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**FLORIDA ASSOCIATION OF  
COMMUNITY HEALTH CENTERS**

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**Federally Qualified Health Center  
Human Resources Policy Handbook**

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## **I. Introduction**

Human resource policies and procedures serve several important purposes. Primarily, they establish a company's expectations regarding its operations and personnel performance and clearly communicate those expectations to its employees. These policies and procedures also provide management with clear and consistent guidelines to follow, encouraging uniform and efficient managerial practices. When followed and implemented, established policies also ensure consistent and lawful treatment of employees, thus increasing efficiency and reducing company liability.

Once established, it is vital that your company's policies are routinely circulated, discussed, and made available. This includes posting the policies in any heavily traversed areas, such as break rooms and common areas, and keeping an electronic copy on your company's intranet or website. Your company's policies should be initially distributed to, and reviewed with, new employees during orientation. Thereafter, the policies should be re-distributed periodically and regular trainings regarding the policies should be conducted.

It is important to document the distribution and review of your policies. Upon initial and periodic distribution and review, employees should be required to acknowledge receipt of the policies and agree to abide by their terms. These acknowledgement forms should be maintained in each employee's personnel file and updated periodically. Consider having your acknowledgment form include a list of all policies, with a place for the employee to initial following review of each policy in order to provide further confirmation that such policies were reviewed. Additionally, to communicate the purpose of the policies and to avoid employee confusion, the policies and accompanying acknowledgement form should contain a disclosure which states that:

- A. the sole purpose of the policies is to familiarize employees with the company's policies and procedures;
- B. the policies are not intended to and do not constitute binding terms or conditions of employment or any contractual agreement or arrangement;
- C. the employment relationship is and remains at-will, subject to termination by the company at any time and for any reason; and
- D. the company, as deemed necessary or desirable in its sole discretion, reserves the right to modify the policies or deviate from the policies at any time.

To ensure that the policies and procedures remain relevant and in line with company operations, they should be routinely reviewed and updated. This should occur on an ongoing basis and a complete review of all of the policies in unison should occur at least annually. Lastly, it is imperative that your policies are consistently applied and enforced. Routinely disregarded or inconsistently applied policies have limited effectiveness and are likely to cause discord between employees and management.

The following pages contain areas of human resources in which policies and procedures are routinely developed and adopted. While these general areas and suggestions provide a general guideline for consideration, your company's policies and procedures should be carefully drafted to take into account the unique circumstances and needs of your particular company.

## II. Hiring and Initial Employment.

- A. **Position Descriptions.** Have a policy requiring that all positions have a position description which shall be used during the hiring and recruitment process. The description should clearly list all required job qualifications and essential functions. Should require that the descriptions be reviewed on a periodic basis – ideally, annually.
- B. **Hiring Procedures.** Establish a policy identifying all hiring procedures. This should include, but need not be limited to, any job posting requirements, advertisement requirements, application screening procedures, interview procedures and policies, candidate selection guidelines, notification requirements for both hires and non-hires, and any managerial approval requirements.
- C. **Probationary/Introductory Period.** This policy should establish that, following hire, employees will be subject to an initial introductory/probationary period. Advise employees that the purpose of the introductory period is to provide a time to observe and evaluate the employee's ability to satisfactorily perform the job. Identify the length of the introductory period and make clear that the employment relationship between the employee and employer remains at-will and the period of probation is in no way intended to be a term of employment. Provide that the introductory/probationary period may be extended at the discretion of the company. While this information does not need to be included in the policy, it is important to know that the establishment of probationary/introductory periods and the development of corresponding policies is important because it can have implications on responsibility for unemployment compensation for employees terminated during such probationary/introductory period.

## III. Company Operations

- A. **Announcement Notification.** If important announcements are routinely provided in one or more particular places (such as a bulletin board or particular online directory), establish a policy identifying those locations and providing that it is the responsibility of each employee to routinely visit such places to stay apprised of announcements and other important information. Additionally, establish that the unauthorized removal or defacing of any announcements will result in disciplinary action, up to and including termination.
- B. **Inclement Weather/Emergency Closures.** Advise employees of the company's process, if any, for determining when emergency closures are necessary. Identify the procedure for notifying employees of non-scheduled office closures.
- C. **Records Retention.** Establish records retention policies which are compliant with applicable Florida and Federal law. Be mindful of the recordkeeping requirements of the ADA, ADEA, COBRA, Employee Polygraph Protection Act, Equal Pay Act, ERISA, FLSA, FMLA, Immigration Reform and Control Act of 1986, and OSHA.
- D. **Telecommuting Policy.** Should make clear that telecommuting is not available for all positions and that approval of telecommuting will be determined on a case-by-

case basis. The policy should also address, at a minimum, what equipment the respective parties will be responsible for supplying, when in-office attendance is required, how often the telecommuting arrangement will be reviewed and assessed for continued approval, security of company provided equipment, supervision of the telecommuter, responsibilities and requirements for reporting hours worked (especially important for non-exempt employees), performance and behavior standards, confidentiality concerns and requirements for the protection of the company's confidential information or trade secrets, and work environment requirements (for example, levels of background noise such as dogs barking). The company should also enter into written agreements with its commuters which address, among other things, the foregoing matters and obtains the employee's specific consent to such matters.

- E. **Trade Secrets and Confidentiality.** Establish that trade secrets, proprietary information, and other confidential information are to be kept secure at all times and remain confidential. Unless expressly authorized by the company, this information is not to be disclosed to persons outside the company and should be disclosed to other company employees only on a need-to-know basis. Additionally, establish that violating the policy will result in disciplinary action, up to and including termination.
- F. **Civil or Criminal Action.** Notify employees that the company's administration of discipline, including termination, does not prevent the company from also taking civil action or reporting criminal actions against the employee when warranted.
- G. **Customer Satisfaction.** If not sufficiently addressed or covered by the Code of Conduct or Rules & Regulations policies (see Employee Conduct section, below), establish all company policies relating to customer service and satisfaction.
- H. **Solicitation.** Establish policies regarding solicitations from employees (for example, fundraisers) and from non-employees. If employee solicitations are permitted but are restricted to only certain areas (for example, breakrooms), clearly designate those areas. For non-employee solicitations, clearly state whether solicitations are permitted and, if so, the procedures for receiving such solicitations and to whom they should be directed.
- I. **Third Party Inquiries/Interviews.** Should advise employees that they are not permitted to give interviews or provide company information to individuals seeking such information (such as media, attorneys, investigators, reporters, etc.). The policy should direct employees to direct the inquiries to a particular individual or position, rather than a vague group of individuals such as "management," and to promptly report any such inquiries to the same individual or position.
- J. **Personnel Files.** Provide notice that all personnel files are company property and are considered confidential. Identify the types of information normally included in a personnel file and establish that employees are not entitled to access, copy, or disclose any personnel files, including their own if that is company policy (note that this will be different for any entity covered by Florida's Public Records Law, Chapter 119, F.S.). Inform employees that their personnel files should be current at all times and identify the individuals or positions who should be notified of any

changes to name, contact information, emergency contacts, or other relevant matters.

- K. **Visitors in the Workplace.** Identify any restrictions related to visitors in the workplace, including any areas where visitors are specifically prohibited from visiting.

#### IV. **Telecommunication, Internet, and Electronics**

- A. **Telecommunications.** Identify the systems provided by the employer (telephones, voicemail, computer, email, internet, etc.) and that such systems are to be used for company business only and not for personal use (or, if some personal use is permitted, establish the parameters of acceptable personal use and that excessive personal use is prohibited). Advise employees that the telephones should not be used for personal calls, except in urgent circumstances. Long-distance personal calls are prohibited. Notify employees that the use of these systems may be monitored and that privacy should not be presumed. Additionally, establish parameters regarding employees' use of their own, personal devices during working hours. Forbid use of the company's devices and systems in violation of the policy itself or any other company policies (such as harassment, solicitation, professionalism, etc.) and establish that use in violation of any such policies will result in disciplinary action, up to and including termination.
- B. **Social Media.** The establishment of an appropriate social media policy is recommended. The body of law surrounding social media and social media policies, however, is rapidly changing and expanding. In addition, guidance from the National Labor Relations Board has established that social media policies can unlawfully restrict or prohibit protected activities, even in non-unionized workplaces. For these reasons, it is strongly recommended that any social media policies be drafted in consultation with your legal counsel.

#### V. **Hours and Time Worked**

- A. **Hours of Work.** Provide normal working days and hours but provide notice that an individual's actual work schedule will be established based upon the needs of the company and may vary. If the company operates on shifts, establish the standard shift starting and ending times.
- B. **Break and Meal Periods.** Establish the break periods and meal periods to which employees are entitled. Provide whether such breaks and meal periods are paid or unpaid, taking caution to make sure that the established policies are in compliance with the FLSA. Give notice of any requirements regarding the taking of such breaks and meal periods, such as coordination with other employees or a supervisor. This policy should also address breaks for nursing mothers, in compliance with State and Federal law.
- C. **Recording of Hours Worked.** Explain the procedure for recording daily time worked (computer system, timecards, etc.). Advise employees that they are to accurately record start and end times. Further, advise employees that they are

prohibited from accessing or attempting to enter or alter another employee's times and hours. Designate the individuals or positions who have authority to make changes to time records when omissions or errors occur. Cross-reference your telecommuting policy and make clear that even telecommuting employees are required to comply with the time recording procedures. Provide notice that violation of the policy will result in disciplinary action, up to and including termination.

- D. **Holidays.** List holidays recognized as days the company will be closed or, if the recognized holidays differ year to year, advise that the list will be provided annually. If a list of holidays is included in the policy, address the handling of years when a holiday falls on a weekend.

## VI. Compensation and Reimbursements

- A. **Compensation.** Establish that compensation will be determined by the company, in its sole discretion, on a case-by-case basis and in compliance with State and Federal laws. Advise that compensation is established at the sole discretion of the company based upon a myriad of factors including performance, profitability, etc. An employee's compensation is subject to change at any time.
- B. **Wage Payment.** Establish frequency of pay (weekly, bi-weekly, or bi-monthly) and the regular dates of pay (such as the day of week for weekly or bi-weekly pay or the days of the month for bi-monthly pay). Set out the procedures for pay periods when a scheduled day falls on a weekend or holiday. Establish available methods of pay, such as paper check or direct deposit. Note that, under Florida law, an employer may not discharge an employee for refusing to accept the payment of wages by direct deposit. Advise employees that any errors in the amount of pay or deductions must be brought to the immediate attention of the company and identify the particular individuals or positions to whom such notice should be provided.
- C. **Compensation Review.** If compensation is evaluated on a set schedule (for example, annually), identify the schedule but reserve the right of the company to extend or shorten the review period at its discretion.
- D. **Overtime.** Provide notice that overtime work may occasionally be required, depending on the needs of the company. Require that overtime work be pre-approved and identify the individuals or positions who have authority to approve overtime. Establish that paid hours not actually worked (leave time, holidays, etc.) do not count toward the requisite hours worked for purposes of overtime pay. Provide notice that working overtime without prior approval from the appropriate party may result in disciplinary action, up to and including termination (while it does not have to be explicitly stated in your policy, know for operational purposes that even if an employee works unauthorized overtime, they are required to be paid for that time).
- E. **Payroll Advances.** Advise that the company does not make advances against payroll or unaccrued leave or, if the policy does typically allow such advances, provide the parameters for such advances.

- F. **Payroll Deductions.** Identify any regular or potential deductions from pay (taxes, insurance premiums, etc.).
- G. **Disclosure of Compensation Information.** Advise that any company employee who legitimately has access to compensation/benefits information in the course of his or her duties but improperly discloses it to persons who do not have access to it will be subject to discipline up to and including termination of employment.
- H. **Tuition Reimbursement Policy.** If tuition reimbursement is offered, the company should have a policy which addresses tuition reimbursement and the specifics of when reimbursement is available, including the required status of employment (full time/part time/probationary), any requirements for length of employment before or after reimbursement, what will be reimbursed (tuition, books, fees), whether classes must be related to relevant job skills, prior approval requirements, logistics for requesting reimbursement (in writing, on a specific form, documentation required, etc.), and any course completion requirements (such as a passing grade). Advise employees that courses are to be taken during non-working hours and that any associated school work is to be completed during non-working hours.
- I. **Expense Reimbursement.** Provide requirements applicable to business expense reimbursements, including any pre-approval requirements, requisite forms or reports, and time frames for submitting reimbursement requests. If feasible, identify the types of expenses for which reimbursement is offered.

## VII. Employee Conduct

- A. **Attendance and Punctuality.** Establish that regular attendance is required and that all employees are expected to arrive for their scheduled shift on time. Should also outline requirements for providing notification of necessary absences or tardiness, including providing appropriate timeframes applicable to both planned and unplanned absences and tardiness and the persons to whom absences or tardiness should be reported. Establish that a failure to provide appropriate notification prior to an absence or tardiness, falsifying the reason for an absence or tardiness, or excessive absenteeism or tardiness will result in disciplinary action, up to and including termination.
- B. **Code of Conduct.** Formulate a code of conduct which establishes the legal and ethical standards to which company employees should adhere in company-related matters. The policy should identify the standards to which the company expects employees to adhere and should also delineate the behaviors which the company finds unacceptable. Examples can include dishonesty, falsifying records, discriminating, stealing, self-dealing, violating laws, violating company policies, etc. Take caution to warn that the list provided is not comprehensive and is only a limited list of examples. Provide notice that violation of any portion of the code of conduct will result in disciplinary action, up to and including termination.
- C. **Rules and Regulations.** Formulate rules and regulations which apply to all employees. These can include performance expectations (use best efforts and work full shift), behavior expectations (no profane or obscene language), handling of

company property (do not misuse or abuse company property, minimize waste of supplies), restricted area access, parking, and any other areas necessitated by the nature and circumstances of company's operations. Take caution to warn that the list provided is not comprehensive and that an employee may be disciplined for offenses, even if not specifically listed in the rules and regulations. Reserve the right to amend the rules and regulations at any time. Provide notice that violation of any portion of the rules and regulations will result in disciplinary action, up to and including termination.

- D. **Dress Code and Personal Appearance.** Establish that employees are expected to maintain a professional appearance. Explain any applicable uniform or dress code requirements. Clearly identify and prohibited items of attire (jeans, graphic shirts, etc.)
- E. **Personal Relationships/Nepotism/Fraternization.** Persons related by blood or marriage or those dating or in an established romantic relationship shall not be employed in positions where one of the employees will be in a supervisory position or have the ability to affect or exert influence over the employment of the other. Should also prohibit management or supervisory personnel from establishing dating or romantic relationships with those who they manage, supervise, or can otherwise affect or exert influence over.
- F. **Off-Duty Employees.** Establish the parameters for when it is acceptable for off-duty employees to remain in company facilities/on company grounds. Should except presence necessary for work-related matters, such as company functions, picking up paychecks, dealing with HR matters, etc. The main goal of this policy is to prevent the distraction of other on-duty employees and to prevent the misuse or abuse of company resources for personal gain (for example, the use of company computers or internet for non-work-related reasons). Provide notice that violation of the policy will result in disciplinary action, up to and including termination.
- G. **Outside Employment/Moonlighting.** Establish policies regarding the company's position on outside employment/moonlighting. If permitted, clearly establish any notice requirements. Provide notice that violation of the policy will result in disciplinary action, up to and including termination.
- H. **Personal Business on Work Time.** Advise employees that they are not to conduct personal business on work time, except for emergencies or as approved by particular individuals or positions. Provide notice that violation of the policy will result in disciplinary action, up to and including termination.
- I. **Gratuities.** Prohibit employees from offering or paying a gratuity of any kind to a governmental, regulatory, or accrediting agency on behalf of or for the benefit of the company. If desired, prohibit employees from receiving any gratuity for work performed on behalf of the company or in exchange for special consideration to be given by such employee or the company to any business or agency working with or desiring to work with the company. Provide notice that violation of the policy will result in disciplinary action, up to and including termination.

## VIII. Safety, Health, and Employee Protections

- A. **Safety and Health.** Emphasize the importance of maintaining a clean and safe working environment. Request that employees report any hazardous or unsafe conditions and identify the individuals or positions to whom such reports should be made. Require reporting of any accidents and identify the individuals or positions to whom such reports should be made. Clearly identify the location of first-aid kits, onsite AED devices, or other similar devices which may be necessary in the event of an accident or emergency.
- B. **Drug and Alcohol.** Applies to both applicants and employees. Establish that the company maintains a drug-free work environment. Provide notice that employees may be subject to substance abuse testing and that testing positive for an illegal drug or presenting to work with illegal substances in their system will subject an employee to termination and will eliminate an applicant from further consideration. Additionally, use or abuse of alcohol on work time, on work premises, or while performing work for the company will subject an employee to termination. Particularly with regard to alcohol use or abuse, be mindful of ADA requirements to ensure that your policy does not run afoul of such requirements.
- C. **Searches.** Establish that employees have no expectation of privacy in items brought into the workplace. Further, establish that the company will investigate potential violations of its drug-free workplace policy or other policies and that, as a result, employees may be required to undergo screenings, including urinalysis, blood tests, or other appropriate tests. All company property and facilities are subject to being searched, including work areas, personal items, lockers, etc. Provide notice that refusing to undergo testing or searches, failing to cooperate with testing or searches, failing to participate with investigations, or refusing to consent to any of the foregoing will result in disciplinary action, up to and including termination. As with your drug and alcohol policy and particularly with regard to alcohol use or abuse, be mindful of ADA requirements to ensure that your policy does not run afoul of such requirements.
- D. **Smoking.** Provide notice that, pursuant to Florida law, smoking in an enclosed workplace is prohibited, except under limited circumstances. Establish where smoking is clearly prohibited and areas, if any, where smoking is permissible, such as designated smoking areas.
- E. **Workplace Violence.** Establish a zero-tolerance policy for workplace violence. Provide notice that violence, threats of violence, abuse, intimidation, or any other type of disruptive behavior will not be tolerated. Require reporting of any incidents or behavior which violate the policy and identify the individuals or positions to whom such reports should be made. The policy should also provide employees with reasonable assurances that the reports will be kept as confidential as possible during the investigation and that employees will not suffer any retaliation due to making a report. Additionally, establish that violating the policy will result in disciplinary action, up to and including termination.

- F. **Sexual and Other Unlawful Harassment.** This policy should give a general definition of harassment, establish that the company has a zero-tolerance approach to harassment, and clearly prohibit all forms of harassment (including sexual harassment, regardless of whether the harassment is same sex or opposite sex). The policy should also specifically forbid supervisory harassment and make clear that all harassment is reportable - including harassment by co-workers, subordinates, or third parties. The policy should make clear that employees are responsible for reporting harassment and should require and encourage employees to bring complaints promptly to the attention of a definitive, designated individual or position. Avoid designating a vague group of individuals, such as “management” since that term or title can be easily confused or misconstrued. Alternative avenues of reporting complaints should also be established for situations where the complainant is uncomfortable reporting to the designated individuals or positions or the aggressor is the same person as the designated individuals or positions. The policy should also provide employees with reasonable assurances that the complaints will be kept as confidential as possible during the investigation, that employees will not suffer any retaliation due to making a complaint, and that confirmed allegations of harassment will be handled appropriately, including with disciplinary action against the aggressor, as appropriate.
- G. **Equal Opportunity Employment.** Make clear that the policy applies to recruitment, applicants, employment, advancement, compensation, and all other aspects of employment. Provide that the employer is an equal opportunity employer and does not discriminate against anyone because they belong to any protected class under federal, state, or local law, including but not limited to gender/sex (including sexual orientation, gender identity, and gender expression), pregnancy, race and national origin, age, religion, disability, color, genetic information, marital status, veteran status, and AIDS/HIV positive status or testing. Advise that the company will make all personnel decisions and take all personnel actions without regard to any of the protected characteristics. Require that all employees comply with the policy and cooperate in meeting its objectives.
- H. **Whistleblower/Retaliation.** Advise employees that they must report, in writing, any actual or suspected violation of a law, rule, or regulation, or any dishonest or fraudulent activity and identify the particular individuals or positions to whom such report should be provided. Further, advise employees that they will not be subject to retaliatory action as a result of making a good-faith report. Employees who intentionally file a false report will be subject to discipline up to and including termination of employment.

## **IX. Leave and Benefits**

- A. **Employee Classification Policy.** Define the company’s various job classifications (part time/full time/temporary/PRN). Additionally, provide definitions of exempt and non-exempt employees, as those classifications will be used elsewhere in the policies.

- B. **Benefits.** Establishes what benefits will be provided and which classifications of employees will receive those benefits. Ensure that the information contained in this policy aligns with the information provided in your Employee Classification Policy. Examples of potentially available benefits to address include health insurance, dental insurance, vision insurance, life insurance, disability insurance, and 401k or profit sharing plans.
- C. **Leaves of Absence – Non-FMLA.** Establish your company’s leave policies and include all requirements, including any applicable notice requirements. For employers not covered by the FMLA, this policy or group of policies should cover all of your company’s leave policies. For employers covered by the FMLA, this should cover all non-FMLA policies and a separate FMLA policy should be established. Regardless, take caution to ensure that all established policies do not run afoul, where applicable, of the FMLA, ADA, Pregnancy Discrimination Act, Title VII, and the FLSA. Specific types of leave to consider include bereavement leave and personal leaves of absence.
- D. **FMLA Leave.** For employers covered by the FMLA, a separate FMLA leave policy should be established. This policy should explain who is eligible for FMLA leave, the reasons for which FMLA leave may be taken, and should provide applicable definitions. The policy should also address any compensation considerations (including whether accrued, paid leave may be utilized during the FMLA leave), notice requirements, certification requirements, or other relevant matters. Further, the policy should confirm the FMLA’s protections regarding the continuation of group health plan coverage and the restoration of position and benefits and should provide reasonable assurance that such requirements will be met.
- E. **Domestic Violence Leave.** If the company employees 50 or more employees, individuals who have been employed by the company for more than three months are entitled to up to 3 working days of leave in any 12-month period if the employee or a family member is a victim of domestic or sexual violence and the employee uses the leave to do any of the activities listed in Fla Stat. § 741.313. Policy may state that, except in cases of imminent danger to the health and safety of the employee or the employee’s family or household member, the employee must provide the company with appropriate advance notice of the need for leave. If desired, the company can also require “sufficient documentation” of the act of domestic violence or sexual violence. Lastly, if desired by the company, the policy may state that employees are required to exhaust all annual or vacation leave, personal leave, or sick leave that is available to the employee. Take caution to review any applicable local ordinances also apply in domestic violence situations and, if so, that the policy also aligns with the requirements of such ordinances.
- F. **Military Leave.** Your policy should advise that leave required for the fulfillment of uniformed service duties will be granted in compliance with applicable State and Federal laws. You can also require advance notice of leave for service in the uniformed service, unless advance notice is precluded by military necessity or otherwise impossible or unreasonable. For temporary military leave, be especially

mindful of the FLSA and its provisions pertaining to this type of leave for employees exempt under the “salary basis” test. *See* 29 CFR § 541.602(b)(3).

- G. **Fitness For Duty/Employee Medical Examinations.** Medical examinations and inquiries are a complicated area, as they can implicate the requirements and protections of the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act (GINA), and other statutes. Policies relating to these examinations and inquiries are required, however, in certain situations. For example, if an employer desires to require a fitness-for-duty certification upon return from FMLA leave, it must have a uniformly-applied policy or practice that requires all similarly-situated employees to obtain and present a certification from their health care provider that they are able to resume work. Given the complexity of this area, it is strongly recommended that any policies be drafted in close consultation with your legal counsel.
- H. **Jury Duty.** Confirm Florida law stating that no employee will be dismissed, or will be threatened with dismissal, due to being summoned or accepted to serve on a jury in the state. If the company elects to pay for time that employees serve jury duty, provide any requirements for receiving this pay. If the company elects not to pay for time that employees serve jury duty, be mindful of the FLSA and the implications this can have for employees exempt under the “salary basis” test. *See* 29 CFR § 541.602(b)(3). As a result, your policies may need to differ for exempt and non-exempt employees.
- I. **Leave to Vote.** If the company elects to provide paid or unpaid leave to allow time to vote, the company should establish a policy explaining this benefit and providing all relevant terms (amount of time allowed, whether paid or unpaid, etc.)
- J. **Vacation.** Establish any restrictions on when vacation can be taken and increments in which vacation can be taken (no more than one week at a time, no less than one week at a time, etc.). Establish clear procedures and mechanisms for how vacation is approved, including the particular individuals or positions who can approve vacation time. Set clear limits on the maximum amount of vacation which can be taken in any given calendar period. If necessary, break these limits down by classification of employee, length of employment, etc. If employees do not use their maximum amount of allowable vacation, state whether the excess can be rolled over to future years and, if so, how much can be rolled over. Note that this policy should align with your policy regarding vacation pay but is also necessary as a stand-alone policy as certain positions may be entitled to take vacation, but not receive vacation pay.
- K. **Sick.** Establish company policies regarding the use of sick leave. Establish clear procedures and mechanisms for how and when the employee should notify the company of the need to use sick leave, including identifying the particular individuals or positions to whom such notice should be provided. Note that sick leave policies can have implications under the Americans with Disabilities Act and should be carefully drafted accordingly.
- L. **Personal Days.** Some employers allow for employees to take “personal days” in addition to sick and vacation days. If this is your practice, establish a policy which

identifies how many personal days employees may use, explains the procedures for seeking approval of personal days, establishes the conditions under which such days may be used, identifies any increments in which personal days must be used, and identifies any restrictions regarding when such days can be used. If employees do not use their allotted personal days, state whether the excess can be rolled over to future years and, if so, how many can be rolled over. Note that this policy should align with your policy regarding personal day pay but is also necessary as a stand-alone policy as certain positions may be entitled to take personal days, but not receive pay for such days.

- M. **Vacation, Sick, and Personal Day Pay.** Establish your procedures regarding vacation, sick, and personal day pay including which classifications of employees are entitled to payment for each type of leave. Explain how these types of paid-leave are accrued, whether unused leave rolls over from year to year (and how much), and how accrued leave is handled upon separation from employment. Note that while it is not legally required for most employers to provide paid sick leave, salary deductions related to sick leave can, in some instances, cause the loss of the salaried exemption under the FLSA, so such matters should be considered in establishing your sick pay policies.
- N. **Holiday Pay.** Establish your procedures regarding holiday pay including which classifications of employees are entitled to this type of pay. Explain any requirements for the receipt of holiday pay, such as the holiday must fall on a regularly scheduled work day or that the employee must work any regularly scheduled days before and/or after the holiday. If the company is routinely open on holidays, address whether employees will be entitled to additional compensation for working those days.
- O. **Wellness Programs.** Identify and provide information regarding any wellness or similar assistance programs and provide any related guidelines or procedures.
- P. **Continuing Education, Dues, License Fees.** If offered, provide information regarding any benefits related to the provision of or payment for continuing education and the payment of any dues or license fees. Be clear which classifications of employees are entitled to these benefits.

## X. **Discipline, Complaints, and Grievances**

- A. **Discipline.** Determine and document any disciplinary procedures. Typically, this includes progressive discipline. Explain each step in your progressive discipline system and carefully identify when escalation to the next step is appropriate. Additionally, reserve the right to skip steps in the progressive discipline policy when it is deemed appropriate by the company (in the company's sole discretion) due to the nature of the issue.
- B. **Open Door/Employee Suggestions and Feedback.** If desired, advise employees that the company is always open to employee input and values the opinions and concerns of its employees. Encourage employees to share their concerns and input with their supervisors and other members of management.

- C. **Grievance/Complaint Procedures.** Outline any internal grievance or complaint processing procedures and requirements. Identify the steps of the processes and the persons to whom issues should be reported (such as an immediate supervisor), including to whom issues should be reported if the complaint or grievance relates to the person to whom such complaint or grievance would typically be reported. If desired, establish that all complaints or grievances should be made in writing. The outline should include the process to be followed after a complaint is made, such as investigation, mediation, hearing, etc. The policy should also provide employees with reasonable assurances that employees will not suffer any retaliation due to making a complaint or utilizing the grievance process.

## **XI. Evaluation and Promotion**

- A. **Performance Evaluations.** Establish timing of performance evaluations and provide any applicable procedures for same. If feasible, identify the general areas of performance which will be assessed during the evaluations. Provide notice that, despite the established timing schedule, employees may be subject to a performance evaluation at any time if desired by the company.
- B. **Promotion and Transfer.** Should express any “promote from within” policy and establish any applicable requirements regarding promotion and transfers (for example, if all considerations for promotions require posting and application). Even if a “promote from within” policy is established, reserve the right to consider outside applicants when warranted by the circumstances.

## **XII. Separation from Employment and Post-Employment Matters**

- A. **Resignation/Termination.** Advise employees that resignation from employment should be communicated to the company in writing with as much advance notice as possible, which should be a minimum of two weeks. Employees who do not provide sufficient notice will not be eligible for re-employment. If desired, advise that paid leave cannot be used as part of the requisite notice period. Advise employees that all company property is to be returned on or before their last day of employment.
- B. **Exit Interviews.** Advise employees that, following resignation or termination from employment, they are expected to participate in an exit interview with particular individuals or positions. The purpose of the exit interview will be for the company to receive feedback from the employee regarding their employment and separation, for the employee to provide input regarding same, and to exchange relevant information regarding the separation, such as final pay arrangements and the continuation or termination of employee benefits.
- C. **Employment Reference Checks.** Require that all reference requests or confirmations of employment be directed to a clearly identified individual or position. While not legally required, it is strongly recommended that the only information supplied in response to reference requests is dates of employment, position held, and, if requested, rate of pay.

### **XIII. Miscellaneous**

- A. **Emergency Preparedness.** Develop emergency preparedness policies in compliance with applicable Federal, State, and local emergency preparedness requirements. Pay particular attention to 42 C.F.R. § 491.12, which mandates the development and annual review of policies and procedures for RHCs and FQHCs.
- B. **Malpractice Reduction and Credential Review.** Section 224(h) of the PHS (42 USC § 233) prohibits an FQHC or an employee or contractor of an FQHC from being deemed an employee of the PHS unless the entity:
  - 1. has implemented appropriate policies and procedures to reduce the risk of malpractice and the risk of lawsuits arising out of any health or health-related functions performed by the entity;
  - 2. has reviewed and verified the professional credentials, references, claims history, fitness, professional review organization findings, and license status of its physicians and other licensed or certified health care practitioners, and, where necessary, has obtained the permission from these individuals to gain access to this information

Policies should be developed accordingly.

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