee is solely responsible for what they post online. Keep in mind that any of the employee's conduct that adversely affects their job performance, the performance of fellow employees, or otherwise adversely affects members, customers, suppliers, people who work on behalf of the BGADD or the BGADD's legitimate business interests may result in disciplinary action, up to and including termination.

- Carefully read these guidelines, the BGADD Security Awareness and Acceptable Use Policy, Harassment Prevention Policy, and Standard of Conduct Policy, and ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject the employee to disciplinary action, up to and including termination.
- Always be fair and courteous to fellow employees, customers, members, suppliers or people who work on behalf of the BGADD. Employees should keep in mind that they are more likely to resolve work related complaints by speaking directly with their co-workers or by utilizing our Open Communications policy than by posting complaints to a social media outlet. If an employee decides to post complaints or criticism, they should avoid using statements, photographs, video, or audio that reasonably could be viewed as malicious, obscene, threatening, or intimidating, that disparage customers, members, employees or suppliers, or that might constitute harassment or bullying. Examples of such conduct might

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include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or BGADD policy.

- Employees should ensure they are always honest and accurate when posting information or news, and if they make a mistake, correct it quickly. Be open about any previous posts they have altered. Never post any information or rumors that you know to be false about the BGADD, fellow employees, members, customers, suppliers, people working on behalf of the BGADD, or competitors.
- Maintain the confidentiality of the BGADD's trade secrets and private or confidential information. Trade secrets may include information regarding the development of systems, processes, products, know-how, and technology. Do not post internal reports, policies, procedures or other internal business-related confidential communications.
- Respect financial disclosure laws. It is illegal to communicate or give a "tip" on inside information to others so that they may buy or sell stocks or securities. Such online conduct may also violate the Insider Trading Policy.
- Do not create a link from a blog, website, or other social networking site to the BGADD's website without identifying yourself as a BGADD employee.
- Express only your personal opinions. Never represent yourself as a spokesperson for the BGADD. If the BGADD is a subject of the content you are creating, be clear and open about the fact that you are an employee, that your views do not represent those of the BGADD, fellow employees, members, customers, suppliers, or people working on behalf of the BGADD, and you are not authorized to speak on behalf of the BGADD

Refrain from using social media while on work time or on equipment we provide, unless it is work-related as authorized by the supervisor. Do not use BGADD e-mail addresses to register on social networks, blogs, or other online tools utilized for personal use.

Leaving the BGADD

Resignation / Termination

Termination of employment is a normal part of business activity and may occur due to various reasons, whether voluntary or involuntary.

Employees who initiate their own separation of employment with the BGADD are requested to submit written notice to their supervisor providing sufficient time to allow for an orderly transition and avoid negative impact on day-to-day business within the BGADD. The BGADD's policy is to request that non-exempt employees provide a minimum two (2) weeks' written notice of their intent to resign. Exempt employees are requested to provide a minimum of four (4) weeks' written notice. Proper notice allows your supervisor to arrange for an exit interview (if needed), arrange for your final paycheck, and to include any unused annual leave hours you may be eligible for. Resigning without notice means you will not be entitled to receive payment for unused annual leave.

In cases where an employee gives notice to resign, the employee may not use annual leave during their resignation period. If annual leave is used during this period, the employee will no longer be entitled to be paid for unused annual leave.

Please keep in mind that as an employee "at will" once you give notice, the BGADD may decide it is not necessary for you to work out the entire duration of your notice.

An employee who fails to call or report to work for three (3) consecutive workdays shall be considered to have abandoned the job without notice and the employee will be terminated.

Employment with the BGADD is "at-will." There is no requirement that an employee receive any sort of warning or notice prior to termination.

Employees must submit outstanding expense reports with the appropriate documentation within seven (7) days of the termination date in order to be reimbursed. Failure to submit an expense report within seven (7) days of termination will result in non-payment.

Exit Interviews

Exit interviews are normally scheduled for outgoing employees after the supervisor receives notice of resignation. The purpose of the exit interview is to review eligibility for benefits continuation and conversion, discuss final pay, ensure that all necessary forms are completed, collect all BGADD property that may be in the employee's possession, and to provide employees with an opportunity to discuss their job-related experiences with the BGADD.

Property to be returned includes, but isn't limited to, keys, key fobs, ID's, lists, software, any documents or copies of documents related to BGADD work that is in your possession, and all other tools and supplies an employee might use.

Appendix A

At-Will Employee Handbook Acknowledgement

The undersigned acknowledges receipt of the BGADD's Employee Handbook.

I have received a copy of the Employee Handbook, and I accept responsibility for reading this Handbook and becoming familiar with its contents. I understand that this Handbook consists of general guidelines that may or may not be applied or followed in specific cases. This copy may not be the most current version. I acknowledge that a copy of the most current version of the Employee Handbook is available from the Executive Director. The current version maintained by the Executive Director is the official Employee Handbook.

It is specifically understood and agreed that the Handbook is for informational purposes only and is not intended to create a contract, nor is it a contract, of employment or continuing employment between myself and the BGADD. It is further understood that neither the Handbook nor any policy of the BGADD is a guarantee or promise of employment or continuing employment.

I understand that I am not being hired for any definite period of time even though my wages are paid regularly. I further understand that I am an at-will employee and my employment can be terminated at any time, with or without cause and with or without prior notice either by the BGADD or myself. No promises or representations have been made to me that I can be disciplined or discharged from my employment with the BGADD only under certain circumstances or after certain events.

BGADD policy requires all employees to be hired at-will and this policy cannot be changed except by a written document signed by the Executive Director and me, specifically changing my at-will employment status. I have neither been requested nor have I signed any such document.

My at-will employment status with the BGADD has been fully explained and I have been given an opportunity to ask any questions regarding BGADD policies and my at-will employment status. No representative of the BGADD has made any promise or other statements implying employment will be other than what has been stated above.

_____ Employee Signature	_____ Date
_____ Employee Name (print)	_____ Date

Appendix B

Bluegrass Area Development District Conflict of Interest Policy

For Officer, Directors and Staff Members

No member of the Bluegrass Area Development District ("BGADD") Board of Directors or Staff shall derive any personal profit or gain, directly or indirectly, by reason of his or her participation in the BGADD. Each individual shall disclose to the BGADD any personal interest which he or she may have in any matter pending before the organization and shall refrain from participation in any decision on such matter. Any member of the BGADD's Board of Directors or Staff shall refrain from obtaining any list of BGADD clients for personal or private solicitation purposes at any time during the term of their affiliation.

In addition to my service for BGADD, at this time I am a Board Member, owner, shareholder, employee, or otherwise have an interest in the following organizations:

1. _____
2. _____
3. _____
4. _____

This is to certify that I nor any of my immediate family members, except with regard to carrying out my duties as an officer, director, or staff member of the BGADD or as described below, am not now nor at any time during the past year have been:

- 1) A participant, directly or indirectly, in any arrangement, agreement, investment, or other activity with any vendor, supplier, or other party; doing business with the BGADD which has resulted or could result in personal benefit to me.
- 2) A recipient, directly or indirectly, of any salary payments or loans or gifts of any kind or any free service or discounts or other fees from or on behalf of any person or organization engaged in any transaction with the BGADD.

Any exception to 1 or 2 above are stated below with a full description of the transactions and of the interest, whether direct or indirect, which I have (or have had during the past year) in the persons or organizations having transactions with the BGADD:

Signature _____ Date _____

Printed Name _____

Appendix C

Bluegrass Area Development District Whistleblower Policy

Certification of Receipt

A whistleblower as defined by this policy is an employee of Bluegrass Area Development District (ADD) who reports an activity that is illegal, dishonest or contrary to established policy to one or more of the parties specified in this Policy. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities.

Examples of illegal, dishonest or contrary to established policy are violations of federal, state or local laws; billing for services not performed or for goods not delivered; theft of service, taking kickbacks; fraudulent financial reporting; threatening or intimidating an employee or other person with the intention to cover up any such activity; and other fraudulent financial reporting.

If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee is to contact his/her immediate supervisor or the Human Resources Director. If both of those individuals are the subject of the complaint, the employee may make the report to the Executive Director. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

Whistleblower protections are provided in two important areas -- confidentiality and against retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. The Bluegrass ADD will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact the Human Resources Director immediately. If the Human Resources Director is involved in the complaint, the employee may contact the Executive Director. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

Although it is encouraged to handle personnel matters through the levels of supervision outlined in the Bluegrass ADD organizational chart, it is recognized and imperative that activities which appear illegal, dishonest or unethical to be reported in the most expeditious manner possible. If employees do not feel comfortable reporting to their immediate supervisor, the Human Resources Director or the Executive Director, they should contact the Department for Local Government, the Auditor of Public Accounts or the State Attorney General.

I acknowledge that I have received a copy of the Bluegrass Area Development District's Whistleblower Policy, and I agree to read it thoroughly and direct any questions I may have to my supervisor, Human Resource Director, or Executive Director.

Print Name

Employee Signature

Date

Approved by the Bluegrass ADD Full Board April 23, 2014

Appendix D

Drug and/or Alcohol Testing— Substance Abuse Policy

Purpose

Consistent with the BGADD's policy to maintain a safe, healthy drug-free work environment in compliance with the Drug Free Work Place Act of 1988 and the Omnibus Transportation Employee Testing Act of 1991, and in the interest of assuring the safety of the general public by employing persons in sensitive positions that do not abuse alcohol or illegal drugs, the following policies are adopted and strictly adhered to by BGADD. For purposes of complying with federal drug and alcohol regulations, the substance abuse testing procedures for employees covered by the Omnibus Transportation Employee Testing Act of 1991 (Commercial Driver's License) shall be established and administered separately from the BGADDs overall substance abuse testing program.

Applicability

This policy applies to all employees that are subject to appointment by the Executive Director, with approval from the Board of Directors. Additionally, all applicants for such BGADD employment are subject to pre-employment drug testing.

Definitions

Accident: For the purposes of this policy an "accident" is an incident which results in the need for a reasonable person to file a police report or to seek medical attention. All incidents meeting this standard shall be considered cause for post-accident drug/alcohol testing of the employee.

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.

Blood Alcohol Concentration: Refers to the amount of alcohol contained in a person's blood. It is measured as weight per unit of volume. Typically this measurement is converted to a percentage such as 0.10%, which indicates that one-tenth of a percent of a person's blood is alcohol.

Controlled substance: Has the meaning as assigned by 21 U.S.C. 802 and includes all substances listed on Schedule I through V as they may be revised from time to time (21 CFR 1308) i.e., marijuana (THC metabolite), cocaine, amphetamines; opiates (including heroin); phencyclidine (PCP).

Driver: Means any person who operates a motor vehicle. This includes, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to any employer or who operate a commercial motor vehicle at the direction of or with the consent of an employer.

Medical Review Officer (MRO): Means a licensed M.D. or D.O. (Doctor of Osteopathy) with knowledge of drug abuse disorders who is employed or used to conduct drug tests in accordance with this policy.

Random Selection Process: Means that alcohol and drug tests are unannounced. Tests conducted randomly

Drug and/or Alcohol Testing— Substance Abuse Policy (Continued)

Reasonable Cause: Means that the employer believes the actions, appearance or conduct of an employee who is on duty are indicative of substance abuse. Justification for such a conclusion may be actions, appearance or conduct consistent with those conditions identified on page 60 of this policy, or other identifiable actions, appearance of conduct that raise the suspicion of appropriately trained persons. Reasonable suspicion will be determined by two or more supervisory personnel who will attest to their observations. The Executive Director will make the final determination.

On Duty Time: Means all time, from the time the employee begins work or is required to be in readiness to work, until the time he/she is relieved from work and all responsibility for performing work. On duty time shall include:

- a. All time waiting to work or working unless relieved from duty by the employer.

Drug and Alcohol Test: The compulsory production and submission of urine, breath, or blood sample by an employee in accordance with procedures contained herein for chemical analysis to detect drug and/or alcohol use.

Under the Influence: An individual is considered to be under the influence of intoxicants when the individual's blood alcohol content exceeds 0.02%. An individual is considered to be under the influence of a controlled substance when any detectable amount of the substance is identified through employee testing.

Positive Drug Screen: Means positive identification of alcohol, a drug or a metabolite which has been confirmed by sophisticated scientific laboratory tests.

Detectable Amount: For the purposes of this policy, detectable amount is defined as the cutoff level defined by federal or state regulation.

Employee: An individual employed by the BGADD.

He or his also means her or hers in appropriate context.

Substance Abuse Professional (SAP): A person who evaluates employees who have violated a drug and alcohol program regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

Administrator

The Executive Director and/or the Human Resources Director will serve as the program administrator (PA) of this policy.

Prohibitions

The following conduct is strictly prohibited and will subject an employee to immediate discipline:

Alcohol Prohibitions

- The unlawful buying, selling, transportation, possession, providing of alcohol while on duty.
- Use during the four (4) hours before reporting for duty.

Drug and/or Alcohol Testing— Substance Abuse Policy (Continued)

- Reporting for normal duty or remaining on duty to perform work with an alcohol concentration of 0.02% or greater.
- Use of alcohol during eight (8) hours following an accident, or until he/she undergoes a post-accident test.
- Refusing to take the test.

Employees found to have an alcohol concentration of 0.02% or greater, but less than 0.04%, shall immediately be removed from their duties. The employee shall receive a written reprimand which indicates any further violations of the policy will result in the employee's dismissal.

Employees found to have an alcohol concentration of greater than 0.04% shall immediately be removed from their duties and subjected to other actions outlined in this policy, including personnel actions up to, and including termination from employment.

Drug Prohibitions

The use of any drug is prohibited if the drug could affect job performance, including, but not limited to:

- Use of any drug, except by doctor's prescription, and then only if the doctor has advised the employee that the drug will not adversely affect the employee's ability to safely perform the duties of his/her job;
- Testing positive for drugs; and
- Refusing to take a required test.

Failure to notify the supervisor if alcohol or a controlled substance is ingested unintentionally or if the employee is made to ingest a controlled substance so that appropriate medical steps may be taken to ensure the employee's health and safety;

Failure to notify the supervisor of any alcohol or criminal drug statute charge or conviction no later than five (5) days after such charge or conviction relating to alcohol or drug abuse or misuse. However, notification of conviction does not insulate the employee from disciplinary action;

An employee will not be disciplined for reporting personal use of alcohol or prescribed medications when called to perform additional duties outside normal work hours unless that employee has been officially put on call.

An employee will inform his supervisor or the PA of any therapeutic drug and/or prescription use that could adversely affect his performance prior to performing any duties.

Employees found to be in violation of the BGADD's substance abuse policies are subject to appropriate personnel action, up to and including dismissal from employment.

Preconditions to Drug and Alcohol Testing

The BGADD shall contract with a Department of Health and Human Services' certified laboratory. Samples to be tested shall be obtained at Forward Edge Associates, 155 Prosperous Place, Suite 1A Lexington, KY 40509.

The BGADD has designated Dr. B.T. Westerfield, 3121 Wall Street, Suite 300 Lexington, KY 40513 as the Medical Review Officer.

Drug and/or Alcohol Testing— Substance Abuse Policy (Continued)

Types of Testing

1. Pre-employment testing

All offers of employment are made contingent upon passing a medical review, including an alcohol and drug test. If the test is confirmed positive for drugs or alcohol, the candidate will be disqualified with no further action to be taken. Job applicants, who are denied employment because of a positive test, may reapply for employment after six (6) months. The records will be maintained in the applicant's confidential medical file.

2. Reasonable Suspicion

If an employee's work performance or behavior is indicative of possible alcohol or drug abuse or misuse as demonstrated by the following behaviors/symptoms, or if the employer observes specific, contemporaneous, articulable conduct pertaining to the appearance, behavior, speech or body odors of the employee that indicate he/she may be in violation of this policy, an appropriately trained supervisor, with the concurrence of the PA or another appropriately trained supervisor, will require the employee to submit to a breath test or urinalysis. The following conditions, which should not be construed to be all inclusive, are signs of possible alcohol or drug abuse:

- Abnormally dilated or constricted pupils
- Glazed stare - redness of eyes
- Change of speech
- Constant sniffing
- Increased absences
- Redness under nose
- Sudden weight loss
- Needle marks
- Change in personality
- Increased appetite for sweets
- Forgetfulness - performance faltering poor concentration
- Borrowing money from co-workers, seeking an advance in pay, or other unusual display of need for money.
- Constant fatigue or hyperactivity
- Smell of alcohol
- Difficulty walking
- Excessive, unexplained absences
- Dulled mental processes
- Slowed reaction rate

Supervisors must notify the PA and/or the /Executive Director if they have reason to believe one or more of the above listed conditions is indicated, and that the substance abuse is affecting an employee's performance or behavior in any manner. Job performance and policy violations must be specific.

The PA will arrange to observe or talk to the employee. If the PA and supervisor concur on reasonable suspicion, the PA will immediately arrange for the specified test.

The employee will be required to release any evidence relating to the observation for further testing. Failure to comply may subject the employee to subsequent discipline, suspension or termination. All confiscated evidence will be receipted for with signatures of both the receiving supervisor and the provider.

Drug and/or Alcohol Testing— Substance Abuse Policy (Continued)

If upon questioning by the supervisor, the employee admits to use but requests assistance, the PA may arrange for assessment by the substance abuse professional (SAP). Reassignment to job duties will be conditioned on completing the SAP's guidelines and return to work testing.

The supervisor shall, within 24 hours, or before the results of the alcohol or controlled substance testing is released, document the particular facts related to the behavior or performance problems and present documentation to the PA.

The PA shall cause the removal of the employee from BGADD property and ensure that the employee is transported to the collection site. Under no circumstances will the employee be allowed to drive any vehicle until a confirmed negative test result is received.

All supervisors will receive a minimum of one (1) hour training on alcohol abuse and one (1) hour training on drug abuse to assist them in identifying abuse behavioral characteristics.

3. Post-Accident Testing

An "accident" is an incident which results in the need to file a police report or to seek medical attention. The BGADD may require testing on minor accidents not involving the need for a police report if there is reasonable suspicion that alcohol or drugs were involved. All employees are required to provide a breath test and a urine specimen to be tested within eight (8) hours after an accident. The employee shall remain readily available for testing or he will be deemed to have refused testing. If the employee is seriously injured and cannot provide a specimen at the time of the accident, he shall provide the necessary authorization for obtaining the hospital reports and other documents that would indicate whether there were any controlled substances in his system. Adherence by the employee to the post-accident testing requirements is a condition of continued employment with the BGADD.

4. Random Selection

A selection process which removes discretion in selection will be adopted by the BGADD.

The random testing will be reasonably spaced over a twelve (12) month period.

Once notified, the employee will immediately proceed to the collection site. The employee will not be notified prior to duty that he/she is to be tested. If the employee is not scheduled to work he/she will not be randomly tested until drawn again.

5. Return-to-Duty Testing

Before an employee returns to duty after engaging in conduct prohibited by this policy, the employee shall undergo a return to duty alcohol test with a result of less than a 0.02% breath alcohol concentration (BAC) or receive a confirmed negative result from a controlled substance urinalysis test.

Collection of Breath and Urine Specimens and Laboratory Analysis

1. Breath alcohol testing

Breath alcohol testing will be conducted at a prearranged location by a qualified Breath Alcohol Technician according to CFR 49 Part 40 procedures. Refusal to provide breath will be considered a positive test and the employee will be removed from the job site.

Drug and/or Alcohol Testing— Substance Abuse Policy (Continued)

2. Specimen collection

Specimen collection will be conducted in accordance with applicable state and federal law. The collection procedures will be designed to ensure the security and integrity of the specimen provided by each employee, and those procedures will strictly follow federal chain-of-custody guidelines. Every effort will be made to maintain the dignity of each employee submitting specimen for analysis in accordance with these procedures.

3. Laboratory analysis

Only a laboratory certified by the Department of Health and Human Services (DHHS) to perform a 10 panel urinalysis test for the detection of the presence of controlled substances will be retained by the BGADD. The laboratory will be required to maintain strict compliance with federally approved chain of custody procedures, quality control, maintenance and scientific analytical methodologies.

4. Follow-up testing

Following a determination that an employee is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, the BGADD shall see that the employee is subject to unannounced follow-up testing as directed by the SAP as required by 382 CFR 605(c)(2)(ii).

Consequences: Appeal of Test Results

Alcohol and drug abuse may not only threaten the safety and productivity of all employees, but causes serious individual health consequences.

An employee testing positive for alcohol or drug use is subject to disciplinary action. Refusal to submit to testing will also be considered a positive test. Refusal includes not providing a breath or urine sample as directed, neglecting to sign appropriate control forms, using alcohol within 8 hours of an accident unless a test sample has been taken earlier, or engaging in conduct that clearly obstructs the testing process.

Any employee testing positive for the presence of a controlled substance will be contacted by the BGADD's MRO. The employee will be allowed to present medical documentation to explain any permissible use of drugs. All such discussions between the employee and the MRO will be confidential. If medically supportable reasons exist to explain the positive result, the MRO will report the test result to the BGADD as negative.

Within 72 hours after the employee has been notified of a positive test result for drugs, he may request a retest of the split sample. The signed request will be provided to the MRO in writing, who will then initiate the new laboratory analysis. If a different result is detected by the subsequent laboratory, the test will be voided by the MRO, and the PA will be notified. A new sample may be requested as appropriate.

The employee may seek assistance from a substance abuse professional who, in conjunction with the MRO, will take appropriate action, which may include diagnosing the problem and recommending treatment.

Drug and/or Alcohol Testing— Substance Abuse Policy (Continued)

If the employee acknowledges a substance abuse problem, requests assistance and completes the substance abuse treatment recommended by the SAP, these may be considered to be mitigating factors.

The employee's successful completion of an approved treatment program may be a condition of continued employment.

An employee will be required to submit to at least 6 unannounced drug tests during the first year and follow-up testing may be conducted for up to 60 months. Failure to adhere to this condition is grounds for immediate termination.

Nothing in these policies shall be deemed as precluding the BGADD from dismissing any employee who has been found to be in violation of these policies. There is no express responsibility to retain an employee, or to provide assistance beyond referral information regarding rehabilitative resources.

Confidentiality

Under no circumstance, unless required or authorized by law, will alcohol or drug testing information or results for any employee or applicant be released without written request from the applicable employee. Employees are entitled, upon written request, to obtain copies of any records pertaining to his use of alcohol or controlled substances, including any records pertaining to his alcohol or controlled substances tests. The BGADD will have three (3) working days to provide copies.

Collection of breath and urine samples must always be documented and sealed with a tamper-proof system in the presence of the employee, to insure that all tests can be correctly traced to the employee. Drug and alcohol test analysis from the DHHS approved laboratory will be forwarded directly to the MRO for confidential record keeping.

Record Retention

The BGADD shall maintain records of its alcohol misuse and controlled substance abuse prevention programs in a secured location as prescribed by 382 CFR 401.

Appendix E

Ethics Code

General Provisions

Purpose

An employee of the Bluegrass Area Development District is a public employee bound by the basic moral and ethical principles inherent in any position of public trust. His/her conduct shall exemplify the highest standards of the professional ethics in the District's relationship to the public, the constituent governments of the region, and all agencies and officials of local, state, and federal governments. To ensure adherence to these standards, the following code of professional ethics is established.

It is the purpose of this chapter to provide a method of assuring that standards of ethical conduct for BGADD employees be clearly established, uniform in their application, and enforceable, and to provide the employees of the BGADD with advice and information concerning potential conflicts of interest which might arise in the conduct of their public duties.

Definitions

For the purpose of this chapter, the following words and phrases shall have the following meanings ascribed to them respectively.

Board of Ethics: The BGADD Board of Ethics which is created and vested by this chapter with the responsibility of enforcing the requirements of the BGADD's Code of Ethics.

Business Associate: Includes, but is not limited to, the following:

- A private employer;
- A general or limited partnership, or general or limited partner within the partnership;
- A corporation that is family-owned, or in which all shares of stock are closely-held, and the shareholders, owners, and officers of such corporation;
- A corporation, business association, or other business entity in which a local government official, officer, or employee serves as a compensated agent or representative.

Business Organization: Any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, professional service corporation, or any legal entity through which business is conducted for profit.

Candidate: Any individual who seeks nomination or election to a city office. An individual is a candidate when the individual files a notification and declaration for nomination for office with the County Clerk or Secretary of State, or is nominated for office by a political party, or files a declaration of intent to be a write-in candidate with the County Clerk or Secretary of State.

Employee: Any person, compensated or not, full-time or part-time, employed by or serving the BGADD who is not a BGADD official or officer.

Family Member: A mother, father, brother, sister, mother-in-law, father-in-law, sister-in-law, brother-in-law, niece, or nephew.

Ethics Code: General Provisions (Continued)

Member of Immediate Family: A spouse, child or any person, claimed by the individual or individual's spouse for tax purposes.

Officer: Any person, whether full-time or part-time, and whether paid or unpaid, who is one (1) of the following: The Executive Director; A Member of the Board of Directors; The Chief Financial Officer.

Rules of Necessity: The BGADD may make or enter into a contract with an official, officer, or employee or members of his immediate family, a family member, or a business associate who has an economic interest if the nature of the transaction and the nature of the interest is publicly disclosed on the record prior to the time it is entered into; and a specific finding is made by the BGADD, and entered on the official record of the proceedings of the governing body that, notwithstanding the conflict, it is in the best interests of the BGADD because of limited supply, price, or documented emergency.

Conflicts of Interest in General

Every officer and employee of the BGADD shall comply with the following standards of conduct.

- No BGADD official, officer or employee, or member of his immediate family, or family member shall have an interest in any business organization, engage in any business, transaction, or professional activity which is in substantial conflict with the proper discharge of his officially assigned duties.
- No BGADD official, officer or employee shall use or attempt to use his or her official position to secure unwarranted privileges or advantages for himself or herself.
- No BGADD official, officer or employee shall act in his or her official capacity in any matter in which a member of his or her immediate family, family member, or a business organization in which he or she has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his or her objectivity or independence of judgment.
- No BGADD official, officer, or employee shall undertake any employment or service, compensated or not, which might reasonably be expected to prejudice or influence his independent judgment in the exercise of his or her official duties.
- No BGADD official, officer, or employee, member of his or her immediate family, family member, or business organization, in which he or she has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise or future employment, or other item of value based upon an understanding the gift, favor, loan, political contribution, service, promise, or other item of value was given or offered for the purpose of influencing his or her directly or indirectly, in the discharge of him or her official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office as governed by the Kentucky Revised Statutes.
- No BGADD official, officer, or employee shall be prohibited from giving or receiving an award, publicly presented in recognition of public service, commercial loans made in the ordinary course of the lender's business, or reasonable hosting, including travel and expenses, entertainment, meals, or refreshments furnished in connection with public events, appearances, ceremonies, or fact-finding trips related to official governmental business.
- No BGADD official, officer, or employee shall use or allow to be used, his or her office or employment, or any information, not generally available to the members of the public,

Ethics Code: General Provisions (Continued)

which he or she receives or acquires for the purpose of securing financial gain for himself or herself, any member of his or her immediate family, family member, or any business organization which he or she is associated.

- No BGADD official, officer, or employee, or business organization in which he or she has an interest shall represent any person or party other than the local government in connection with any clause, proceeding, application, or other matter pending before any agency in the local government in which he or she serves.
- No BGADD employee, shall allow their responsibilities outside of work to create a conflict of interest. If an employee has an opportunity to serve on a board or committee in our community, they should first weigh the possibility of conflict. If conflict of interest is unavoidable, the employee should decline such offers to serve.
- In cases where family members of employees are employed by or serve on committees of our local governments, partners, etc. you are required to notify human resources to make a formal notice of such association. A permanent record may be made and placed in your file. In this way, we can avoid potential scenarios which can be damaging to the reputation of the employee and BGADD.
- No BGADD official or officer shall be deemed in conflict with these provisions if, by reason of his or her participation in the enactment of any ordinance, resolution, or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain accrues to him or her as a member of any business, profession, occupation, or group, to any greater extent than gain could reasonably be expected to accrue to any other member of such business, profession, occupation, or group.

Receipt of Gifts

No officer or employee of the BGADD shall directly, or indirectly, through any other person or business, solicit or accept any gift having a fair market value of more than one hundred dollars (\$100.00) per year, whether in the form of money, service, loan, travel, entertainment, hospitality, item, or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence, or could reasonably be expected to influence, the officer or employee in the performance of his public duties.

Use of BGADD Property, Equipment, Personnel

No officer or employee of the BGADD shall use or permit the use of any BGADD time, funds, personnel, equipment, or other personal or real property for the private use of any person, unless the use is specifically authorized by a stated BGADD policy, or the use is available to the general public, and then only to the extent and upon the terms that such use is available to the general public.

Nepotism Prohibited

- No officer or employee of the BGADD shall advocate, recommend or cause the: employment, appointment, promotion, transfer or advancement of a family member or an immediate family member to an office or position of employment with the BGADD. The Bluegrass Area Development District refrains from employing a staff member's family member.
- No officer or employee of the BGADD shall supervise or manage the work of a family member or an immediate family member.

Ethics Code: General Provisions (Continued)

- No officer or employee shall participate in any action relating to the employment or discipline of a family member or immediate family member, except that this prohibition shall not prevent an elected or appointed official from voting on or participating in the development of a budget which includes compensation for a family member or immediate family member, provided that the family member or immediate family member is included only as a member of a class of persons or a group and the family member or immediate family member benefits to no greater extent than any other similarly situated member of the class or group.
- The prohibitions in this section shall not apply to any relationship or situation that would violate the prohibition, but which existed prior to the effective date of this code.

Board of Ethics Established

- There is hereby created a Board of Ethics which shall have the authorities, duties, and responsibilities as set forth in this chapter to enforce the provisions of this code.
- The Administrative Review and Finance Committee shall function as the Board of Ethics.
- (C) Appointments to the Administrative Review and Finance Committee shall be conducted as set forth in the By-laws.

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Powers; Duties of Board

The Board of Ethics shall have the powers and duties as set forth below.

- Jurisdiction over the administration of this code and enforcement of the civil penalties prescribed by this code;
- May receive and initiate complaints, initiate investigations on its own motion and conduct investigations, inquiries, and hearings concerning any matter covered by this code;
- May administer oaths, investigate and have the deposition of witnesses taken in the manner prescribed by the Kentucky Rules of Civil Procedure for taking depositions in civil actions;
- May render advisory opinions whether or not a given set of facts and circumstances constitute a violation of any provision of this code;
- Shall promulgate and provide forms for reports, statements, notices, and other documents required by this code;
- Shall determine whether the required statements and reports have been filed and conform with the requirements of this code and shall promptly notify the filer if corrections, explanations, or deficiencies are determined; and
- May retain private counsel at the expense of the BGADD.

Filing; Investigation of Complaints

- Upon receipt of a complaint signed under penalty of perjury by any person, or upon its own motion, the Board of Ethics shall investigate all alleged violations of this code.
- Not later than ten (10) days after the Board of Directors receives the complaint, the Board shall initiate a preliminary inquiry into any alleged violation.
- Within thirty (30) days of the commencement of the inquiry, the Board shall forward a copy of the complaint and a general statement of the applicable law to the person alleged to have committed a violation.
- All Board proceedings and records relating to a preliminary investigation shall be in conformance with the Open Meetings and/or Open Records Acts as set forth by statute except the Board may refer to the Commonwealth's Attorney or County Attorney of the

Ethics Code: General Provisions (Continued)

jurisdiction in which the offense allegedly occurred, evidence which may be used in criminal proceedings.

- The Board of Ethics shall afford the subject of a preliminary investigation an opportunity to respond to the allegation contained in the complaint. The person shall have the right to be represented by counsel, to appear and be heard under oath, and to offer evidence in response to the allegations of the complaint.
- If the Board determines in the preliminary investigation that the complaint does not allege facts sufficient to constitute a violation of this code, the Board shall immediately terminate the inquiry and notify the complainant and the person alleged to have committed a violation, in writing. The Board may inform the alleged violator of the potential violations and provide information to ensure future compliance with the law.
- If the Board, during the course of its preliminary investigation, finds probable cause to believe that a violation of this code has occurred, the Board shall notify the alleged violator of the findings, and the Board may, by majority vote:
 1. Due to mitigating circumstances such as lack of significant economic advantage or gain by the alleged violator, lack of significant economic loss to the BGADD, or lack of significant impact on public confidence in government, reprimand, in writing, the alleged violator for potential violations of the law and provide a copy of the reprimand to the Chairman and Board of Directors.
 2. Initiate an adjudicatory proceeding to determine whether there has been a violation.
- Any person who knowingly files, with the Board, a false complaint of misconduct on the part of any elected or appointed official or officer or other person shall be guilty of a Class A misdemeanor.

Adjudicatory Proceedings; Action by Board; Appeal

- The Kentucky Rules of Civil Procedure and the Kentucky Rules of Evidence shall apply to all Board adjudicatory hearings. All testimony in an adjudicatory proceeding shall be taken under oath. All parties shall have the right to call and examine witnesses, to submit evidence, and to be represented by counsel and any other due process rights, privileges, and responsibilities of a witness appearing before the courts of the Commonwealth of Kentucky. All witnesses shall be entitled to be represented by counsel.
- Any person whose name is mentioned during adjudicatory proceedings of the commission and who may be adversely affected thereby may appear personally before the Board on the person's own behalf, with or without counsel, to give a statement of opposition to the adverse mention or file a written statement of that opposition for incorporation into the record of the proceeding.
- All adjudicatory proceedings of the Board carried out pursuant to the provisions of this section shall be public, unless the members vote to go into executive session in accordance with KRS 61.810.
- Within thirty (30) days after the end of an adjudicatory proceeding, pursuant to the provisions of this section the Board shall meet in executive session for the purpose of reviewing the evidence before it. Within thirty (30) days after completion of deliberations, the commission shall publish a written report of its findings and conclusions.
- If the Board of Ethics concludes in its report that in consideration of the evidence produced at the hearing, there is clear and convincing proof of a violation of this code, the Board may:

Ethics Code: General Provisions (Continued)

1. Issue an order requiring the violator to cease and desist the violation;
 2. Issue an order requiring the violator to file any report, statement, or other information as required by this code;
 3. In writing, publicly reprimand the violator for potential violations of the law and provide a copy of the reprimand to the Chairman and Executive Board;
 4. Issue an order requiring the violator to pay a civil penalty of not more than five hundred dollars (\$500.00);
 5. Refer evidence of criminal violations of this code to the County Attorney or Commonwealth's Attorney for prosecution, if there is potential or actual conflict.
- Findings of fact or final determinations by the Board that a violation of this code has been committed, or any testimony related to the Board's findings of fact or final determinations shall not be admissible in criminal proceedings in the courts of the Commonwealth of Kentucky. Evidence collected by the Board may be used in a criminal proceeding if otherwise relevant.

Appeals

Any person who is found guilty of a violation of any provision of this code by the Board of Ethics may appeal this action to the Fayette Circuit Court within thirty (30) days after the date of the final action by the Board of Ethics by filing a petition with the court against the Board. The Board shall transmit to the Clerk of the Court all evidence considered by the Board at the public hearing. The court shall hear the appeal upon the record as certified by the Board.

Reprisals Against Persons Disclosing Violation Prohibited

- No officer or employee of the BGADD shall be subject to reprisal, or directly or indirectly use, or threaten to use, any official authority to influence in any manner whatsoever which tends to discourage, restrain, deter, prevent, interfere with, coerce, or discriminate against any person who, in good faith, reports, discloses, divulges, or otherwise brings to the attention of the Board of Ethics or any other agency or official of the city or the Commonwealth any facts or information relative to an actual or suspected violation of this chapter.
- This section shall not be construed as prohibiting disciplinary or punitive action if an officer or employee of the BGADD discloses information which he or she knows:
 1. To be false or which he discloses with reckless disregard for its truth or falsity;
 2. To be exempt from the required disclosure under the provisions of the Kentucky Open Records Act, KRS 61.870 to 61.884;
 3. Is confidential under any other provision of law.

Penalty

- Any person who violates the provisions pertaining to filing of statements of financial interests shall, in addition to any other penalties set out in this code, be subject to the following penalties:

Ethics Code: General Provisions (Continued)

1. Any person who fails or refuses to file a financial interests statement or who fails or refuses to remedy a deficiency in the filing identified in the notice under § 25.205 within the time period established in the notice shall be guilty of a civil offense and shall be subject to a civil fine imposed by the Board of Ethics in an amount not to exceed twenty-five dollars (\$25.00) per day, up to a maximum total civil fine of five hundred dollars (\$500.00). Any civil fine imposed by the Board of Ethics under this section may be recovered by the ADD in a civil action in the nature of debt if the offender fails or refuses to pay the penalty within a prescribed period of time.
2. Any person who intentionally files a statement of financial interests which he knows to contain false information or intentionally omits required information shall be guilty of a Class A misdemeanor.
 - Except when another penalty is specifically set forth in this code, any officer or employee of the BGADD who is found by the Board of Ethics to have violated any provision of this code shall be deemed guilty of a civil offense and may be subject to a civil fine imposed by the Board of Ethics not to exceed one thousand dollars (\$1,000.00), which may be recovered by the BGADD in a civil action in the nature of a debt if the offender fails to pay the penalty within the prescribed period of time.
 - In addition to all other penalties which may be imposed under this code, any officer or employee of the BGADD who is found by the Board of Ethics to have violated any provision of this code shall forfeit to the BGADD an amount equal to the economic benefit or gain which the officer or employee is determined by the Board to have realized as a result of the violation. The amount of any forfeiture may be recovered by the BGADD in a civil action in the nature of debt, if the offender fails to pay the amount of forfeiture within a prescribed period of time.
 - In addition to all other penalties which may be imposed under this code, a finding by the Board of Ethics that an officer or employee of the BGADD is guilty of a violation of this code may be sufficient cause for removal, suspension, demotion, or other disciplinary action by the executive authority of the BGADD, or by any other officer or agency having the power of removal or discipline. Any action to remove or discipline any officer or employee for a violation of this code shall be taken in accordance with all applicable ordinances and regulations of the BGADD and all applicable laws of the Commonwealth.

References: In addition to all provisions of the BGADD Ethics Code, the Bluegrass ADD Executive Committee has incorporated all provisions of the Lexington-Fayette Urban County Government (LFUCG) Ethics Act, in its entirety, into the BGADD Ethics Code General Provisions. The LFUCG Ethics Act can be found at <https://www.lexingtonky.gov/ethics> In situations where the two provisions conflict, or where the Bluegrass ADD provisions are found to be less stringent, the LFUCG ethics act will take precedence.

AT-WILL BGADD EMPLOYEE HANDBOOK

This amended Ethics Code General Provisions was adopted by the Executive Committee September 26, 2018.

Motion made by Judge/Executive, and seconded by Judge/Executive
John Wilson Harold McKinney

BJA
Chair

9-26-18
Date

Og for Judge Houston Wells
Secretary

9-26-18
Date

Appendix F

TRAVEL POLICY:

Instructions for completing monthly Travel Vouchers:

1. Mileage is rounded up or down. The rate is set by the State, and changes every quarter. The current rate will be emailed out to staff at the beginning of each quarter.
2. Trip authorizations are required for each trip listed on the voucher.
3. Supervisor's signature and date signed are needed on all trip authorizations (these are to be done in advance of your trip when possible).
4. Supervisor's signature and date is needed for approval before submitting voucher.
5. The voucher must be signed and filled out in full, including your name at the top and the month submitted in the bottom left-hand corner, as well as the address of your residence and your work place.
6. Only one month per voucher.
7. Any other expenses, such as refreshments for a meeting, should be listed on the subtotal B sheet, and the total of that sheet should be listed on the voucher in the box labeled subtotal B. Receipts are required for anything over ten dollars. The grant number(s) to which those items should be charged must be listed on the subtotal B page next to the expense.
8. Vouchers should be submitted prior to the first payroll processing of the following month and no later than the last payroll of the following month. Example: May travel should be in by Monday in the first processing week in June. Any travel turned in after Monday on a processing week is not guaranteed to be paid at the end of that week. Any travel submitted more than 45 days after the due date will not be paid.
9. A separate voucher is required for any out of State travel, and must be accompanied by the Permission to Attend a Conference/Meeting form.
10. Out of State travel may be submitted for reimbursement immediately upon your return, and is due within ten days of your return.
11. On any travel out of state or in, if you pay expenses for another staff person or Board member, only record your expenses on the front and other persons expenses on the Subtotal B page.
12. Check your hotel receipt carefully and make sure you record only the room expense in the room column. Parking charges have their own column on the voucher.
13. For out of State trips, make sure you have a line for each day you are gone. On the first day you leave put the time you left and the time you arrived at your destination. On the last day of your trip, put the time you left and the time you arrived back.

TRAVEL POLICY

Instructions for completing monthly Travel Vouchers (continued):

14. You are only allowed to claim per diem if you are gone overnight, and you cannot claim per diem for meals that are provided by the meeting or conference that you are attending. Per diem rates for out-of-State travel can be found at: <http://www.gsa.gov/portal/content/104877>.
15. You cannot claim the full per diem on your first or last day of out-of-State travel. The max you can claim is 75%, and those exact amounts can be found in the meals and expense breakdown on the gsa.gov site.
16. You can only claim a meal if you are traveling during the entire time span of that meal. For example, if you return by 7pm, you cannot claim dinner. If you leave at 8am, you cannot claim breakfast.
17. State per diem rates will be used for any overnight travel in-State. You must be traveling during the entire time span of a meal to claim it. Rates and times are as follows:
 - Breakfast (6:30-9 am) - \$7
 - Lunch (11am-2 pm) - \$8
 - Dinner (5-9 pm) - \$15
18. Be sure to submit all receipts, your conference request form (signed by the Executive Director), and the agenda of the conference you attended. Also include the grant code(s) to which your trip should be charged.
19. Travel forms can be found at H://DATA/EVERYONE/Personnel Forms/Travel Forms.
20. Any incorrect travel or travel with missing documents will be returned to the employee for corrections before it can be processed.
21. Credit card statements are no longer accepted as receipts.

Blank travel voucher available on next page

