



*Affirming Heart Victim Services*

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**PERSONNEL POLICIES**

The main title is centered on the page. It features a large icon on the left consisting of a black house silhouette with a white heart inside. To the right of the icon, the words "Affirming Heart Victim Services" are written in a black, cursive script font. A solid black horizontal line underlines the entire title. Below this line, the words "PERSONNEL POLICIES" are written in a bold, black, sans-serif, all-caps font.



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## INTRODUCTION

Welcome to Affirming Heart Victim Services, here in referred to as “AHVS”. To answer some of the questions you may have concerning employment with Affirming Heart Victim Services and its policies we have written these Personnel Policies. Please read it thoroughly and retain it for future reference.

The policies stated herein are subject to change at the sole discretion of the Board of Directors of Affirming Heart Victim Services at the request of the Executive Director. From time to time you may receive updated information concerning changes in policy. Should you have any questions regarding any policies, please speak with the Executive Director or AHVS Board President.

The effective operation of Affirming Heart Victim Services depends upon the integrity and competence of its volunteers and employees and upon the goals and standards set by the Board of Directors of Affirming Heart Victim Services. Affirming Heart Victim Services objectives and purposes are set forth in the Articles of Incorporation. Overall policy is determined by the Board of Directors and is administered by the Executive Director. The employee personnel policies set forth principles and conditions of employment under which employees can be expected to give their best service. One of the key purposes of this manual is to clarify the organization’s employee policies in order for each employee to be dealt with equitably and fairly.

Affirming Heart Victim Services is committed to the principles of Affirmative Action and Equal Employment Opportunities. These personnel policies reflect in practice the organization’s support of these ideas.

Please note that the Personnel Policies do not constitute a contract guaranteeing employment for any specific duration. Although we hope your relationship with Affirming Heart Victim Services will be long term, either you, the AHVS Executive Director or the Board of Directors of Affirming Heart Victim Services may terminate this relationship at any time, for any reason, with or without cause or notice. Employment is at will.

We wish you the best of luck and success with your position and hope that your employment relationship with Affirming Heart Victim Services will be a rewarding experience.

Foundry Home Site:



The Foundry Home logo following any AHVS Policies and Procedures denotes that staff hired specifically to work from the Foundry Home site should refer to the information **typed in blue** & refer to the **Foundry Home Policies and Procedures and Staff Handbook**.



## MISSION STATEMENT

### Cavern City & Lea Co Child Advocacy Center Mission Statement

Cavern City & Lea Co Child Advocacy Centers provides a professional, yet child friendly location in which to conduct interviews with children alleging abuse, particularly child sexual abuse. The goal of the child advocacy center is to provide a child abuse response system designed with the child as its primary focus.

It is our mission to :

- To provide child abuse prevention and awareness training to children within their reach;
- To provide forensically sound child interviews to service agencies;
- To provide SANE (Sexual Assault Nurse Examiner) services;
- To refer victims to appropriate follow-up services.

All these services and any others are to be provided with the ultimate goal of protection and enhancement of the well-being of victims and children.

### Foundry Home Youth Shelter Mission Statement



It is the mission of the Foundry Home to provide immediate shelter and support for the youth of our community, and of surrounding areas, that are experiencing homelessness, have run away from home, and/or are victims of human trafficking. It is our mission to provide safety and resources to these youth, so that they may reunify with loved ones or transition into a longer term program that will continue to provide for their needs. Staff and youth work side by side to empower the youth and offer them the opportunity to find their voice so that they may advocate for themselves and others in their community that face the same hardships all the while working towards bettering their futures. At the Foundry Home, our youth are **Made for More**.



## EMPLOYMENT

### ***EQUAL OPPORTUNITY POLICY***

It is the policy of Affirming Heart Victim Services to provide equal opportunity in employment and service to all people, without regard to sex, sexual orientation, age, marital status, physical disability, race, color, ancestry, creed, national origin, or communicable disease as long as medical evidence indicates that persons are not a threat to employees, volunteers, or program participants.

### ***RECRUITMENT/HIRING/TERMINATION***

The Executive Director or their designee has the responsibility of interviewing, hiring, and terminating all employees with Board approval. An appointed committee of the Board will serve this function in the recommending, recruiting, and hiring of an Executive Director. No employee shall hire or supervise a person related to him/her.

Candidates for employment/employees should be protected against employment discrimination that involves:

- Unfair treatment because of **race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 or older), disability or genetic information.**
- Harassment by managers, co-workers, or others in the workplace, because of race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information.
- Denial of a reasonable workplace accommodation that the employee needs because of religious beliefs or disability.
- Retaliation because the employee complained about job discrimination, or assisted with a job discrimination investigation or lawsuit.

### ***APPOINTMENT***

After a selection is made, a letter confirming the offer and any condition of employment will be sent to the successful applicant for each position after background check has been done.

### ***EMPLOYEE FILES***

A cloud based file is maintained for all employees. Employees are welcome to review their employee files using their employee accessible app.

### ***JOB DESCRIPTION***

The basis for each employee assignment as it relates to the goals and objectives of Affirming Heart Victim Services is the job description, which outlines the job objective, functions, and qualifications. A written job description stating position duties and responsibilities will be provided to each staff member. This job description will be updated as needed by the Executive Director and/or program coordinators. The Board of Directors must approve the job description of the Executive Director. The Executive Director must approve job descriptions of other staff.



**ORIENTATION**

Orientation of the new employee is the responsibility of the Executive Director or his/her designee, who shall review employee policies and the job requirements. The Executive Director will receive orientation from the outgoing Executive Director, Executive Committee and/or the Board President.

**PROBATIONARY PERIOD**

- There is a probationary period of **six (6)** months for all employees, during which time there must be a demonstration that the new employee has the capabilities to perform job duties in an acceptable manner. The Program Coordinator or the Board President in the case of the Executive Director may review the new employee’s performance each month, addressing strengths and areas of needed improvement with the employee.
- Probationary full-time employees are entitled to all benefits afforded to full-time employees. Probationary part-time employees are entitled to all benefits afforded part-time employees.

**EMPLOYEE STATUS**

**EXEMPT AND NON-EXEMPT**

Executive, managerial, administrative, and professional positions are exempt from coverage under the Fair Labor Standards Act. Technical, paraprofessional, secretarial, clerical, skilled craft, service, and maintenance positions are not exempt from coverage under the Fair Labor Act. Each position within the organization is identified as an exempt or a non-exempt position for salary administration purposes.

Fair Labor Standards Act: An employee’s work week is a fixed and recurring period of 168 hours-seven consecutive 24-hour periods. It need not coincide with the calendar week but may begin on any day at any hour of the day. Once beginning time of an employee’s work week is established it remains fixed, but may be changed if the change is intended to be permanent and is not designed to evade overtime requirements.

**FULL TIME**

A full-time employee has successfully completed the probationary period and is employed on a continuing basis for forty (40) or more hours per week. Full time employees are eligible for employee benefits as outlined in these policies.

**PART TIME**

A part time employee has successfully completed the probationary period but works less than forty hours per week. Part time employees shall receive all employee benefits for which the employee is eligible as outlined in these policies.

**TEMPORARY**

A temporary employee is employed on an hourly, daily, or monthly basis for a limited period, generally not exceeding six months. Temporary employees are not eligible for employee benefits except those required by law.

**Note about Contractors:** Independent Contractors are not considered employees of the AHVS, and are not eligible for benefits provided to employees of the AHVS. However, contractors are expected to follow AHVS Policies while working at or representing the AHVS.



## JOB EXPECTATIONS

The successful operation and reputation of the AHVS is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires that we all comply with the policies outlined below.

Employees of the AHVS are expected to be:

- On time and alert when scheduled to be at work
- Careful and conscientious in performance of duties
- Thoughtful and considerate of other people
- Courteous and helpful when dealing with the public and with other employees

In general, the use of good judgment based on high ethical principles will guide you with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed openly with your immediate coordinator and, if necessary, with the Executive Director or AHVS BOD President for advice and consultation.

Compliance with this personnel policy is the responsibility of every AHVS employee. Disregarding or failing to comply with these standards and conduct could lead to disciplinary action, up to and including termination of employment.

## HOURS OF WORK

### **STANDARD WORK PERIOD**

The standard work period consists of eight (8) hours per day and forty (40) hours per week. One hour, which is not included in the work period, is available for lunch each day. Individual work schedules and office hours will be established for employees by the Executive Director or in the case of the Executive Director, by the Executive Committee of the Board of Directors.

### **AWAKE SHIFTS**



The Foundry Home's Direct Support staff job description provides that the general responsibility of the Direct Support Staff is the safety, support and development of the youth. This includes the supervision of assigned youth throughout assigned shifts. Foundry Home staff is responsible to manage, supervises and provide direct care to individuals in the home.

All shifts at the Foundry Home are considered "awake" shifts. Employees are responsible for the care and supervision of youth in their care at all times; and are therefore required to remain awake during their entire shift. Falling asleep during a shift puts our youth at great risk and is considered neglectful. Staff is not allowed to sleep during shifts.

### **TIMESHEETS**

All exempt employees whose pay is grant dependent and all non-exempt employees will complete and sign a time sheet for each pay period. Time sheets must be approved by the Executive Director, BOD Treasurer, or their designee prior to issuance of an employee's paycheck.



**TIMECLOCK**

All AHVS employees are expected to utilize a time clock system to track time at work and to request time off.

**HOURS WORKED BEYOND THE STANDARD WORK PERIOD**

Time worked by non-exempt employees beyond their authorized number of hours worked per week must be approved by the Executive Director.

**FLEX TIME (Schedule Adjustments)**

Employees may modify a given workweek by changing hours of arrival or departure such that the regularly scheduled number of hours is maintained. Flex time may be used to adjust hours when an employee is required to work hours outside of regular hours due to an emergency situation, for travel time that occurs during weekend days or outside of regular hours, or when requested by a program coordinator, Executive Director or AHVS BOD.

All flex time adjustments are subject to the approval of the Program Coordinator or Executive Director and must not interfere with an employee's ability to meet client needs or perform required duties.

**OVERTIME (Schedule Adjustments)**

Employees at the Foundry Home Youth Shelter may be asked by Shelter Manager or their designee or in some emergency instances required to work beyond the 40 hr. work week. Hours beyond 40 hours in work week will be compensated at 1.5 time the employees hourly rate.

**PAY PERIODS**

All employees will receive bi-weekly payroll checks (received every other Friday). Employees are expected to meet the following AHVS requirements for timely receipt of payroll.

- Timesheet Activity narratives must be complete for pay period and Timesheet signed (digital signature is acceptable) by Wednesday at noon, prior to pay date.
- Daily Activity Logs must be completed daily, when required by Executive Director or Affirming Heart BOD.
- Online/App Time Clock hours clocked in and/or requested time off must correspond with timesheet and be verified by the Executive Director or designated payroll administrator.





## STAFF ATTENDANCE



It is the Foundry Home policy to promote a productive work environment and that employees report for work punctually and work all scheduled hours. Excessive tardiness and poor attendance disrupt work flow and service to program participants and are therefore not tolerated.

As employees of the Foundry Home, you are expected to report to work as scheduled. You are a role model to the individuals we serve. Excessive absences and tardiness affect not only the services provided to the individuals we serve, but also your effectiveness as a role model.

Employees are given a five-minute grace period at the start and end of each scheduled shift.

Employees are required to report an absence by chatting their supervisor at least three (3) hours before scheduled shift. Employees must report each day they are absent. Failure to call-off one hour prior to a shift will result in a no call-no show.

Attendance infractions reset every 6 months.

### Disciplinary Action for Attendance Infractions:

Attendance issues will result in progressive disciplinary action up to and including termination based on the following point system:

- 3 points: Verbal Warning
- 4 points: Written Warning
- 5 points: Meeting with Supervisor, possible suspension.
- 6 points: Employee is subject to termination.

If an employee is absent for three or more consecutive days, evidence for excusing the absence, such as a doctor's note, must be provided.

If an employee is a no call – no show for three or more consecutive days, it will be considered a job abandonment or termination without notice.

Employees may request exceptions for work absences from the Executive Director. These must be approved on a case-by-case basis.

### Excused, unpaid absences without disciplinary action:

Excused, unpaid absences can be granted for funerals, jury duty, bereavement, child birth, a car accident, medical appointment, and unavoidable emergencies. In these cases, employees must provide documentation to prove the reason for absence.

### Failure to clock-in or clock-out:

Employees must clock-in and clock-out for each shift. If there is any problem recording a clock-in or clock-out, employees should inform their supervisor immediately. Employees who consistently fail to clock-in or clock-out may receive disciplinary action, up to and including termination.

### Attendance Policy Exceptions:

Absence because of bereavement, jury duty, or military duty are exempt from disciplinary action, as are FMLA and ADA related absences. Bereavement, jury duty and military exemptions require proper documentation to be given to the Executive Director within 48 hours of the absence.



## **SALARY & PAY RATE ADMINISTRATION**

Job descriptions, salary ranges, and pay rates are maintained and monitored for each position. The Salary ranges and individual pay rates will be reviewed annually by the Board of Directors during the Board's Annual Meeting. Any salary range and/or pay rate adjustment must be approved by the Board of Directors. Salaries are subject to availability of funding.

## **DIRECT DEPOSIT**

When available, employees are required to have their paychecks deposited directly into the financial institution of their choice. In the event an employee does not utilize a financial institution, paper checks will be considered, however, the employee must acknowledge that check availability may be delayed due to 2-signature requirements, mail delivery and/or distance to CAC location.

When direct deposit is not an option, paychecks will be made available to employees the Thursday afternoon prior to the Friday pay date.

## **PERSONAL AND PROFESSIONAL LIABILITY**

Certain and specific Clinicians, Interns, nurses, and volunteers providing services at AHVS will be required to provide their own professional liability insurance and submit proof of such to the Executive Director.

## **TRAINING AND DEVELOPMENT**

Within the first month of employment, all AHVS employees must participate in a New Employee Orientation. This training will be scheduled through each individual Program Coordinator.

Within the first three months of employment all AHVS employees in the advocacy program or those paid in whole or in part by grants which require, must participate in the OVCTTAC online victim advocate training.

Within the first six months of employment, all AHVS employees must participate in specialized training related to their job description as defined by the CYFD Licensure, the New Mexico Children's Alliance, the National Children's Alliance guidelines, and/or best practices in the field.

All AHVS employees are expected to attend Program and Staff meetings. Employees who are not able to attend should make arrangements with their coordinator to ensure that the absence is for good reason, and excused.

AHVS employees are expected to attend staff development/in-service training when offered by the agency. Continuing education is required of all employees, contractors and volunteers working with clients through any AHVS Program.



## **OUTSIDE EMPLOYMENT**

An employee may hold a job with another organization as long as they satisfactorily perform their job responsibilities at AHVS. All employees will be judged by the same performance standards and will be subject to the AHVS scheduling demands, regardless of any existing outside work requirements

Prior to accepting a position outside of AHVS, an employee must notify the Executive Director. Notification should include the name of the organization the employee is seeking secondary employment from, the proposed schedule for the employee, the proposed start date, and end date if applicable. Employees should not accept outside employment prior to receiving prior AHVS approval. Employees may not obtain secondary employment with an organization which has motives, practices, ideals, or courses of action which conflict with those of AHVS, or which will in any other way conflict with or appear to conflict with the interests of AHVS.

It shall be considered a conflict of interest for an employee to hold an outside job where they will further their financial gains through the knowledge they have of the AHVS operations. Outside employment will present a conflict of interest if it has an adverse impact on AHVS or the counties of Eddy or Lea.

If AHVS determines that an employee's outside work interferes with performance or the ability to meet the requirements of AHVS as they are modified from time to time, the employee may be asked to terminate the outside employment if they wish to remain with AHVS.

## **PERFORMANCE REVIEWS and GOAL PLANNING**

The Performance Review is intended to provide a periodic review of each employee's performance. This review should provide a basis for recognizing the accomplishments and improving the performance of the individual.

The Performance Review is based on established criteria and specific objectives for the employee, appraisal of the individual's accomplishment in meeting these objectives, and appraisal of the individual's overall performance in meeting continuing responsibilities in their areas of responsibility. All employees are encouraged to set their own job performance and individual performance goals during reviews. Reviews will be conducted by the Executive Director or their designee, e.g. Program Coordinator, or the Executive Committee in the case of the Executive Director.

The frequency of performance reviews for an employee are based on how the various functions in the employee's job description are carried out. Performance reviews must be conducted, at a minimum, annually, beginning six months after an employee's hire date.

## **PROGRESSIVE DISCIPLINE**

The employee's coordinator, upon addressing a situation, shall determine if disciplinary action is necessary regarding an employee. The Board of Directors shall make this determination in the case of the Executive Director.



The purpose of this policy is to state AHVS position on administering equitable and consistent discipline for unsatisfactory conduct in the workplace. The best disciplinary measure is the one that does not have to be enforced and comes from good leadership and fair supervision at all employment levels.

The AHVS own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform and impartial. The major purpose of any disciplinary action is to correct the problem, prevent recurrence and prepare the employee for satisfactory service in the future.

Although employment with AHVS is based on mutual consent and both the employee and the AHVS have the right to terminate employment at-will, with or without cause or advance notice, the AHVS may use progressive discipline at its discretion to change behavior or to educate the employee.

Disciplinary action may call for any of the following four steps, depending on the severity of the problem and the number of occurrences: verbal warning, written warning, suspension with or without pay, or termination of employment. There may be circumstances when one or more steps are bypassed.

The AHVS recognizes that there are certain types of employee problems that are serious enough to justify either a suspension, or, in extreme situations, termination of employment, without going through the usual progressive discipline steps.

Although not required, AHVS will attempt to use progressive discipline to improve employee conduct and performance. All disciplinary action, except a verbal warning, will be documented in the employees' personnel file.

An employee wishing to appeal a disciplinary action taken should first attempt to discuss the disagreement with the coordinator who initiated the action. If the employee is still dissatisfied with the decision, or is too uncomfortable to begin the conversation, then they may request a conference with the coordinator, the Executive Director, and/or the BOD President.

## **GENERAL OPERATING POLICIES**

### ***HIPAA***

All employees and volunteers dealing with clients (children, adults or their families) of AHVS will be required to participate in an online HIPAA training once a year.

### ***CONFIDENTIALITY***

All information concerning clients of Affirming Heart Victim Services is confidential. Confidential information may be released to appropriate persons pursuant to Supreme Court Rule 10-111 and other pertinent rules or Children's Code provisions as allowed by law.

Employees may testify to information received in the course of their work when they are subpoenaed to testify in Children's Court or in criminal cases, with the exception of information gained while serving in the role of victim advocate.



**SEXUAL HARASSMENT/OFFENSIVE CONDUCT POLICY**

It is Affirming Heart Victim Services policy that there shall be no harassment of any employee because of an employee’s sex. Affirming Heart Victim Services does not tolerate harassment or offensive conduct of any kind. In furtherance of this policy, Affirming Heart Victim Services does not condone and will not permit sexual harassment of any employee. All employees are expected to abide by this policy. Anyone who violates this policy will be subject to disciplinary action up to and including termination.

Affirming Heart Victims Services will comply with all policies and procedures outlined in the NM CVRC Civil Rights Compliance/Anti-Harassment Policy (SEE Appendix)

**DEFINITION OF SEXUAL HARASSMENT**

Sexual harassment refers to behavior of a sexual nature, which is unwelcome and personally offensive to its recipients. Sexual harassment is a form of employee misconduct, which is demeaning to another person and undermines the integrity of the employment relationship. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute “sexual harassment” when:

Submission to such conduct is made explicitly or implicitly a condition of an individual’s employment; or submission to or rejection of such conduct is used as a basis for an employment decision affecting the employee; or the harassment has the purpose or effect of unreasonably interfering with the employee’s work performance or creating an environment, which is intimidating, hostile, or offensive to the employee.

For example, unwanted physical contact; sexually oriented propositions, jokes, or remarks; obscene gestures or the display of sexually explicit pictures, cartoons, or other material may be considered offensive to another employee and this will not be tolerated.

**DEFINITION OF OFFENSIVE CONDUCT**

Offensive conduct includes, but is not limited to: using abusive language, including ethnic, racial, or sexual slurs; gossiping about others; threatening other employees; physical assault on other employees, clients, or program participants.

**COMPLAINT PROCEDURES**

Any employee who feels that he or she has been sexually harassed should immediately report the matter to the Executive Director. If that person is unavailable or the employee believes that it would be inappropriate to contact the Executive Director, the employee should immediately contact the President of the Board of Directors.

Any employee who becomes aware of any possible sexual harassment will be investigated in as discreet and confidential fashion as possible. No person will be adversely affected in employment with Affirming Heart Victim Services as a result of bringing complaints of sexual harassment.

**ALCOHOL, DRUGS AND DISTRACTION POLICY****DRUG FREE ENVIRONMENT**

Affirming Heart Victim Services maintains a drug and alcohol-free workplace. Violation of this policy may result in discipline, up to and including termination. All employees are required to report workplace accidents. In the event of a workplace injury or accident, the employee must undergo a drug test as soon as practicable, but no more than 8 hours after the accident. The employee may be required to provide a breath, blood, or urine sample, or any combination thereof. The Employer will bear the cost of the test. Results at or above the cut-off concentration levels set forth by the Director of the Workers' Compensation Administration in place at the time of accident may lead to a reduction in any workers' compensation indemnity benefits otherwise payable if intoxication or influence contributes to the injury. If an employee refuses or intentionally delays a drug test after a workplace accident or injury, the employee may be completely barred from receiving workers' compensation indemnity benefits. An employee is permitted under law to request a second test of the original sample within twelve (12) months of the original test at the employee's expense.

Each employee is expected to report to work in an appropriate mental and physical condition to perform his/her assigned duties.

**VIOLATIONS AND DISCIPLINARY ACTION**

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol by employees in or on Affirming Heart Victim Services owned or controlled property or while participating in AHVS activities or while conducting AHVS business is prohibited. Any violations of local, state, or federal law regarding the unlawful possession, use, or distribution of illicit drugs or alcohol may result in referral or prosecution. Violation of this policy will be reason for taking personnel actions against such employee and/or requiring the employee's participation in a drug abuse assistance or rehabilitation program. Any personnel actions will be processed in accordance with AHVS policies. Any disciplinary action for employees will be decided on a cases-by-case basis depending upon the specific circumstances.

**DISTRACTION-FREE DRIVING**

Affirming Heart Victim Services employees must refrain from using any hand-held device including cell phones, while operating a AHVS motor vehicle. Employees must not initiate phone calls, read or respond to text messages or emails while driving a AHVS vehicle. Employees who need to make an emergency call while on the road must first park the vehicle in a safe location.

Failure to follow distraction-free driving policy and refrain from talking on the phone, texting or emailing while driving on the job may result in disciplinary action.

Insurance cost increases or additional expenses incurred by the AHVS due to an accident caused by, or occurring while an employee is in violation of this policy may result in legal action against the employee by Affirming Heart Victim Services to recover monetary damages due to the AHVS or for recovery of any monetary damages paid out by the AHVS that were not covered by the AHVS insurance policy.

**REQUIRED REPORT OF CONVICTION**

Employees must, as a condition of continued employment, abide by the terms of this policy and must report any conviction under a criminal drug statute for violations occurring in or on property owned or controlled by AHVS or while conducting AHVS business. Employees shall report any such conviction to their coordinator within five (5) days after the conviction. AHVS must report the conviction to the appropriate federal grant/contracting agency within ten (10) days from having received notice that a person employed under a federally sponsored grant or contract has any drug statute conviction or violation occurring in the workplace.

Any report of Conviction will be considered using the Office for Civil Rights' June 2013, *Advisory for Recipients of Financial Assistance from the U.S. Department of Justice on the U.S. Equal Employment Opportunity Commission's Enforcement Guidance: Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964*, as advisement for employment decisions.

**GRIEVANCE RESOLUTION PROCEDURES**

Two-way communication is the first step in finding solutions to any problem. Employees are encouraged and expected to discuss openly with their coordinators any problems which are adversely affecting their work. When an employee perceives that there is a problem that they are unable to resolve with another employee, the employee may prepare a written complaint concerning the problem within ten (10) working days of the problem's occurrence and present it to the Executive Director who will meet with the employee in an attempt to resolve the problem. If the problem is unresolved after ten (10) working days have elapsed, the employee may present the written complaint to the President of the Board of Directors who will convene the Executive Committee of the Board of Directors. The executive Committee will review and decide the situation with the employee and the Executive Director within fifteen (15) working days of receiving the written complaint. The decision of the Executive Committee will be final.

If an employee perceives that there is a problem that they are unable to resolve with the Executive Director, the employee may present the written complaint to the President of the Board of Directors who will convene the Executive Committee of the Board of Directors. The executive Committee will review and decide the situation with the employee and the Executive Director within fifteen (15) working days of receiving the written complaint. The decision of the Executive Committee will be final.

Time limits specified above may be extended by mutual agreement if supported by signed documentation stating reasons for extension.

The grievance process is not available for terminated employees.

An employee may not grieve a performance review or a change in job content if changes have been discussed with the employee prior to implementation.

**INVOLUNTARY TERMINATION**

Involuntary termination may occur when there is structural reorganization, employee reduction due to budgetary considerations, or reduced demand for the work being performed by employees or for any other reason deemed sufficient by the Board of Directors. Additional causes for termination include but are not limited to: insubordination, incompetence, and misconduct.



In all terminations of employment not related to misconduct the employee will be given two weeks written notice or one month's pay in lieu of notice.

Probationary employees in either classifications or temporary employees are not entitled to any notice or severance pay.

In cases of misconduct, no advance notice of dismissal is required. Misconduct is defined as an action which is harmful, illegal, or criminal in nature. No severance pay will be granted in the case of termination for misconduct.

### **RESIGNATION**

Voluntary termination (resignation) notice for exempt employees shall be thirty (30) days. Non-exempt employees shall give two weeks' notice. Notice in excess of these specifications, whenever possible, is appreciated and aids in planning for future staffing requirements. Written resignations are requested.

Resignations must state the last date the employee actually plans to be present for the work day.

### **EARLY RESIGNATION**

The screening and training of new staff is a commitment for both the new employee and AHVS. This commitment is not without expenses and AHVS provides for these upfront costs for the employee.

If during the first 90 days of employment, the employee or the employer determines that the staffing position is no longer suitable and the employee parts ways with the agency, compensation to the Cavern City Child Advocacy Center will be owed.

Compensation for the following items will be withheld from the parting employee's final paycheck:



- State and Federal Background Check - \$59.00
- Tuberculosis Screening - \$44.00
- Foundry Home Staff Shirt \$5.00 per shirt supplied, \$15 per jacket supplied

### **LAY OFF**

Lay off is the involuntary termination without prejudice of an employee as a result of the unavailability of a position, abolishment of a position, lack of work, or lack of funds.

### **REIMBURSABLE BUSINESS EXPENSES**

#### **EXPENSE REIMBURSEMENT**

Reimbursement must be submitted through the online employee records system. Employees should submit a Reimbursement Form along with all receipts or proofs of payment for approval.

#### **MILEAGE**

Reimbursement for mileage is made when an employee's personal vehicle use is required for the official business of the agency and is paid at the NM State Mileage rate. Use of personal





vehicle must be approved by the Executive Director prior to travel & a copy of the employee's current personal vehicle insurance must be on file. Mileage is computed only for actual miles traveled outside of Carlsbad, New Mexico's city limits while conducting business at the Cavern City Child Advocacy Center or Foundry Home Youth Shelter, or for actual miles traveled outside of Hobbs, New Mexico's city limits while conducting business at the Lea Co Child Advocacy Center. Parking fees while on AHVS business are reimbursed expenses as long as receipts are presented.

Moving traffic or parking violations are not reimbursable expenses.

### **MEALS AND LODGING**

Out of town meals and lodging will be reimbursed at actual cost when directly related to AHVS business. These expenses must be reasonable in nature, follow NM/US per diem rates, and must be presented with receipts on an Expense Reimbursement Form as described above in the EXPENSE REIMBURSEMENT section. Reimbursement will only be made for the employee portion of any meal/lodging expenses.

All out of town travel must have prior approval of the Executive Director.

Expenses for MDT members may be paid with prior approval.

### **EMERGENCY OFFICE CLOSURE**

In certain extraordinary circumstances, including, but not limited to: a natural disaster, public health emergency, or pandemic, it may become necessary for some or all programs with AHVS to close, and some or all staff may be required to remain at home, or other location as deemed necessary.

In the event of any said emergency, the Executive Director, or their designee, may choose to continue to pay all staff, through administrative leave (regardless of funding source or position), their usual salary and any applicable benefits throughout the duration of the emergency situation/s. This payment of administrative leave will not require any staff to utilize personal time off (SICK, VAC, or COMP TIME). Payment of emergency administrative leave in lieu of Sick, Vacation, or Compensatory Time will require the employee to remain on call and subject to work from home or other designated location, as determined necessary by the Executive Director or designee. The Executive Director, or their designee, will notify the Board of Directors of any modifications made to staff schedule, duties and/or responsibilities during the emergency situation.

The use of Sick, Vacation, or Compensatory Time will need to be used for time off for personal appointments, vacations or other non-work related time away from off-site work.

### **TELEPHONE USAGE**

Excessive use of the business phones for personal use will not be allowed. Personal long-distance calls placed from business phones must be charged to the employee's home telephone or credit card. Excessive use of employee's personal cell phones during working hours will not be allowed.

AHVS will provide a stipend for employees who have been identified by the Executive Director as needing to handle CAC business outside of the office. The stipend amount is predetermined and is subject to change.



***SAFETY, ON THE JOB ACCIDENTS, AND ILLNESS***

Affirming Heart Victim Services is committed to providing safe working conditions for employees. Each employee has the responsibility to work in a safe manner and to use and maintain equipment safely. Employees who become ill or injured at work should notify the Executive Director or their designee immediately so that necessary steps can be taken to aid the employee and appropriate reports can be prepared.

***SMOKING/VAPING***

Smoking/Vaping is not permitted in the offices, vehicles or other company owned or rented properties of Affirming Heart Victim Services. Smoking/Vaping is allowed in outdoor areas, out of site and proximity of CAC clients.

**DEBIT/CREDIT/GAS CARD POLICY**

This policy applies to any and all employed staff/contractor and officers of the AHVS for usage of the company issued debit card.

Authorized Uses

Authorized uses of the company issued debit card are as follows:

Travel costs – airfare, lodging, shuttle services, rental vehicles & fuel, meals

Purchases - Office and victim needs/supplies, fuel for day-to-day operations of AHVS vehicles, general maintenance and repairs.

Unauthorized Uses

Any personal charge whatsoever, including but not limited to personal meals for employee and/or employee guests, alcohol purchases, personal telephone usage and movie rentals included in lodging bills associated with official business purposes, etc.

Receipts

Receipts supporting debit card usage MUST be submitted within a week of the expense transaction to the Director. Sufficient description of the expense should be written across the top of the receipt to assist with proper accounting.

**GENERAL COMPUTER USAGE**

Employees at the AHVS are provided with a computer, internal networks, internet connectivity and an email account for business purposes. Reasonable non-business use is permitted, but should not interfere with an employee’s ability to perform AHVS duties or responsibilities.

Employees are encouraged to remember that while a computer may be assigned to them in their office and is effectively private, it is AHVS property and is connected to the AHVS network. This means that any information transmitted or stored on the network is potentially accessible to staff and/or AHVS BOD.

AHVS computers, internal network, internet connectivity, email system and any associated technology should not be used to create, store, send or view material which:

- Is obscene, profane, bigoted, defamatory, or otherwise inappropriate for the office environment
- Is illegal in nature or intent, or in any way promotes illegal activities.



- Amounts to participation in an activity which includes, but is not limited to gambling, pornography, and income-producing endeavors
- Contains information, images, or content which is any way contrary to the mission and goals of AHVS
- Is extremely personal or sensitive in nature

## **PERSONAL USE OF SOCIAL MEDIA**

Social media includes all means of communicating or posting information or content of any sort on the internet, including to your 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 AHVS, as well as any other form of electronic communication.

The same principles and guidelines found in AHVS policies apply to your activities online. Any of your conduct that adversely affects your job performance; the performance of fellow employees, clients, partners, suppliers, volunteers or any other people who work on behalf of the AHVS; or the AHVS legitimate business interests may result in disciplinary action up to and including termination.

While use of social media can be fun and a convenient way to stay in touch and/or to share opinions, it does carry certain responsibilities. Consider the risks before you post or create any online content. Remember that the internet archives almost everything; therefore, even deleted postings can be searched. It may be best to assume everything you post is public and permanent.

Ensure your postings are consistent with the following guidelines:

1. Be truthful, fair and courteous with fellow employees, clients, partners, volunteers, or any other people who work with the AHVS.
2. Avoid inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct. They will not be tolerated.
3. Maintain the confidentiality of the AHVS and client private or confidential information such as internal agency planning; development of systems, processes and know-how; and especially the identification of clients. Do not post internal reports, policies, procedures or other internal agency or client-related confidential communications.
4. Keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or supervisors than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage clients, partners, associates or suppliers, or that might constitute harassment or bullying. Examples of such conduct might 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.
5. Make it clear that your opinions are your own and not those of the AHVS. If AHVS is a subject of the content you are creating, it is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of the AHVS."
6. Do not create a link from your blog, website or other social networking site to the AHVS website without identifying yourself as an AHVS associate.
7. Do not use a AHVS email addresses to register on social networks, blogs or other online tools utilized for personal use.

Violation of these guidelines may result in disciplinary action up to and including termination.



**Using social media at work** – While occasional personal use of social media is permitted on the job, employees should generally refrain from personal use of social media while on work time. This does not apply to work-related use of social media.

## COMMUNICATION WITH YOUTH



Former youth of the Foundry Home are encouraged to remain in contact with staff from the Foundry Home after exiting from the program. It is essential that youth feel that they are not cut off from those adults that they built rapport when they leave the program.

During the time of admission, a youth from the Foundry Home will be assigned an email account. This email account is a part of the Southeast New Mexico Child Advocacy Center’s communication system and will be used to provide updates to current and former youth of the Foundry Home.

Staff will:

- Only communicate electronically with Foundry Home youth through their assigned SENMCAC emails.
- Staff will not accept friend requests on social media from current and former youth.
- Staff receiving communication from youth from anything other than through their SENMCAC email will report to their supervisor.

Staff that engage in communication with current and former Foundry Home youth through any means outside of approved SENMCAC emails will be subject to immediate disciplinary actions.

## EMPLOYEE DRESS CODE

Please remember that the AHVS works with a variety of professional agencies and we are representing AHVS at all times. Representatives from other agencies come in and out of our office constantly; therefore, professional attire needs to be worn at all times. Appropriate attire is necessary at the AHVS.

### APPROPRIATE CLOTHING

Casual Professional attire examples include:

- Dress pants, Khaki Pants, Capri Pants, or Jeans (fitting appropriately, not worn out)
- Leggings paired with a mid-thigh length top
- Skirts & Dresses (modest length, no cleavage)
- Plain or patterned t-shirts, dress shirts, or polo shirts
- Agency wear: CAC, SPEAK, Rise Up, Foundry Home, etc.

### INAPPROPRIATE CLOTHING

- Torn Jeans
- Tank Tops w/o cover up
- See through garments without an undershirt
- Shorts
- Provocative Clothing (clothing that shows cleavage or more skin than a t-shirt would reveal or has suggestive words or phrases)
- Clothing with logos, quotes, or images that could possibly have a negative association to a victim of crime

★ Dress Code policies are loosened on “work days” when employees are asked to labor during maintenance and repair activities.



## FOUNDRY HOME STAFF UNIFORM



The Foundry Home strives to maintain a workplace environment that is well functioning and free from unnecessary distractions and annoyances. As part of that effort, employees are required to maintain a neat and clean appearance that is appropriate for the workplace setting and for the work being performed.

While all Foundry Home staff members are expected to present a professional image to youth, visitors and the public at all times, it is the belief of the Foundry Home that the attire of the staff members does in no way interfere with the staff member interacting with the youth.

- All staff will be issued uniform shirts that are to be worn each shift unless otherwise specified by their supervision. All shirts are to be laundered and free from stains and odors.
- Staff may choose to layer a long sleeve shirt of their choosing under the uniform shirt for additional warmth.
- Staff are to wear jeans, khakis or capris with their staff shirt. All bottoms should be free from rips, holes, and frayed hems.

**Staff will wear close toed and close heeled shoes that do not impede ability to participate in activities with the youth of the Foundry Home.**

## GROOMING - HAIR, NAILS, JEWELRY/PIERCINGS/TATTOOS

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image AHVS presents to clients and visitors.

During business hours or when representing AHVS, employees are expected to present a clean, neat, and tasteful appearance. Overall appearance should be in accordance with the requirements of the position and accepted social standards. This is particularly true if the job involves dealing with clients or visitors in person.

The Executive Director, under the guidance of the AHVS BOD, is responsible for establishing reasonable expectations for employee appearance beyond dress code. If the Executive Director, AHVS BOD member, or staff member feels an employee's personal appearance is inappropriate, the Executive Director may ask the employee to leave the workplace until properly groomed. Under such circumstance, they will not be compensated for the time away from work.

Consult the Executive Director with any questions regarding what an appropriate appearance is for Affirming Heart Victim Services.

If possible, reasonable accommodations may be made for a person with a disability or a religious dress code.

## EMPLOYEE BENEFIT PROGRAMS

### **IRA BENEFIT**

All employees working a minimum of 20 hrs. per week are eligible to receive a quarterly IRA benefit equal to three percent (3%) of their annual salary or wages provided that they have an IRA account to which the Affirming Heart Victim Services can pay IRA benefits directly to. Employees are not allowed to receive AHVS benefits directly.



In situations where an employee does not have an IRA account on a given quarterly payout, those benefits are forfeited by the employee. Forfeited funds shall be allocated to General Funds 30 days after the end of each quarter.

***LIFE INSURANCE***

After 60 days of employment, a \$25,000 life insurance plan is available to employees.

***DENTAL & VISION INSURANCE PLAN***

After 60 days of employment, Dental & Vision insurance is available to uninsured employees and their families. Employee contributions varied based on desired coverage.

***MEDICAL INSURANCE PLAN***

MEDICAL insurance *IS NOT* provided by Affirming Heart Victim Services.

After 60 days of employment, uninsured employees and their families are eligible to participate in a telemedicine plan at no cost.

***MEDICAL INSURANCE STIPEND***

After 60 days of employment, AHVS does offer a health insurance stipend to employees not covered by other health insurance options, e.g. a spouse's plan through employment. Employees may choose a health plan that best fits their individual or family through the new state health insurance marketplaces, through a health insurance broker, or from any insurance company.

AHVS will pay a stipend up to \$50 per month for part-time and \$100 per month for full-time employees based on the employee's documentation of monthly premium payment cost. Stipends must be paid by AHVS directly to the employee's insurance company. Payments will continue to be made monthly as long as the employee maintains part- or full-time status, rate dependent on status type.

***SOCIAL SECURITY (FICA)***

All employees are included under the FICA provisions of the Social Security Act and payroll deductions are made for this program from each payroll check. Affirming Heart Victim Services and the employee both contribute amounts as required by the law with the employee's share deducted from each payroll check.

***WORKER'S COMPENSATION INSURANCE***

All employees are covered under the Worker's Compensation Act of the State of New Mexico.

***LIABILITY: INSURANCE***

All employees using their cars for business purposes must obtain liability and property damage insurance coverage which meets the minimum state financial responsibility standards from his/her own insurance carrier. The employee must file at Affirming Heart Victim Services a current copy of a certificate of insurance coverage. The certificate will be placed in the employee's personnel file.

**CONFERENCE AND TRAINING EXPENSES**

Employees will be afforded opportunities to attend conferences, training institutes, and seminars in connection with their work when appropriate and when funds are available. Employees who are authorized in advance by the Executive Director, or in the case of the Executive Director by the

President or Treasurer, to attend conferences, training institutes, or seminars shall be reimbursed for expenses as authorized for enrollment fees, travel, meals, and accommodations.

**HOLIDAYS**

Holidays observed will be the same as those observed by the Fifth Judicial District Court at the Executive Director's discretion. Employees may observe religious holidays in lieu of the Christian holidays at the discretion of the Executive Director. If a holiday falls on a Saturday, it will be observed the Friday before. If a holiday falls on a Sunday, it is observed the Monday following. Holiday pay for part-time employees will be pro-rated based on classification and the number of hours worked per month. (See Administrative Leave section for discretionary action of the Board in regard to additional holiday time.)

Holiday pay is awarded at:

- FT – 8 hours per day
- $\frac{3}{4}$ T – 6 hours per day
- PT – 4 hours per day
- < PT – 2 hours per day



The Foundry Home is in operation 24 hours a day and 365 days a year. Due to the nature of the agency and the need for ongoing support and supervision for the youth of the Foundry Home, it is necessary that our staff are in attendance for all shifts scheduled, even if they are on an observed holiday.

**Holiday Shift Compensation**

Staff that are scheduled on an observed holiday will receive additional compensation for their time worked. Each hour that is worked will accrue an additional 0.5 hours of paid time for that day. If staff request the day off, they are not eligible for the additional holiday shift compensation.

**LEAVE****VACATION TIME**

Vacation Time for exempt and non-exempt, employees and probationary full-time employees is accrued for the first five (5) years of employment by employees at the rate of:

- FT – 6 hours per month
- $\frac{3}{4}$ T – 4.5 hours per month
- PT – 3 hours per month

After completion of five (5) full years of service OR the Executive Director, employees will begin earning Vacation Time at the rate of:

- FT - 10 hours per month
- $\frac{3}{4}$ T – 7.5 hours per month
- PT – 5 hours per month

After completion of ten (10) full years of service, employees will earn Vacation Time at the rate of:

- FT – 14 hours per month
- $\frac{3}{4}$ T – 10.5 hours per month
- PT – 7 hours per month



Vacation Time may be taken as it is accrued in ½ day or full day increments and may be accrued to a maximum of 28 days, equivalent to:

28 FT – 8 hr. days = 224 total hrs.

28 ¾T – 6 hr. days = 168 total hrs.

28 PT – 4 hr. days = 112 total hrs.

Vacation Time must be approved in advance, by the Executive Director, or their designee. In the case of the

Executive Director's request for leave in excess of one (1) week, the AHVS Board President must be notified and approval given. If more than one employee requests the same time off and duty requires at least one to work during that period, the most senior employee will have first preference, the next most senior will have second, and so forth.

Vacation time accrual begins at the end of the first full month of employment.

ACCRUED ANNUAL LEAVE WILL NOT BE COMPENSATED upon termination of employment.

#### **COMPENSATED SICK TIME**

Sick Time shall accrue to employees and probationary employees at the rate of one (1) day (8 hours) for each month of employment. Sick leave accrual for part time employees and probationary part time employees will be pro-rated based on the number of hours worked per month. Sick leave accrual begins at the beginning of the first month of employment.

Sick leave may be taken as it is accrued in ½ day or full day increments and may be accrued to a maximum of 12 days, equivalent to:

12 FT – 8 hr. days = 96 total hrs.

12 ¾T – 6 hr. days = 76 total hrs.

12 PT – 4 hr. days = 48 total hrs.

The purpose of sick leave is to cover major and minor illness, visits to health care professionals, and pregnancy. Sick leave may be used for personal illness, illness in the immediate family, and approved medical/dental appointments.

Immediate family is defined a father, mother, spouse, domestic partner, child, sister, brother, grandparent, mother-in-law, father-in-law, as well as others living in the employee's household.

When abuse of sick leave is suspected, the Executive Director or the Board President may request a doctor's statement. When feasible, sick leave should be approved in advance. In case of illness, sick leave must be approved the day after returning to work.

Except in emergencies, all employees are required to contact the Executive Director or their designee within one-half (½) hour of the start of the working day.

ACCRUED SICK LEAVE WILL NOT BE COMPENSATED upon termination of employment.





**ADMINISTRATIVE LEAVE**

**LEAVE WITH PAY**

The Executive Director or the Board President may authorize any incumbent leave with pay when it is in the best interest of Affirming Heart Victim Services to do so for a period of up to 10 working days. This may be extended with Executive Committee approval.

**DEATH IN THE FAMILY WITH PAY**

When an employee loses an immediate family member, AHVS will provide up to five (5) days of paid time off. Immediate family members include spouse, domestic partners, child, parents, mother- and father-in-law, stepparents, stepchildren and step-siblings. AHVS will provide three (3) days of paid time off in the case of an extended family member's death. Extended family includes aunt, uncle, grandparents or grandparents-in-law, grandchildren, brother- and sister-in-law, and daughter- or son-in-law.

**MILITARY LEAVE**

A military leave of absence will be granted to regular full-time employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon the employee's return to active AHVS employment.

Employees on military leave for up to 30 days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with USERRA and all applicable state laws. Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service.

**UNPAID TIME**

No benefits, vacation time, or sick time will accrue to an employee using this type of leave.

**DEATH IN THE FAMILY WITHOUT PAY**

In cases where an employee has extended duties associated with a family member's death, such as serving as the executor of the estate, the employee can request additional time off. AHVS may grant a 30-day leave of absence to an employee who requests it, based on personal and business responsibilities following the family member's passing. If the employee does not have enough vacation and/or compensatory time to cover 30 days, the time off may be unpaid. Provided the employee meets the conditions required for requesting a personal leave of absence and the leave of absence does not exceed 30 days, they can return to their job or an equivalent job of comparable pay, benefits and responsibilities.



**PARENTAL LEAVE WITHOUT PAY**

Parental a.k.a. Maternity leave without pay may be granted to employees. The leave may be granted for a length of time agreed upon by the employee and the Board of Directors. Employees granted a lengthy parental leave without pay longer than six months must understand that a job cannot be guaranteed upon return.

Prior to delivery, an employee may use accumulated sick, vacation, and compensatory time when their physical condition and/or job duties necessitate.

**MEDICAL LEAVE OF ABSENCE WITHOUT PAY**

Employees, or in the case of the Executive Director, the Executive Committee of the Board, may grant, in writing, up to thirty (30) calendar days of leave without pay for a personal injury or illness.

**NON-MEDICAL LEAVE OF ABSENCE WITHOUT PAY**

In circumstances under which an employee may be required to be absent because of unusual or unavoidable reasons, a personal non-medical leave of absence without pay may be granted. Such leave will be for a fixed period of time and will be granted on the assumption that the employee will be available to return to active employment when the conditions necessitating the leave permit and prior to or on the authorized expiration date.

Such leave of absence will not be granted for the purpose of taking another position temporarily, trying out new work, or venturing into business. Leaving active employment for any of these reasons will be considered a resignation. Leave of absence, except military, will normally be limited to ten (10) working days. The initial length of the leave should be

determined at the time of request and within the maximum time limit established above. The initial request should be approved by the Executive Director, or by the Board President in the case of the Executive Director.

**OFFICE SECURITY**

***KEYS/CODES***

Office security is primary concern to Affirming Heart Victim Services. Office keys/Codes are issued only to employees who have a specific need for admittance to the building before, during or after regular office hours. Other keys/codes will be issued with the approval of the Executive Director or the Board President.

Office codes will be changed upon the resignation or termination of any employee, contractor, or in some cases a member of our MDT. Code changes will affect the program location or all locations as determined by the Executive Director or their designee.

***AGENCY FILES***

All confidential files will be maintained in locked file cabinets which will remain locked when staff with clearance to the files are absent from the office. Under certain conditions, the Executive Director may allow files to be removed from the office using a check in/out system.

Access to and hard copy personnel files is limited to those authorized by the Executive Director or their designee or Board President or their designee.



**SECURITY SYSTEM**

All AHVS employees, contractors and AHVS BOD are expected to arm/disarm security system as appropriate.

**INQUIRIES CONCERNING EMPLOYEES**

All inquiries concerning employees or former employees such as requests for reference letters should be directed to the Executive Director or, in their case, to the President of the Board. In no event will detailed information regarding wages, salary, medical history, or other personal data be released, except as required by law. Information concerning employees or former employees needed for use in a legal proceeding will be released only after it is established that such information is required by court order, subpoena, or other recognized legal process.

**AMENDMENTS AND MODIFICATIONS**

The Board of Directors of Affirming Heart Victim Services reserves the exclusive right to add to, modify, and/or delete provisions, benefits, and policy. The Board of Directors encourages the inclusion of employees' opinions in this process. Employees will be notified of changes in these personnel policies prior to implementation.



## APPENDIX

**NM CVRC CIVIL RIGHTS COMPLIANCE/ANTI-HARASSMENT POLICY**

**Purpose:** To prohibit discrimination and harassment and behaviors, which, if repeated, could constitute discrimination. This policy establishes written procedures for 1) individuals to follow in filing an employment or services discrimination complaint with the CVRC; and 2) CVRC employees to follow when they receive complaints alleging employment or services discrimination from employees, clients, customers, program participants, applicants, or consumers of CVRC or of CVRC subgrantees receiving federal financial assistance from DOJ; and 3) provide protection against retaliation for reporting or assisting in the investigation of discrimination/harassment claims.

**Scope:** This policy applies to all Agency staff persons and CVRC-funded grantee programs

**References:**

Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin in the delivery of services (42 U.S.C § 2000d), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart C;

The Omnibus Crime Control and Safe Streets Act of 1968, which prohibits discrimination on the basis of race, color, national origin, religion, or sex in the delivery of services and employment practices (42 U.S.C. § 3789d(c)(1)), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart D;

Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability in the delivery of services and employment practices (29 U.S.C. § 794) and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart G;

Title II of the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability in the delivery of services and employment practices (42 U.S.C. § 12132) and the DOJ implementing regulations at 28 C.F.R. Part 35;

Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs and activities (20 U.S.C. § 1681), and the DOJ implementing regulation at 28 C.F.R. Part 54;

The Age Discrimination Act of 1975, which prohibits discrimination on the basis of age in the delivery of services (42 U.S.C. § 6102), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart I; and

The DOJ regulations on the Equal Treatment for Faith-Based Organizations, which prohibit discrimination on the basis of religion in the delivery of services and prohibit organizations from using DOJ federal financial assistance for inherently religious activities (28 C.F.R. Part 38).

**Background:** The New Mexico Crime Victims Reparation Commission is committed, as a matter of principle, and in compliance with applicable federal laws, to prohibiting discrimination and behaviors, which, if repeated, could constitute discrimination and/or harassment. As a recipient of federal financial assistance from the U.S. Department of Justice (DOJ), CVRC directs that all transactions and the operation of all CVRC-funded grantee programs, activities, and services shall not discriminate or retaliate on the basis of race, color, religion, national origin, sex, age, or disability. Harassment on any of



the above-stated grounds is a form of prohibited discrimination. This policy applies to all employees of the CVRC and all its contractors and subgrantees.

**Definitions:**

Agency: New Mexico Crime Victims Reparation Commission

Director: The agency director or designee.

Staff: A person in a permanent, temporary, or contractual position within the agency, also referenced as employee.

CVRC-funded grantee programs: Agencies that receive pass through funding from CVRC.

A person with a disability: Any person who: (1) has a physical or mental impairment that substantially limits one or more of such person's major life activities; (2) has a record of such an impairment; or (3) is regarded as having an impairment that is not both transitory and minor.

Complainant: The person or persons initiating the complaint.

Harassment: A behavior that threatens or torments somebody; generally, harassment is any unwelcome, discriminatory conduct in the workplace characterized by conduct: (1) based on race, color, national origin, ancestry, gender, religion, physical or mental disability, marital status, age or any other basis protected by federal state or local law and (2) if sufficiently severe, persistent, or pervasive, could reasonably be expected to create an intimidating, hostile, or offensive working or learning environment. All such harassment is unlawful and will not be tolerated.

Respondent: The person or persons against whom a complaint has been initiated.

Retaliation: Adverse actions taken by an employer or service provider because an individual engaged in a protected activity, such as opposing a discriminatory practice or participating in a discrimination complaint process.

Civil Rights Officer: The director of CVRC.

Violation of Civil Rights and/or Harassment is defined as unwanted behavior when:

- A. Submission to such conduct is made a term or condition of employment or of receiving services;
  - B. Submission to or rejection of such conduct is used as basis for employment or decisions affecting an individual; or
  - C. Such conduct has the purpose or effect of unreasonably interfering with a staff's work performance or client's services or creating an intimidating, hostile or offensive environment.
- Prohibited behavior includes but is not limited to the following examples of offensive conduct:
- a. Verbal conduct, such as threats, epithets, derogatory comments or slurs
  - b. Visual conduct, such as derogatory posters, photographs, cartoons, drawings or gestures
  - c. Written communications containing statements which may be offensive to individuals in a particular protected group, such as racial, ethnic, or gender-based stereotypes or caricatures
  - d. Physical conduct, such as assault, unwanted touching, blocking or impeding of normal movement



- e. Belittling caricatures or objects depicting persons of a particular race or ethnicity
  - f. Graffiti that demeans others based on their gender or religious group
  - g. Engaging in indecent exposure
  - h. Coffee mugs, t-shirts, or prank gifts with offensive images or words
  - i. Racial, ethnic or gender-based jokes or stories
  - j. Teasing, mimicking or repeatedly commenting on an individual's disability
  - k. Invading an individual's physical space; standing too closely or touching a person's body or hair
  - l. Leering, staring or ogling at an individual
- D. Violations of Civil Rights and/or harassment can be physical and/or psychological in nature. An aggregation of a series of incidents can constitute harassment even if one of the incidents considered on its own would not be discriminatory.
- E. Violations of Civil Rights and/or harassment of a sexual nature can involve males or females being discriminated against by members of either sex. Although sexual harassment may involve a person in a position of greater authority as the harasser, individuals in positions of lesser or equal authority also can be found for engaging in prohibited behaviors.

**Policy:**

Due to the nature of the agency's business, staff will be exposed regularly and customarily to sexually graphic and explicit material. Discussion of this material in context of the reparation file among staff is an expected and necessary component of the job function.

Staff is prohibited from harassing other staff whether or not the incidents occur on the Agency's premises and whether or not the incidents occur during working hours. Staff is similarly prohibited from harassing clients of the Agency, who have a right to apply for and receive services free from any form of discrimination.

**Procedures:**

A. Filing a Complaint

A person who believes s/he has been harassed or been subject to discriminatory treatment within the Agency or by an Agency's subgrantee because of race, color, national origin, sex, age, religion, or disability, or has been retaliated against for engaging in protected activity, is urged to file a complaint through the Civil Rights Officer.

The Civil Rights Officer is:

Frank Zubia Director  
NM Crime Victims Reparation Commission  
6200 Uptown Blvd, Suite 210  
Albuquerque, NM 87110  
Tel: 505-841-9433  
Toll Free: 800-306-6262  
Fax: 505-841-9437  
Frank.Zubia@state.nm.us

Generally, formal complaints must be filed with the Civil Rights Officer within 180 calendar days of the alleged discrimination. If the complaint is not filed on time, the complainant shall provide the reason for the delay and request a waiver of this filing requirement. CVRC shall forward the



complaint and request for waiver to the federal Office of Civil Rights. The complaint may be filed in a letter, in an email, in person, or over the phone. In anticipation of filing a complaint, an individual may find it beneficial to contact the Civil Rights Officer to obtain policy clarification, advice, or assistance.

#### B. Referral of Complaint to Civil Rights Officer

If an employee of the Agency other than the Civil Rights Officer receives a discrimination complaint from an employee, client, customer, program participant, applicant, grantee, or consumer of the Agency or of Agency's subgrantees, s/he shall:

- Make a written record of the date, time, and nature of the incident(s) and the names of any witnesses as soon as possible after the incident; and
- Report the incident either to the Civil Rights Officer or their direct coordinator.
- If the complaint involves the staff's coordinator or someone in the direct line of supervision, or if the employee for any reason is uncomfortable in reporting to his or her immediate coordinator, the employee may go to another coordinator or directly to the Civil Rights Officer.
- Submit the complaint to the Civil Rights Officer within five (5) business days of receiving the complaint.
- The Civil Rights Officer shall provide the complainant with a written notice acknowledging receipt of the complaint and explaining that the complaint will be sent on to federal Office for Civil Rights within ninety (90) calendar days of receipt of the complaint.
- An Agency's subgrantee shall advise the Civil Rights Officer of an employment or services discrimination complaint filed against it within ninety (90) calendar days of receiving the complaint, delayed complaint and request of waiver of the 180 days filing deadline.

#### C. External Agencies

While the Agency encourages individuals to file any employment or services discrimination complaint with the CVRC, the Agency's policies and procedures are not intended to impair or limit the rights of anyone to seek a remedy available under state or federal law. In addition to filing a complaint with the Agency, an individual may wish to file a complaint with an external agency for investigation, such as a local or state human rights commission, or an appropriate federal agency. For instance, if a complainant alleges a violation of a federal civil rights law that is enforced by the Office for Civil Rights (OCR), Office of Justice Programs, DOJ, a CVRC acknowledgement letter will inform the complainant that s/he may file a complaint directly with the OCR and provide the following contact information:

Office for Civil Rights  
Office of Justice Programs  
U.S. Department of Justice  
810 7th Street NW  
Washington, DC 20531  
Telephone: 202.307.0690  
TDD/TTY: 202.307.2027

If appropriate, the Civil Rights Officer also may elect to refer employment discrimination complaints to the U.S. Equal Employment Opportunity Commission (EEOC) and services discrimination complaints to the OCR for investigation and resolution. CVRC shall notify the EEOC or the OCR in



writing of any referral within ninety (90) calendar days of receipt of the complaint. If the CVRC refers the complaint to an external agency, the Civil Rights Officer will notify the Complainant of the agency's contact information and the civil rights provision(s) involved.

D. Complaint Evaluation, Investigation, and Resolution Proceedings

The Agency will pass on each complaint it receives to the federal Office for Civil rights. It will not investigate or make a determination on any complaint.

E. Policy Dissemination

The Agency's Non-Discrimination Policy will be made available to all employees, clients, customers, program participants, applicants, grantees, and consumers. This Policy shall be included with information materials given to all new employees, available on shared computer access, and available on the Agency's website. Non-discrimination clauses shall also be incorporated in all agreements, award packets, and contracts with vendors who contract with the Agency. Furthermore, all grantees of the Agency must acknowledge reviewing the policy by initialing a special condition before receipt of their award.

F. Training and Grantee Monitoring

The Agency shall provide training for agency employees on the Non-Discrimination Policy annually. The training shall include an overview of complaint policies and procedures, including an employee's responsibility to refer potential discrimination issues and discrimination complaints from employees, clients, customers, program participants, applicants, grantees, and consumers to the Civil Rights Officer/Director.

Through its compliance monitoring process, the Agency ensures that grantees have procedures in place for responding to discrimination complaints that employees, clients, customers, program participants, applicants, and consumers file directly with the grantee. The Agency also ensures that grantees notify their employees, clients, customers, program participants, applicants, and consumers of prohibited discrimination and the procedures for filing an employment or services discrimination complaint.

G. Retaliation

Retaliation against employees, clients, customers, program participants, applicants, grantees, and consumers alleging wrongdoing is strictly prohibited and will subject the employee and/or grantees engaging in retaliation to severe disciplinary action, up to and including dismissal and/or termination of funding. Retaliation is covered further in the Whistle Blower Policy.





**ACKNOWLEDGMENT FOR PERSONNEL POLICIES**

I have been provided with a copy of Affirming Heart Victim Services Personnel Policies and have been given an opportunity to read it. I have done so and I understand its contents. I understand that the policies contained therein do not constitute a contract and may be amended or revised at any time by the Board of Directors of Affirming Heart Victim Services.

Furthermore, I acknowledge that my employment by Affirming Heart Victim Services and my compensation can be terminated, with or without cause, and with or without notice, at any time, at the option of either the Board of Directors of Affirming Heart Victim Services or myself. I understand that only the Board of Directors has the authority to enter into any agreement for employment for any specified period of time or to make any agreement contrary to the foregoing. Any such agreement must be in writing, signed by the members of the Executive Board of the Board of Directors of Affirming Heart Victim Services and the employee involved.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed name



**FOUNDRY HOME SPECIFIC PERSONNEL POLICIES**

Staff Initials

\_\_\_\_\_

Attendance Policy

\_\_\_\_\_

Awake Shift Policy

\_\_\_\_\_

Communication with Youth Policy

\_\_\_\_\_

Early Resignation Policy

\_\_\_\_\_

Holiday Policy

\_\_\_\_\_

Staff Uniform Policy

*I acknowledge that I have read and understand the expectations for my position as state in the above listed policies.*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed name



**ADVICE CONCERNING RESPONSES TO REQUESTS FOR EMPLOYMENT REFERENCE OR VERIFICATION**

I acknowledge that I have been informed that unless I execute a release of liability to Affirming Heart Victim Services of and from any and all claims arising out of the furnishing of such information, following termination of my employment with Affirming Heart Victim Services, no information will be furnished in response to a request to Affirming Heart Victim Services for an employment reference or verification, except to verify the fact of my employment, the dates of my employment and all positions held.

**Choose ONE Option:**

\_\_\_\_\_ I have read and understand the above and I elect to execute a release.

**OR**

\_\_\_\_\_ I have read and understand the above and I elect not to execute a release.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed name