



PERSONNEL POLICIES MANUAL

Adopted by the Board of Directors – June 25, 2014

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I. INTRODUCTION

The personnel policies and procedures contained in this manual apply to all full-time, part-time, temporary, and probationary employees and unless otherwise stipulated, become effective immediately.

The provisions of this manual do not establish contractual rights between the Arts Council and its employees. The Arts Council reserves the right, at its sole discretion, to amend the contents of this Manual at any time. Amendments to any part of this Policy Manual obligating the Arts Council or imposing changes on the Arts Council can be made only by resolution of the Arts Council Board of Directors. Any changes must be in writing and issued by the Executive Director.

This Personnel Policy Manual contains a summary of the benefits provided to employees. Some of these benefits may be subject to legal requirements concerning reporting and disclosure. Complete details on the benefit plans are contained in the Summary Plan Description and official plan documents for the respective plans. In case of any discrepancy, the official plan documents govern. Changes in the law may affect the benefit programs described in this manual. The provisions of this manual do not establish contractual rights between the Arts Council and its employees. The Arts Council, at its discretion, reserves the right to add to, modify, amend, alter, reduce or eliminate any or all of the benefits described in this Manual or which may otherwise be provided.

Application of Policies:

These policies and procedures apply to all of the Arts Council's employees unless otherwise specifically provided for in this manual, in negotiated letters of agreement, and/or insurance plan documents.

Distribution:

A copy of this manual will be provided to each employee of the Arts Council of Greater Lansing. Each employee receiving a copy of this manual will be requested to sign an acknowledgment certifying his/her receipt, review, and understanding of the policies and procedures contained in the manual.

Severability:

In the event that one or more of the provisions of this manual are superseded by or become in conflict with State or Federal laws, the Arts Council Articles of Incorporation, or if they are determined by a court of competent jurisdiction to be invalid and unenforceable, then the balance of the manual shall remain in full effect.

Authorization of Employment:

All employees of the Arts Council are required by Federal law to verify their authorization to work in the United States. In compliance with the law, the Arts Council prohibits discrimination in hiring, recruiting, and discharging based on citizenship, national origin or immigration status.

Notice of Changes:

Employees are required to notify the Executive Director immediately of any change in name, address, phone number or number of dependents. Keeping this information accurate enables the Arts Council to contact employees in an emergency and maintain insurance and other benefits. This personal information will be handled in complete confidence.

Equal Employment Opportunity, Non-Discrimination & Harassment Policy:

It is the policy and philosophy of the Arts Council of Greater Lansing that any unlawful discrimination will not be tolerated. The Arts Council's entire equal employment opportunity, non-discrimination and harassment policy is contained in Appendix A of this manual.

Genetic Information Nondiscrimination Act (GINA) Policy

The Genetics Information Nondiscrimination Act of 2008 (GINA) protects applicants and employees from discrimination based on genetic information and hiring, promotion, discharge, pay and several other aspects of employment. GINA also limits an employer's acquisition and disclosure of genetic information to circumstances such as monitoring the adverse affects of hazardous workplace exposures, complying with FMLA laws, and DNA testing for law enforcement purposes. Genetic information possessed by the company will be kept confidential and disclosed only to the employee or under certain limited circumstances. "Genetic information" includes: (1) genetic test information of an applicant, employee or family member, (2) family medical history and (3) requests for or receipt of genetic services by applicants, employees or their family members.

The Arts Council's policy is to exclude inquiries regarding family history from any employment-related medical examinations, including fitness-for-duty testing or efforts at reasonable accommodation of an identified disability. However, the employee needs to provide the minimal information necessary to confirm the need for an FMLA leave requested for the purposes of caring for a family member.

Employees should be sensitive to day-to-day conversations, contents of emails and/or blogs, and avoid any discussion of any other employee's individual or family medical history.

Information Technology Policy:

The purpose of this policy is to inform all Arts Council employees about the legal requirements and restrictions concerning the acquisition and use of software programs on the Arts Council's computer equipment, the responsibilities of each employee to protect the security and integrity of the Arts Council's information technology (IT) system's programs and data, the Arts Council's investment in that system, and restrictions regarding the use of e-mail and the Internet. Employees using the Arts Council's IT system, including its software, e-mail and Internet are required to comply with the Arts Council's IT System Policy. Violation of the policy is subject to removal of the individual's computer, revocation of access privileges, and/or disciplinary action up to and including termination. The Arts Council's entire Information Technology Policy is contained in Appendix B of this manual.

Personnel Files:

Personnel files containing job, personal and benefit related information are maintained for each employee. The files are considered strictly confidential with access provided in accordance with applicable Federal and State laws. Employees are allowed to review their personnel file upon written request to the Executive Director. Requests for references or information on any current or former employee should be referred to the Executive Director. Employees are prohibited from releasing any information on former or current employees.

Privacy Practices Policy:

In compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the State of Michigan Social Security Number Privacy Act of 2004 the Arts Council of Greater Lansing is committed to maintaining the privacy of social security numbers and the health information it receives on employees. The Arts Council's entire Privacy Practices Policy is included as Appendix C of this manual.

II. EMPLOYMENT STATUS

The Executive Director is employed at the will of the Board of Directors. All other employees serve at the will of the Executive Director who shall have the direct and exclusive responsibility for the hiring, firing, training and discipline of staff. No contractual employment relationship exists between the Arts Council and an employee. Letters, benefit or policy statements, performance evaluations, employee manuals and/or other employee communications are not considered and should not be interpreted by the employee as contracts. The employment status of each employee shall be determined and benefits shall be administered based upon the following definitions.

Full-Time Exempt Employee: An employee who works 40 hours or more per week on a regular basis, and who has completed his/her orientation period. Exempt employees are those who meet the requirements for exemption under applicable wage and hour laws. Exempt employees are not entitled to receive additional compensation for overtime work. Only full-time exempt employees are eligible for benefits as outlined in these policies.

Full-Time Non-Exempt Employee (Hourly): An employee designated as full-time non-exempt who works 30 hours or more but less than 40 per week on a regular basis, is paid on an hourly basis, and is entitled to receive additional compensation for overtime work.

Part-Time Non-Exempt Employee (Hourly): An employee designated as part-time non-exempt, who regularly works less than 30 hours per week and is paid on an hourly basis. Part-time employees are eligible for only those benefits as mandated by Federal or State law. Part-time employees are not eligible for full-time benefits, even though they may occasionally work 40 hours or more in a given week.

Temporary Employee: An employee designated as temporary is hired for a specific period of time, generally not exceeding 6 continuous months, as dictated by operational needs. Temporary employees may work full or part-time hours but are eligible for only those benefits as mandated by Federal or State law. Temporary Employees are not eligible for full-time benefits, even though they may work 40 hours or more in a given week. Temporary employees may work no more than 120 days per calendar year.

Overtime for Non-Exempt Employees:

Employees who are defined as non-exempt by the Fair Labor Standards Act (FLSA) will be paid over-time in accordance with the following. Designation of over-time status will be included in the employee job descriptions.

All overtime must be authorized in advance by the Executive Director.

All time worked in excess of 40 hours per week by full-time and part-time non-exempt employees will be paid at the rate of time and one-half (1.5) times the base hourly rate.

Wage Deductions:

Improper deductions from wages of employees are not to be made. If you believe that an improper deduction has been made, immediately report this information to the Executive Director. Preferably, the report will be made in writing and immediately after the deduction has been made. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction that was made.

Hiring Policy:

The following hiring procedure shall apply to all openings, including full-time, part-time, and temporary positions. It shall be the responsibility of the Executive Director to coordinate the hiring process for all staff. It shall be the responsibility of the Arts Council Board of Directors to coordinate and establish the qualifications, salary and benefit plan of the Executive Director.

- A. To initiate the hiring process, the Executive Director will propose position title, description of duties and proposed salary.
- B. Upon approval for the position, the position will be posted both internally and advertised in at least one publication of a general circulation. Said notice will comply with all applicable Federal and State laws. Whenever possible, the position will also be posted on the Arts Council's website and on any applicable trade or other appropriate websites.
- C. Applicants will be required to submit a cover letter and resume and will be provided with a complete job description detailing the minimum qualifications for the position. Internal candidates will continue in their current position throughout the hiring process.
- D. The Executive Director will screen the applicants to assess those meeting the minimum qualifications.
- E. The Executive Director will schedule interviews with the top candidates. Depending upon the position, the interviews may be structured as an interview board, which may include the use of outside professionals and/or other supervisory employees designated by the Executive Director.
- F. The Executive Director or designee will conduct a complete background check on the top candidates. The background check may include

contacting both personal and professional references, verification of education, credit checks, as well as driving and criminal records as permitted under Federal and State law and in compliance with the Fair Credit Reporting Act.

- G. Upon approval of the Executive Director, an offer of employment in writing will be extended to the top candidate.

III. GENERAL OPERATING PROCEDURES

Orientation Period:

All new employees of the Arts Council of Greater Lansing will be required to successfully complete a minimum orientation period of ninety (90) work days. During the orientation period, the employee can be terminated at any time and will not be subject to the Arts Council's progressive discipline policy. During the orientation period, employees will be provided with instruction and guidance from their supervisors as appropriate. Employees should seek job and performance clarification and actively participate in their orientation to the Arts Council and their jobs.

Upon completion of 90 work days of employment, the employee will be evaluated by his/her supervisor and a decision rendered regarding the orientation status. At the discretion of the supervisor, the orientation period can be extended in 90 workday increments. The employee will be evaluated upon completion of each subsequent increment of the orientation period. An employee's orientation period does not affect his/her at-will status. Consequently an employee may be terminated before the end of the 90 work day orientation period. At no time shall the orientation period extend beyond one year of service.

Work Week:

The normal workday for all full-time Arts Council employees is 8 hours. The work week typically consists of 5 consecutive workdays for a total of 40 hours per week. The regular work day/week is from 9:00 a.m. until 5:00 p.m., Monday through Friday. If a lunch break is needed in 30 minute or 60 minute length, it will be noted on the timesheet and does not reflect a portion of the 8 hour work day. An employee's work schedule shall be determined by the Executive Director in accordance with the requirements of that position. Some employees may be required to attend board meetings, and/or Arts Council events outside of regular business hours.

Non-Exempt (Hourly) Employees

Time worked includes all time that an hourly employee is required to be physically at work for the Arts Council, whether in the office or at an established off-site location. In addition to work performed during the normal course of Arts Council business, time worked includes:

Work performed from the employee's home (Must be approved in advance in writing by Executive Director and/or director supervisor.)

Work performed at an Arts Council function outside the course of normal business hours or practice (such as, but not limited to: Holiday Glitter or the Spring Fundraiser) when the employee's attendance is required and/or work is performed. If an employee is unsure whether his/her attendance is required, it is

the responsibility of the employee to seek clarification from his/her supervisor or the Executive Director.

Time spent traveling to and from work is not compensated, even if the hourly employee is required to work outside of his/her normal schedule including weekends.

An hourly employee who travels during the course of the workday for work purposes is entitled to compensation for the travel time.

The time spent at a conference, meeting or seminar shall be compensated if approved in advance by the Executive Director. A schedule must be presented in advance of the conference (whether a single day business travel or overnight business travel) noting the hours that are compensated.

Single Day Business Travel: When an hourly employee travels out of town for a single day trip, the employee will be compensated for travel time to and from the destination and for time spent performing work for the Arts Council and in attendance at required functions on that day.

Overnight Business Travel: When business travel exceeds a single day trip, the hourly employee will be paid for his/her time spent in transit to and from the destination. The employee will also be compensated for:

- Time spent performing work for the Arts Council
- Time spent attending educational sessions, meetings, and/or any required business function.
- Meal time that is included in the conference or business function when the employee's attendance is required.

The hourly employee will NOT be compensated for any other time during the course of the overnight business trip, including uninterrupted time off for a meal period.

Alternate Work Schedules:

The Arts Council of Greater Lansing will consider alternative work schedules to assist employees in meeting their work performance goals, personal goals, and/or family needs. All requests for alternative work schedules will be considered on a case-by-case basis. Factors to be used in considering an alternative work schedule will include, but are not limited to, the ability to accomplish work goals, and the ability to provide coverage for operations. Alternative work schedules shall include the following:

Flex Time: The employee works the standard 40 hours per week but observes a daily schedule that alternates from the standard 9:00 a.m. to 5:00 p.m. workday. To ensure continuity of service within the

organization, flextime is not meant to address incidental scheduling concerns.

In all cases, alternative work schedules must comply with the following:

1. All full-time employees must work a total of 40 hours per week.
2. All requests for alternative work schedules must be made in writing to the Executive Director and include a description of the alternative work schedule, the impact on Arts Council operations, and how the employee's job responsibilities will be handled during regular hours when the employee is not present.

Alternative work schedules must remain in effect for a minimum of 90 days unless a shorter time frame is specifically approved by the Executive Director.

The Arts Council reserves the right to eliminate alternative work schedules if it is determined that the schedule has negatively impacted the operations of the Arts Council. In the event that it becomes necessary to eliminate an employee's alternative work schedule, the Arts Council will provide written notification to the employee thirty (30) days in advance of the termination.

Timekeeping:

It is the responsibility of all employees to accurately record the time that he/she begins and ends the work day, as well as the beginning and ending time of each meal period. Time is calculated on the timesheet in 15 minute increments. The employee must also record the beginning and ending time of any split shift or departure from work for personal reasons.

It is the employee's responsibility to sign his/her timesheet to certify the accuracy of all time recorded. The employee must then submit the timesheet to his/her supervisor for review and signature. In the event of an error in reporting time, the employee must immediately report the problem to the supervisor or if the error is caught by the supervisor, it will be corrected and reported to the employee. It is the employee's responsibility to seek clarification regarding any uncertainty he/she has with regard to timesheet accuracy. It is the responsibility of all employees to seek clarification from his/her supervisor in each instance when the employee is unclear regarding any of the terms of this policy and how they may affect a specific situation for the employee.

Altering, falsifying, or tampering with any time record by any Arts Council employee is subject to disciplinary action, up to and including termination.

Pay Procedures and Pay Day:

Employees will be paid every other Wednesday (bi-weekly) for the pay period ending the previous Saturday. If the normal payday is a holiday, the pay will be issued on Tuesday of that week. Written authorization must be made for the Arts Council to release a paycheck to any individual other than the employee.

All employees must complete a signed timesheet at the end of each pay period and obtain his/her supervisor's signature and submit it to the Executive Director. Timesheet submission must take place by 10am on the Monday following the last day of the pay period. Late submissions of timesheets may cause individual payroll to be delayed up to two weeks.

All payroll is direct deposited into employee's personal bank account. No paper paychecks will be issued.

It is the Arts Council's policy to comply with the Fair Labor Standards Act (FLSA) when making deductions from employee's wages. Exempt employees who believe that a deduction from his/her wages is prohibited by the FLSA should contact the Executive Director immediately to report the deduction. Upon determination that a prohibited deduction has been made, the amount of the deduction will be reimbursed to the employee.

Garnishments:

Garnishments will be handled as required by law, but when legally permissible, employees may be charged for the additional costs and workload they place on Arts Council personnel.

Attendance:

Prompt and regular attendance is crucial to job performance and customer service. Whenever possible, advance authorization should be obtained from the Executive Director when an employee anticipates being absent or late.

If an employee cannot report for work as scheduled because of an emergency or illness, and it is not possible to obtain advanced authorization, the employee is expected to contact either their supervisor or the Executive Director as early as possible, but no later than the start of their shift. In the event that the circumstances surrounding the absence make such reporting impossible, such notification shall be made as soon thereafter as is possible.

If an employee does not report for work and fails to notify the Executive Director for 3 consecutive days as to the reason for absence, the Arts Council will consider the unexplained absence a voluntary quit and process the employee's termination.

Employees will be required to provide the reason for absence and when (*date and time*) they expect to return to work. Reporting an absence does not excuse the absence. Employees may be required to substantiate the reason for the absence or lateness.

A deduction will be made from the employee's pay or accumulated leave bank for each full or fractional absence during the workday. Unnecessary, habitual and/or frequent tardiness or absences will result in disciplinary action up to and including discharge.

Outside Employment:

Employees must notify the Arts Council Executive Director prior to engaging in outside employment. The Arts Council reserves the right to deny any outside employment that interferes with the employee's ability to adequately perform their responsibilities with the Arts Council or creates any conflict of interest with their Arts Council responsibilities. Employees failing to notify the Executive Director of their outside employment or engaging in outside employment that creates a conflict of interest and/or interferes with the performance of their Arts Council responsibilities will be subject to disciplinary action up to and including termination. All employees will be required to submit an annual conflict of interest form identifying volunteer and paid work outside of the Arts Council.

Courtesy to Citizens:

All employees are expected to treat every person who comes in contact with the Arts Council in a respectful and courteous manner. Inquiries, questions and complaints should be addressed in a prompt and professional manner.

Personal Appearance & Hygiene:

The Arts Council has adopted a Business Casual Dress policy. Business casual attire means clothing that allows employees to feel comfortable at work, yet appropriate for an office environment. Business casual attire includes, but is not limited to, slacks, khakis, polo and cotton shirts, skirts and dresses, turtlenecks, sweaters, dress shoes, etc. Employees should take their workday schedule into account and wear customary business attire when appropriate, such as when representing the Arts Council at an outside community function.

Employees are reminded that personal cleanliness, appearance, and demeanor reflect on the professionalism of the Arts Council and commitment to public service. Each employee is expected to demonstrate a positive attitude and an appropriate appearance for his/her position. Employees are expected to take pride in their personal appearance and assure cleanliness and neatness in their hair, clothing, and shoes.

Safety:

Every employee of the Arts Council of Greater Lansing has a personal and vital responsibility to work safely and promote safety. Employees are required, as a condition of employment, to perform their work in a way that will prevent injury and illness to themselves and fellow workers and prevent property damage. All employees are responsible for the following:

1. Actively promoting a safe work environment
2. Reporting all accidents, incidents and injuries immediately
3. Making recommendations for improving safety
4. Being alert to safety and health hazards and correcting or reporting them
5. Performing all work in a safe manner
6. Keeping work areas clean, orderly and free from hazards

Political Activity:

The Arts Council does not discourage political participation and activity by employees. However, certain restrictions are imposed to insure the integrity and impartiality of the Arts Council as a 501(c)3 nonprofit organization. Employees engaging in political activity must adhere to the following:

1. Employees shall not engage in political activities on behalf of a candidate, either partisan or non-partisan; distribute or circulate literature or materials either for or against an issue, question or campaign, during those hours when the employee is being compensated for the performance of his/her duties as a Arts Council of Greater Lansing employee or when representing the Arts Council of Greater Lansing.
2. Solicitation and the distribution of political literature or materials are prohibited during working hours. Working hours includes the actual working time (excluding lunches or meal periods) of both the individual engaged in the solicitation or distribution and the employee to whom it is directed.
3. Employees of the Arts Council shall not solicit, receive, or be involved in any manner in the assessment, subscription, or contribution for any political purpose whatsoever during those hours when the employee is performing his/her duties as an employee of the Arts Council of Greater Lansing.
4. Arts Council of Greater Lansing equipment, materials and supplies, including Arts Council letterhead, shall not be used to engage in political activity.

Drug/Alcohol Free Workplace:

The Arts Council of Greater Lansing is dedicated to maintaining a safe and drug free workplace. The Arts Council recognizes that alcoholism and drug dependence are an illness for which there is effective treatment and rehabilitation. The Arts Council encourages any employee with a chemical dependence problem to seek professional treatment before the problem becomes a deterrent to job performance. To comply with the Drug-Free Workplace Act of 1988, the Arts Council of Greater Lansing has adopted and all employees are required to adhere to the following policies:

1. The unlawful manufacturing, sale, distribution, dispensation, possession, and/or use of a controlled substance are prohibited while on Arts Council property or on Arts Council time.
2. The consumption or possession of open alcoholic beverages or controlled substances (those not provided by prescription) during working hours or on Arts Council premises is prohibited with the exception of events as authorized by the Executive Director.
3. Employees are prohibited from appearing for work, remaining on duty, and operating Arts Council equipment while under the influence of or while impaired by alcohol, prescribed controlled substances including medical marijuana, or the illegal use of controlled substances.
4. The Arts Council reserves the right to require an employee to submit to a drug and/or alcohol test when there is a reasonable basis to believe that an employee is impaired or incapable of performing his/her assigned duties. Refusal to submit to a drug and/or alcohol test will result in discipline up to and including discharge.
5. Violation of this policy is grounds for disciplinary action up to and including immediate termination.

Smoke Free Workplace:

Smoking is prohibited in the Arts Council office.

Use of Arts Council Resources:

All Arts Council facilities, equipment, and supplies are intended to be used for organizational purposes. To protect and conserve these resources, employees are expected to comply with the following provisions:

Phones: Telephones are provided for the purpose of completing work assignments. The personal use of cell phones or land lines, whether Arts Council

owned or employee owned, is only permitted during breaks, lunches, to contact the Arts Council, or in the event of an emergency.

Cash and Valuables: Employees responsible for the security of cash and other negotiable papers shall ensure that said materials are maintained in a secure manner. Said employees will be held personally responsible for loss of any such document resulting from the lack of proper security.

Equipment, Facilities and Supplies: Employees are to use the Arts Council's equipment, facilities and supplies primarily for organizational purposes. Employees may be permitted to utilize or borrow Arts Council property or equipment for personal use only with the permission of the Executive Director.

Notification of Policy Changes & Updates:

Written notification will be provided to employees regarding changes in Arts Council policy and other matters related to employment.

Rules of Conduct:

The Arts Council of Greater Lansing expects employees to act in a professional manner at all times and to utilize common sense and good judgment. The following rules of conduct are designed to protect the rights of all employees. Violations of the rules will, at the discretion of the Arts Council, result in disciplinary action up to and including discharge. These rules of conduct are not intended to be all inclusive of the proper standards of conduct or other obligations of employees. The Arts Council reserves the right to take disciplinary action for other offenses not specifically listed here. This listing of Rules of Conduct and any discipline taken under these rules does not modify the at will status explained in the Introduction section of this Manual.

1. Unsatisfactory work performance
2. Insubordination (disobedience to authority or failure to follow instructions)
3. Theft, unauthorized removal of property, or misappropriation of Arts Council funds
4. Fighting or violent behavior in the workplace
5. Violation of any of the Arts Council's policies including those contained in this manual
6. Causing hazardous or unsafe working conditions
7. Possession of weapons on Arts Council premises or during working hours unless licensed and authorized to do so
8. Falsification of personnel or other records
9. Absence without notification or permission
10. Loafing, sleeping on the job, neglect or failure to perform assigned duties
11. Damage to, destruction of, or misuse of property and equipment belonging to the Arts Council or its employees
12. Threatening, intimidating, coercing or interfering with employees

13. Improper recording of time or having another employee complete your timesheet
14. Refusal to work overtime or working overtime without permission
15. Conducting personal business on Arts Council time and/or utilizing Arts Council property
16. Engaging in other employment without prior notice to the Arts Council or during a medical or workers compensation leave of absence
17. Any action which threatens the safe or efficient operation of the Arts Council
18. Failure to cooperate in the investigation of an offense or in the maintenance of a safe workplace
19. Personal conduct which is obnoxious or abusive to other employees including gossip, rumors and statements of a defamatory nature
20. Unauthorized entry into Arts Council facilities during non-work hours
21. Using, removing or disclosing employee lists or confidential information of any nature without prior written authorization from the Executive Director

Gifts and Gratuities:

At times, an employee may receive a gift or courtesy from a business or member relationship. All gifts and courtesies (including tickets to events) should be reported to the Executive Director. Any gift over \$50 in value should be turned over to the Executive Director who will determine how to use the gift in the best interest of the organization.

Termination of Employment:

1. Voluntary Termination: An employee resigning his/her position should provide the Arts Council with at least two weeks written notification indicating the effective date of resignation. In the case of retirement, it is recommended that an employee provide the Arts Council with a minimum of 30 days written notice.

2. Return of Property: An employee leaving the Arts Council for any reason shall return all Arts Council owned property, keys and/or equipment in his/her possession.

3. Exit Interview: Upon termination of any Arts Council employee, whether such termination was a decision of the employee, a final exit interview will be held with the Executive Director and/or the President. During the interview, the employee will have an opportunity to discuss any problems or suggestions he/she may have.

IV. DISCIPLINARY PROCEDURE

The Arts Council of Greater Lansing generally supports the use of progressive discipline, where appropriate, to address conduct issues and to encourage employees to become more productive workers and conform their behaviors to the Arts Council's standards and expectations. The Arts Council may discipline employees for reasons including, but not limited to:

- Neglect of Duty
- Insubordination
- Violation of any of the Arts Council's Personnel Policies
- Taking or fraudulently using Arts Council property
- Unsatisfactory performance of duties or work assignments
- Infractions of any ordinances, rules, and/or policies of the Arts Council
- Violation of Federal, State or Local laws

The normal steps for disciplinary action are described below. However, the Arts Council reserves the right, at its sole discretion, to alter the disciplinary steps based on the severity of the circumstances. Factors that will be considered in determining the appropriate disciplinary action will include, but are not limited to, the nature of the offense, the employee's past performance, and/or the frequency and nature of previous disciplinary action.

Verbal Reprimand: The employee will receive verbal notice that his/her behavior and/or performance are unacceptable. The verbal reprimand will define the improvement or corrective action required and provide notice to the employee that failure to comply with the verbal reprimand will result in further disciplinary action. A record of the verbal reprimand, including the date, nature of the offense, and required corrective action, will be recorded in the employee's personnel file.

Written Reprimand: The employee will receive written notice that his/her behavior and/or performance are unacceptable. Such notice shall contain a statement of the reason for the action, the corrective action required, the time frame for completion of the corrective action and the possible results if the employee fails to comply. A written reprimand will be placed in the employee's personnel file.

Suspension: Suspension without pay shall be implemented when other disciplinary measures have been taken without success and it is believed that suspension will result in the necessary improvement in the employee's conduct and/or performance or when warranted based on the severity of the offense. The decision to suspend an employee will be made by the Arts Council Executive Director. Prior to suspension, the employee will be provided with written notice of the charge(s), along with any supporting evidence, and be given an opportunity

to respond. The length of the suspension shall be determined by the Executive Director based on the severity of the offense.

Termination: Termination of employment will be used when other means of improving the employee's conduct and/or performance have been unsuccessful or when warranted based on the severity of the offense. The decision to terminate employment will be made by the Executive Director. Notice of termination will be provided in writing and will include the nature of the offense(s). The terminated employee will be given an opportunity to respond.

Termination Appeal Procedure: The first step in the Termination Appeal Procedure is a review of the decision to terminate by the Executive Director. An employee who has been terminated from employment and who desires to challenge the termination must submit to the Executive Director a written notice of appeal within 5 working days of the termination. The notice must state every reason why the employee contests the termination and must specify the relief sought by the employee. Once the appeal has been submitted in writing, a meeting will be held by the Executive Director and President within 10 working days of receipt of the Appeal. After this meeting, a written decision will be given to the employee within 10 working days.

V. COMPENSATION & LEAVE TIME

Compensation Philosophy:

It is the intent of the Arts Council of Greater Lansing to provide fair and equitable wages to its employees and to establish a pay system that recognizes employee performance.

Prior to the beginning of each fiscal year, the Arts Council Board of Directors considers and, as appropriate, approves adjustments to the Arts Council's compensation plan. In order to be eligible for any increase in pay, an employee must receive at least a satisfactory rating in their annual performance evaluation.

Performance Evaluation:

The Executive Director will formally review each employee on an annual basis. Employees have the right to read and discuss their evaluation and file a statement concerning any points of disagreement. The evaluation process will include the establishment of goals and objectives for the employee. At the conclusion of the evaluation process, evaluation forms will be filed in the employee's personnel file. Performance evaluations will be considered when determining future pay increases, promotions, and disciplinary action.

The Arts Council Board of Directors shall review the compensation of the Executive Director on an annual basis, or at any time deemed appropriate by the Board of Directors. In considering compensation adjustments, the Board will annually evaluate the Executive Director's performance, length of service, abilities, progress and salaries of comparable positions in the Greater Lansing area.

Paid Leave Time

Holidays: The Arts Council recognizes 9 official holidays and 1 floating holiday per calendar year for which full-time exempt employees are entitled. When a holiday falls on a Saturday, the preceding Friday will be taken as the holiday. When a holiday falls on a Sunday, the following Monday will be taken as the holiday.

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

IN ADDITION: Between Christmas Day and New Year's Eve may also be considered additional holiday leave time (not counted in the 9 official holidays) unless the Executive Director determines that the workload requires the office to remain open.

The floating holiday can be used to observe, your birthday, a religious holiday or a federal holiday. The following federal holidays apply:

Martin Luther King Jr. Birthday (3rd Monday in January)
President's Day (3rd Monday in February)
Columbus Day – 2nd Monday in October
Veterans Day – November 11

An employee's request to use his/her floating holiday will be granted or denied at the discretion of the Executive Director, provided that the employee's absence on that day will not interfere with the efficient operation of the organization. A floating holiday may not be used for a paid day off in recognition of a religious holiday which falls on a Saturday or Sunday. The floating holiday cannot be carried over to the next calendar year and must be used within the calendar year or it will be forfeited. A full-time exempt employee hired between July 1 and December 31 is not eligible for a floating holiday in the calendar year which he/she was hired.

Paid Time-Off: Based on the employee's anniversary date, leave days with pay shall be granted to all full-time exempt employees after the probationary period under the following schedule. Accumulated paid time off shall be used to cover vacation, sick and personal leave and may not be carried over from one year until the next.

<u>Years of Service</u>	<u>Annual Leave Hours/Days</u>
Less than 1 year	96 hours (12 – 8 hour days)
1-4 years	136 hours (17 – 8 hour days)
5-9 years	176 hours (22 – 8 hour days)
10 or more years	216 hours (27 – 8 hour days)

Leave days will accrue on monthly basis and must be used within the anniversary year or be forfeited. Leave days may be used immediately in accordance with the paid leave time policy. Paid leave time will accrue while an employee is on a leave of absence, including Family and Medical Leave Act and short-term disability leave, for a period not to exceed 12 calendar weeks.

Scheduled Absences: Upon written request by the employee and approval of the Executive Director, leave days may be taken in 1 hour increments. Whenever possible, leave days must be scheduled in advance with the Executive Director so as to provide the least disturbance to the efficient and effective operation of the Arts Council. Requests must be made at least 10 days in advance. Approval will be granted or denied at the discretion of the Executive Director or President.

Unscheduled Absences: In the case of unscheduled leave time, an employee shall inform the Executive Director or immediate supervisor no later than the start of his/her schedule if he/she cannot report to work. Any employee who fails to report in this manner shall not be entitled to paid leave day benefits for that day. In the event that the

circumstances surrounding the absence make such reporting impossible, such written notification shall be made as soon thereafter as is possible.

Inclement Weather: Absence due to inclement weather when the Arts Council is not officially closed by the Executive Director, will be without pay or paid time off will need to be taken in the case of full-time exempt employees.

Upon separation from employment, employees will receive compensation for 100% of their earned paid leave time remaining for the year, or if it has been used before it has been accrued, an employee will need to reimburse the Arts Council for the value used.

NOTE: Leave time will be recognized in totality on payroll records at the start of the anniversary year and subtracted when days are used.

In the event of the death of an employee, all compensation due in accordance with the policies of the Arts Council shall be paid to the legal representative of the employee's estate or other properly designated beneficiary.

Family and Medical Leave:

Although the Arts Council of Greater Lansing is not subject to the Family & Medical Leave Act of 1993, this policy has been developed independent of the Act to accommodate for leaves related to family or medical circumstances. It is the policy of the Arts Council to grant up to 12 weeks of unpaid family or medical leave during a 12 month period to an employee who meets the qualifications for approval. The 12 month period is measured backward from the date that the employee begins the family or medical leave of absence. Requests for intermittent leaves of absence will be considered on a case-by-case basis.

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

1. The employee must have 12 consecutive months of service with the Arts Council.
2. Must be employed as a full-time exempt employee. Full-time non-exempt and part-time non-exempt employees will be considered for the Family & Medical Leave Act at the discretion of the Executive Director.

To qualify for twelve weeks of leave in a 12-month period as a family or medical Leave of Absence under this policy, the employee must be taking leave for one of the following reasons:

1. The birth of a child and in order to care for that child within one year of birth.
2. The placement of a child for adoption or foster care and to care for the newly placed child within one year of placement.

3. To care for a spouse, child, or parent with a serious health condition.
4. The serious health condition of the employee, making the employee unable to perform the functions of his or her position.
5. Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on covered activity duty.

Eligible employees are also entitled to twenty-six workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember's spouse, son, daughter, parent, or next of kin (military caregiver leave).

Employees will be required to utilize their accumulated paid leave time before any unpaid leave.

To qualify for a medical leave of absence, the employee must submit a physician's certificate stipulating that the employee is unable to work, the reason therefore, and an estimated return to work date. The Arts Council reserves the right to require the employee to furnish additional medical certificates verifying the continued need for medical leave of absence. Said verification must be submitted within 30 days of the Arts Council's request. The Arts Council reserves the right to require the employee to be examined by a physician of the Arts Council's choosing at the Arts Council's expense.

During an unpaid leave of absence, health, prescription coverage, life insurance, hospitalization, will be provided by the Arts Council in accordance with the terms and conditions of the Family and Medical Leave Act. Once paid leave time has been exhausted, the employee may continue benefits, at their expense, under the provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA).

Bereavement Leave:

All employees shall be allowed the following leaves of absence, with pay (according to their normal work hours), as bereavement leave. Bereavement leave will not be deducted from the full-time exempt employee's accumulated paid leave time.

- 5 days for the death of a spouse or child.
- 4 days for the death of a parent.
- 3 days for the death of a sister, brother, mother-in-law, father-in-law, stepchildren, grandchildren.
- 2 days for the death of stepparents.
- 1 day for grandparents, brother-in-law, sister-in-law, or member of the employee's immediate household.

Jury Duty:

Any employee who is called to and reports for jury duty shall be paid by the Arts Council for each day, not exceeding 90 days per year, partially or wholly spent in performing jury duty if the employee would have been scheduled to work for the Arts Council. The employee will be paid their regular rate of pay for the time spent on jury duty. When the employee has completed his/her jury duty, he/she will reimburse to the Arts Council any jury pay received, less deductions for mileage and parking. An employee must give the Arts Council prior notice that he/she has been summoned for jury duty and must furnish satisfactory evidence that jury duty was performed on the days for which payment is claimed.

Employees required, either by the Arts Council of Greater Lansing or any public agency, to appear before a court or such agency on matters related to their work for the Arts Council of Greater Lansing shall be deemed at work during the period of time they are scheduled to appear.

Military Leave:

During a military leave, either paid or unpaid, employees will be granted all benefits and rights in accordance with the applicable laws and regulations.

Paid Leave of Absence: Military leave is a paid benefit granted to eligible employees who are former members of the armed services or members of the organized reserve forces of any of the armed services of the United States or the National Guard and are on federally funded military duty for training. Paid military leave will not exceed 15 calendar days in any fiscal year. To be eligible for paid leave, the employee must provide military orders or other official military documentation validating military leave requirements to their supervisor as soon as possible. The employee will be paid their regular rate of pay for the time spent on military leave to a maximum of 15 days. When the employee has completed his/her military leave, he/she will reimburse to the Arts Council any military pay received. If active duty exceeds 15 calendar days in any fiscal year, the employee may elect to be placed on unpaid leave of absence or utilize their accumulated paid-time for the remainder of the training period.

Unpaid Leave of Absence: Employees called voluntarily or involuntarily for military service will be placed on inactive status with the Arts Council. Prior to the beginning of the leave, employees must provide notice, verbally, in writing or by submitting a copy of their orders. Upon completion of military service, employees may seek re-employment in accordance with Federal and State law. Employees will receive accrued service time and benefits as determined by law at the time of re-employment.

VII BENEFITS

Each full-time exempt employee shall be entitled to the benefits as described below. The Arts Council reserves the right to modify these and other benefits at any time. In the case of health insurance, this may involve eliminating or expanding particular coverages, contracting with different health insurance carriers, re-insurance carriers or self-insuring.

Health Insurance & Prescription Coverage:

Each full-time exempt employee is entitled to receive individual health insurance to include medical and prescription insurance coverage. At this time, dental and vision insurance is not available.

The Arts Council reserves the right to modify these and other benefits at any time. In the case of health insurance this may involve changing coverage levels, co-pays, deductibles, and providers. For specific coverage information, employees should refer to the insurance plan documents.

The Arts Council reserves the right to modify these and other benefits at any time. For specific coverage information, employees should refer to the health insurance plan documents.

Payment In Lieu Of Health Insurance:

An exempt full-time employee of the Arts Council of Greater Lansing can voluntarily opt out of the Arts Council's health care plan if coverage is available through another source. The Arts Council will pay a lump sum (as set annually by Arts Council Board of Directors) to an employee that elects to opt out of the Arts Council's health care coverage.

An employee opting out of the Arts Council's insurance program will be required to sign a waiver of coverage. Employees waiving coverage are not eligible to receive insurance coverage through the Arts Council until the next open enrollment period. In the event that the employee experiences a qualifying life altering event (such as loss of coverage through their spouse), coverage will be extended through the Arts Council's plan in accordance with the terms and conditions of the health insurance policy.

The Arts Council reserves the right to amend the formula or eliminate the payment in lieu of health insurance based upon the Arts Council's financial condition.

Retirement Contribution:

The Arts Council of Greater Lansing will establish a defined contribution retirement plan covering all full-time exempt employees. The employer contribution to the plan will be up to 5% of base pay when matched 1:1 by the employee.

The Arts Council reserves the right to modify these and other benefits at any time. For specific coverage information, employees should refer to the retirement plan documents.

Social Security:

Employees of the Arts Council of Greater Lansing are covered by Social Security, a federally administered plan for supplemental old age pensions and survivor's insurance. A percentage deduction is made from the employee's wages according to the Social Security schedule. Questions concerning Social Security should be directed to any Social Security office.

Worker's Compensation:

The applicable Workers Compensation laws cover all employees.

Memberships:

Employees are encouraged to join and participate in membership organizations that build knowledge and expertise. The Arts Council will pay reasonable expenses for membership dues, registrations, travel and meals subject to the approval of the Arts Council Executive Director and budgetary constraints.

Unemployment Compensation:

The Arts Council of Greater Lansing contributes to the Unemployment Insurance Agency. Terminated employees are advised to refer questions of benefit eligibility to any office of the State of Michigan Department of Labor and Economic Growth Unemployment Insurance Agency.

COBRA: Consolidated Omnibus Budget Reconciliation Act:

A federal law requires that most employers sponsoring health plans offer employees and their families the opportunity for a temporary extension of health coverage at group rates in certain instances where coverage under the plan would otherwise end. This notice is intended to inform employees of their rights and obligations under the continuation coverage provision of the law. Both the employee and their spouse, if applicable, should take time to read this notice carefully.

Employees of the Arts Council that are covered by the Arts Council's insurance plan, have a right to choose this continuation coverage if they lose group health coverage because of a reduction in employment or the termination of employment (for reasons other than gross misconduct on the employee's part). If the employee elects to continue coverage, they will be required to pay a monthly premium, which will be indicated prior to electing to continue coverage.

The spouse of an employee covered by the plan, has the right to choose continuation coverage if group health coverage is lost under the plan for any of the following 4 reasons:

1. The death of the employee;
2. A termination of the employee's employment (for reasons other than gross misconduct) or reduction in the employee's hours of employment which makes them no longer eligible for coverage;
3. Divorce or legal separation from the employee; or
4. The employee becomes eligible for Medicare.

In the case of a dependent child of an employee covered by the plan, including a child who is born or placed with an employee for adoption during a period of COBRA coverage, he or she has the right to continue coverage if group health coverage under the plan is lost for any of the following 5 reasons:

1. The death of an employee parent;
2. The termination of a parent's employment (for reasons other than gross misconduct) or reduction in a parent's hours of employment with the Arts Council;
3. Parent's divorce or legal separation;
4. The employee parent becomes eligible for Medicare; or
5. The dependent ceases to be a "dependent child" under the plan.

Each employee or family member has the responsibility to inform the Arts Council of a divorce, legal separation, or child losing dependent status under the plan. When the Arts Council has been notified that one of these events has happened, we will in turn notify the employee that he/she has the right to choose continuation coverage. Under the law, you have at least 60 days from the date you would lose coverage because of one of the events described above to inform the Arts Council that he/she wants continuation coverage.

If an employee does not choose continuation coverage, group health insurance coverage will end.

If continuation of coverage is elected, the Arts Council is required to provide coverage, which, as of the time coverage is being provided, is identical to the coverage provided under the plan to similarly situated employees or family members. The law requires that

employees be afforded the opportunity to maintain continuation coverage for 3 years unless group health coverage was lost because of a termination of employment (for reasons other than gross misconduct) or reduction in hours. In that case, the required continuation coverage period is 18 months. If group health coverage is lost because of a termination of employment or reduction in hours and the employee is determined to be disabled as defined by the Social Security Act at the time of the termination or reduction in hours, or at any time during the first 60 days of COBRA coverage, the continuation coverage period is 29 months. However, the law also provides that continuation coverage may be cut short for any of the following reason:

1. If the Arts Council no longer provides group health coverage to any of its employees;
2. If the premium for continuation coverage is not paid;
3. If an individual becomes covered under another group health plan that does not contain any exclusions or limitations with respect to any pre-existing condition the individual may have.
4. If the employee becomes eligible for Medicare;
5. If the employee has extended coverage for up to 29 months due to disability and there has been a final determination that you are no longer disabled;
6. If an individual was divorced from a covered employee and subsequently remarry and are covered under the new spouse's group health plan.

This notice is provided as a matter of information only. It does not, and is not intended to create any contractual, legal or other rights. Rather, your rights are only as expressly set forth in the plan and in federal and state law. The Arts Council reserves the right to amend and/or change the plan as permitted by the terms of the plan.

In addition, a subsequent qualifying event and an initial qualifying event can extend the period of coverage for qualified beneficiaries.

**APPENDIX A:
POLICY ON EQUAL EMPLOYMENT OPPORTUNITY,
NON-DISCRIMINATION AND HARRASSMENT**

Purpose:

It is the Arts Council's philosophy and policy to provide equal opportunity in employment to all qualified individuals in recruitment, hiring and employment practices. Unlawful discrimination against any employee or applicant based on race, color, sex, sexual orientation, religion, national origin, age, handicap, height, weight, arrest record, veteran, marital status, or other factor prohibited by law will not be allowed or tolerated. This policy applies to all employment practices including recruiting, hiring, pay rates, conditions of employment and termination. For purposes of this policy, the term employee will include all Arts Council of Greater Lansing personnel including full-time, part-time, temporary and volunteer workers.

Harassment:

The Arts Council prohibits any form of harassment, joking remarks or other abusive conduct directed at employees because of their race, color, sex, religion, national origin, age or handicap, height, weight, arrest record, veteran, marital status or membership in another protected group. Harassment is defined as any conduct including verbal, physical, and/or written, which is of a sexual, racial, religious, or other nature impermissible by law when:

Submission to such conduct is made, either explicitly or implicitly, a term or condition of employment;

Submission to, or a rejection of, such conduct by an individual is used as a basis for employment decisions such as discharge, promotion, transfer, work assignments, salary, etc;

Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creates an intimidating, hostile or offensive work environment.

Examples of impermissible harassment include, but are not limited to:

Jokes, comments, insults, cartoons, pictures, personal conduct and mannerisms of a sexual, ethnic, racial, religious or other impermissible nature.

Stating or implying that deficient job performance is attributable to a person's gender, ethnic, racial, religious background or other impermissible characteristic.

Propositions or requests for sexual favors or physical contact which is sexual in nature.

Verbal abuse of a sexual nature, unnecessary touching, the display of sexually suggestive objects or pictures, or physical assault.

Procedure:

An employee who believes that he/she has been subjected to harassment prohibited by law at work by any of the following, but not limited to, superiors, supervisors, co-workers, contractors, elected officials, volunteer works, visitors, customers, citizens, and suppliers/vendors shall report the incident immediately after it occurs to either the Executive Director or his/her immediate supervisor. In circumstances where the Executive Director and/or immediate supervisor either participated in the prohibited activity or condoned the activity, a complaint may be filed directly with the President of the Board of Directors. If the complaint of harassment prohibited by law is against the President of the Board of Directors, the employee shall report the alleged occurrence to the Executive Director.

The Executive Director or their designee shall promptly investigate a complaint of harassment prohibited by law. Every reasonable effort will be made to handle all such complaints in a fair, impartial and timely manner. In order to protect both the person making the complaint and the person(s) against whom the complaint is made, every reasonable effort will be made to handle all complaints in a confidential and discreet manner. However, the Arts Council cannot guarantee strict confidentiality. The investigation conducted shall include interviews, where appropriate, with other witnesses to the alleged occurrence(s).

During the complaint investigation, work assignments or contact may be limited at the discretion of the Arts Council between the employee making the complaint and the employee against whom the complaint is made.

Retaliatory action or conduct of any kind taken by any employee of the Arts Council of Greater Lansing, during or after the investigation, against an employee(s) filing a complaint is strictly prohibited and shall be regarded as a violation of this policy and subject to disciplinary action up to and including termination.

The complaining employee will be informed of the outcome of the investigation. In those circumstances where a violation has been shown to have occurred, appropriate action up to and including termination, will be taken against any employee(s) found to have engaged in harassment.

All employees have a responsibility for keeping the work environment free of harassment prohibited by law. Any employee who becomes aware of an incident of harassment prohibited by law, whether by witnessing the incident or being told of it, must immediately report it to his/her immediate supervisor or Executive Director. When

the Executive Director or supervisor becomes aware that harassment prohibited by law may exist, he/she is obligated to take prompt and appropriate action, whether or not the recipient of the harassment prohibited by law has filed a complaint.

Any questions, concerns, or other inquiries regarding conduct that is prohibited by this policy or the procedures contained herein shall be directed to the Executive Director.

Non-Compliance:

Failure to comply with this policy shall result in disciplinary action up to and including termination. Any employee who has an alleged misconduct complaint made against him/her and engages in retaliatory activities, during or after the investigation, shall be subject to disciplinary action, up to and including dismissal.

APPENDIX B:

INFORMATION SYSTEMS TECHNOLOGY POLICY

The purpose of this policy is to inform all Arts Council employees about the legal requirements and restrictions concerning the acquisition and use of software programs on the Arts Council's computer equipment, the responsibilities of each employee to protect the security and integrity of the Arts Council's Information Technology (IT) System's programs and data, the Arts Council's investment in that system, and restrictions regarding the use of e-mail and the Internet.

All employees are responsible for using the information system for work related purposes associated with Arts Council business, in a lawful and ethical manner, and in accordance with the Arts Council's policies and procedures. All information, files and documents created on behalf of the Arts Council remains the sole property of the Arts Council. Use of the Arts Council's IT System, including e-mail, internet or telecommunication resources to send, receive, display, print or otherwise disseminate material that is fraudulent, harassing, threatening, illegal, embarrassing, sexually or racially offensive, intimidating or defamatory is prohibited.

Copyright Protected Software:

Unauthorized duplication of copyrighted software is a violation of the Federal Copyright Law and can be subject to civil damages and criminal penalties including fines and imprisonment. Both the Arts Council as an organization and the Arts Council's employees as individuals are responsible for compliance with this law.

It is the Arts Council's policy to comply fully with the Federal Copyright Law, and the specific terms and conditions in the licenses for all software, which is used on the Arts Council's computer equipment. Specifically, every employee shall be responsible for complying with the following policies:

Every employee shall use the Arts Council's Information System in a manner that does not violate the Federal Copyright Law or the terms of the license related to the software being used.

No software program shall be used by more employees at any one time than are allowed under the program's licensing agreement. The use of programs on the network is controlled to avoid such a violation. Employees are prohibited from transferring any software from the Arts Council's Information System to any personal computer or disk, either directly or indirectly, without the specific permission of the Arts Council Executive Director.

No employee shall make a copy of any software on the Arts Council's IT System or any Arts Council personal computer, except for the Arts Council's own back-up purposes.

No employee shall take any original or duplicated copy of any software owned by the Arts Council for personal use. No employee shall give any original or duplicated copy of any software owned by the Arts Council to any outside third party.

No employee shall use any program on the Arts Council's IT system or any Arts Council computer for personal gain or for the advantage of any outside third party.

No software shall be loaded onto the Arts Council's IT System or any Arts Council computer, unless the Arts Council owns the original copy and proper license and is on file. No employee shall load any software onto the Arts Council's IT system or any Arts Council computer without the specific authorization of the Executive Director. The Arts Council shall conduct periodic audits of all computer equipment to verify compliance with this policy.

Software Specification Policy:

The goal of the Arts Council is to establish an IT System, which is efficient, and effective for both the employees and the public and at the same time is economical to operate and maintain. To this end, the following standards for purchasing and developing Arts Council software shall be observed:

To the greatest extent possible, the Arts Council shall purchase software applications which are expected to have long-term publisher support and which do not require extensive in-house technical knowledge and support to operate.

The Arts Council shall standardize on one database management system, and shall develop all in-house programs on the basis of a standard, well-documented procedure for using that system, so that the Arts Council will not be dependent on the knowledge or presence of any individual employee in order to operate and maintain such programs.

Software Created By Employees:

All software programs created by Arts Council employees, using the Arts Council's equipment and licensed software, are the property of the Arts Council of Greater Lansing and shall be subject to the same restrictions as provided for in the licensed software section of this policy, except if otherwise provided in an agreement between the Arts Council and such employee.

Network Data Use & Security:

In order to maintain the security and integrity of the Arts Council's network computer system, all employees shall comply with the following policies:

Every employee shall keep his/her personal network access passwords strictly confidential. Passwords should not be revealed to any other person, including any other employee. If the network system is accessed in an unauthorized manner using an

employee's password, that employee will be held personally accountable regardless of the circumstances. If any employee is uncertain about the security of any personal password, it should be changed immediately.

No employee shall permit any unauthorized person to gain access to the Arts Council's IT system.

No employee shall furnish any information to any unauthorized person about the hardware or the software used by the Arts Council, nor the method of accessing the Arts Council's IT system, without the expressed written authorization of the Executive Director.

Employees must log out of their computers when finished for the day or when leaving their work area for an extended period of time.

E-Mail:

E-Mail is provided for business purposes only. Employees are authorized to retrieve and read only e-mail messages specifically addressed or directed to them. Employees shall not use e-mail to conduct their personal business affairs. e-mail solicitation, advertising or proselytizing that is not directly for the benefit of the Arts Council is prohibited.

Creating, transmitting (uploading), copying or receiving (downloading) messages of an offensive, derogatory, objectionable or disruptive nature is a violation of Arts Council policy. In particular, messages containing obscenity, profanity, vulgarity, sexual content or innuendo, racial or ethnic slurs, gender-specific comments, or any deprecatory statements concerning age, sexual orientation, religious or political beliefs, national origin, physical characteristics, disabilities or other protected groups are prohibited.

All electronic mail messages are the property of the Arts Council and the employees should have no expectation of privacy. Electronic mail messages created or received on the Arts Council's IT System may be considered official records of the Arts Council and retained as documentation of official policies, actions, decisions or transactions.

As a matter of policy, the Arts Council will not routinely monitor electronic mail messages. However, the Arts Council reserves the right to access messages for reasons including, but not limited to the following:

- Upon leaving employment with the Arts Council for any reason, a user's e-mail may be accessed for the purpose of saving those messages that pertain to Arts Council business;
- If required by law to do so;
- When necessary to investigate a possible violation of Arts Council policy;
- In the event that there is reasonable suspicion that a user has violated any of the prohibited uses in this policy.

E-mail accounts are backed up on a regular basis as part of the network operations. Deletion of e-mail messages does not remove the message from the Arts Council's IT System.

Transmitting, copying or receiving copyrighted or trademarked materials, trade secrets, or proprietary information without prior authorization is prohibited.

Internet:

Internet access is intended to support the employee's ability to perform his/her job-related duties. This policy applies to use of the Internet utilizing the Arts Council authorized user ID thereby covering the employees' representation of the Arts Council.

Arts Council employees have an obligation to use their access to the Internet in a responsible and informed way; conforming to Internet etiquette, customs and courtesies; and representing the Arts Council in a professional manner.

Downloading or installation of unauthorized programs or files from the Internet, including but not limited to games and attachments to e-mail messages, on an Arts Council of Greater Lansing computer is prohibited.

Prohibited use of the Internet includes, but is not limited to the following:

- Illegal activities
- Threats
- Harassment
- Slander and/or Defamation
- Sexually or racially offensive or derogatory messages, material or images
- Political endorsements
- Commercial activities
- To send chain letters
- Participating in non-business related chat rooms
- To send copies of documents in violation of copyright laws
- Using non-business software including games or entertainment software
- Activities resulting in or relating to personal gain or profit
- To compromise the integrity of the Arts Council in any way.

Employees using the Arts Council's IT system and wireless configuration, including its software, e-mail and Internet agree to comply with the provisions of this policy. Violations of this policy are subject to disciplinary action up to and including termination.

All users of the wireless network within the Arts Council facilities (including members) will also be subject to and must comply with the provisions of this policy.

APPENDIX C:

NOTICE OF PRIVACY PRACTICES

The following policy has been adopted by the Arts Council of Greater Lansing in compliance with the Health Insurance Portability and Accountability Act of 1996 and the State of Michigan Social Security Number Privacy Act of 2004.

The Arts Council of Greater Lansing is required by law to maintain the privacy of social security numbers and the health information it collects through its employee health benefit plans. This health information is also known as protected health information or “PHI”. To ensure the Arts Council’s compliance with privacy laws, the Executive Director is designated as the Arts Council’s Privacy Officer.

What is protected health information (PHI):

Protected health information is current, past or future information about plan participants that is created or received by the Arts Council through the Arts Council’s employee health benefit plans. It relates to physical and mental conditions of health plan participants, as well as descriptions of the health care given to a participant or payment for the health care given to a participant. Protected health information includes names, addresses, telephone numbers, social security numbers, dates of birth, and other information that may be used to identify an individual.

PHI does not generally include publicly available information, summarized reports containing generalized information which could not be used to identify an individual, or information contained as part of a participant’s employment file.

What is this Notice of Privacy Practices:

As part of the Arts Council’s commitment to maintaining the privacy of social security numbers and PHI, the Arts Council is providing a copy of this Notice of Privacy Practices to all employees of the Arts Council of Greater Lansing. This notice is intended to inform employees and their dependents of the types of PHI we collect, how the Arts Council utilizes social security numbers and PHI and when and to whom the Arts Council may disclose it.

The Arts Council is required by law to maintain the privacy of employee’s social security numbers and PHI in accordance with this Notice of Privacy Practices, as long as the notice remains in effect. The Arts Council may revise this notice or internal privacy practices as necessary. However, employees will be notified prior to any significant revision to the Notice of Privacy Practices.

What types of PHI does the Arts Council collect:

The Arts Council collects PHI through the health benefit plans offered to employees and their dependents. At times, the Arts Council may request PHI directly from the employee; however, the Arts Council may also collect PHI from health care providers, health plan administrators, health insurers, and other agents or affiliates of the Arts Council. If an employee receives short or long-term disability benefits and/or health care benefits through the Arts Council's health benefit plans, including workers compensation coverage, it is likely that the Arts Council will collect PHI which may include name, address, telephone number, social security number, date of birth and general information pertaining to health.

The organizations that administer or insure these plans – commercial health benefit plans, health insurers, health maintenance organizations, pharmacy benefits members – may also collect and exchange this information, in addition to more specific information concerning medical diagnosis and treatment. While the Arts Council does not generally collect such information, it may do so for quality assurance, plan maintenance, treatment referral, or payment purposes.

How will the Arts Council protect Social Security Numbers and PHI:

The Arts Council will restrict access to social security numbers and PHI to only those employees or agents of the Arts Council who need to review the information in order to provide health plan services or benefits, to assist with payment and claims processing, in accordance with Federal and State payroll withholding laws, or to ensure quality control and administration of the Arts Council's benefit plans. In this regard, the Arts Council will train employees with access to Social Security Numbers and PHI to use or disclose only the minimum information necessary to complete the service required. Also, the Arts Council will implement privacy policies, as may be required by law, designed to protect against the unlawful use or disclosure of your Social Security Number and PHI.

Unless required or permitted by law, effective January 1, 2006, the following actions regarding the social security numbers of employees are prohibited:

Public display of all or more than 4 sequential digits of the social security number.

Use of all or more than 4 sequential digits of the social security number as the primary account number for an individual (effective January 1, 2006)

Visibly print all or more than 4 sequential digits of the social security number on any identification badge or card, membership card, permit or license.

Require an employee to use or transmit all or more than 4 sequential digits of his/her social security number over the Internet or a computer system unless the connection is secure or the transmission is encrypted.

Require an employee to use or transmit all or more than 4 sequential digits of his/her social security number to gain access to an internet website, computer system, or network unless the connection is secure, the transmission is encrypted, or a password or other unique personal identification number or other authentication device is also required to gain access.

Include all or more than 4 sequential digits of the social security number in or on any document or information mailed or otherwise sent to an individual if it is visible on or without manipulation, from outside the envelope or packaging.

Include all or more than 4 sequential digits of the social security number in any document or information mailed to a person unless any of the following apply:

State or Federal law, rule regulation or court order or rule authorizes, permits, or requires that a social security number appear in the document.

The document is sent as part of an application or enrollment process initiated by the individual.

The document is sent to establish, confirm the status of, service, amend or terminate an account, contract, policy or employee or health insurance benefit or to confirm the accuracy of a social security number of an individual who has an account, contract, policy or employee or health insurance benefit.

The document or information is a public record and is mailed in compliance with the Freedom of Information Act, 1976 PA 441, MCL 15.231 to 15.246

The document or information is a copy of a vital record recorded as provided by law and is mailed to a person entitled to receive that record.

The document or information is mailed by or at the request of the individual whose social security number appears in the document or information or at the request of the individual's parent or legal guardian.

The document or information is mailed in a manner or for a purpose consistent with the health insurance portability act of 1996, Public Law 104-191; or with section 537 or 539 of the insurance code of 1956, 1956 PA 218, MCL 500.537 and 500.5539.

If an employee believes that his/her Social Security Number or PHI has been improperly used or disclosed by an employee of the Arts Council, that employee is welcome to contact the Arts Council's Privacy Officer to register a complaint.

How will the Arts Council generally use or disclose Social Security Numbers and PHI:

The Arts Council is permitted by law to use or disclose PHI for treatment, payment, or health care operations without the authorization or consent of the employee. The following are a few examples of how PHI is used or disclosed by the Arts Council.

Treatment: PHI may be used by or disclosed to provide, coordinate and manage health care services, including workers compensation, rendered to employees. To the extent the Arts Council is required to assist with health care services, it may disclose PHI to health care providers or other agents or affiliates of the Arts Council.

Payment: The Arts Council will use and disclose PHI to obtain and to provide payment information for the provision of health care. Examples of these payment activities include: billing, claims management, collection activities, and administration of stop-loss and excess loss insurance policies, as well as related data processing; determining eligibility, coverage, medical necessity and related documentations, coordinating benefits among various payers, recovering payment from third parties liable for coverage, risk adjustment, utilization review activities and disclosures to consumer reporting agencies.

Health Care Operation: PHI may be used or disclosed as part of the Arts Council's business operations related to the administration of the Arts Council's employee health benefit plans. Such operations may include quality of service audits of the Arts Council and its affiliates, including improvement activities, and other standard business operations. PHI may also be used or disclosed to evaluate the Arts Council's plans or the providers servicing the plan; underwriting, premium rating and other activities relating to the creation, renewal or replacement of benefits contracts; fraud and abuse detection and compliance programs; business planning and development; or the resolution of complaints registered by other health plan participants.

Disclosures to Family and Friends: In an emergency, the Arts Council may disclose PHI information to family members, friends, or other people that

may aid in treatment. The information may also be disclosed to a person responsible for payment of medical services received by an employee. A disclosure of PHI may also be made if the Arts Council determines it is reasonably necessary or in the employee's best interest for such purposes as allowing a person acting on an employee's behalf to receive filled prescriptions, medical supplies, x-rays, etc. Employees retain the right to request a restriction on the Arts Council disclosing information to family members, friends or others who aid in treatment or are responsible for payment. Information on how to request a restriction on the use or disclosure of an employees PHI is included in this policy.

Locating Responsible Parties: PHI may be disclosed in order to locate, identify or notify a family member, personal representative or other person responsible for an employee's care. If the Arts Council determines that in its reasonable professional judgment, the employee is capable of doing so, the employee will be given the opportunity to consent to or prohibit or restrict the extent or recipients of such disclosure. If the Arts Council determines that an employee is unable to provide such consent, the Arts Council will limit the PHI disclosed to the minimum necessary.

Disasters: The Arts Council may disclose PHI to public or private entities authorized by law to assist in disaster relief efforts.

Required by Law: The Arts Council may use or disclose social security numbers and PHI when required to do so by law. For example, PHI may be released when required by workers' compensation laws, public health laws, court or administrative orders, subpoena, certain discovery requests, or other laws, regulations and legal processes. The Arts Council may disclose PHI to the extent necessary to avert a serious threat to an employee's health or safety or the health or safety of others.

Deceased Persons: The Arts Council may disclose a deceased employee's PHI to a coroner, medical examiner, funeral director or organ procurement organization in limited circumstances.

Research: PHI may also be used or disclosed for research purposes only in those limited circumstances not requiring written authorization, such as those, which have been approved by an institutional review board that has established procedures for ensuring the privacy of PHI.

Treatment Alternatives and other Health Related Benefits: The Arts Council may contact an employee to provide the employee with information regarding treatment alternatives or other health-related benefits or services that may be of interest to the employee.

Military and National Security: The Arts Council may disclose to military authorities the medical information of Armed Forces personnel. When required by law, the Arts Council may disclose PHI to federal officials for intelligence, counterintelligence, and other national security activities.

Authorizations: The Arts Council will not use or disclose PHI for any reason except those described in this notice unless provided with a written authorization from the employee. As such, the Arts Council may request employee authorization to use or disclose PHI, but the employee is not required to give the Arts Council authorization. If authorization is provided to use or disclose PHI for a given purpose, the authorization can be revoked at any time by written notification.

What are an employee's rights to their PHI and how are those rights exercised:

Employees have the right to review and access their PHI. A written request must be submitted to the Executive Director.

Employees have the right to receive an accounting of disclosures of PHI made by the Arts Council of Greater Lansing to any third party in the six (6) years prior to the date the accounting is requested. This right does not apply to all disclosures made for purposes of treatment, payment or health care operations, disclosures made to you or others involved in your care, disclosures made with our authorization, disclosures made for certain governmental or law enforcement purposes or disclosures made prior to April 14, 2004.

Employees have the right to request that the Arts Council restrict the use or disclosure of PHI for treatment, payment or health care operations. Employees also have the right to request that the Arts Council restrict disclosure of PHI to family members, relatives, or friends involved in their care. The Arts Council is not required by law to agree to the restriction request. If the restriction request is granted, the Arts Council will abide by it until such time as employee terminates the restriction or the Arts Council, either with or without the employee's consent, terminates the restriction.

Employees have the right to request that the Arts Council communicate confidentially in ways or at locations that are outside of the Arts Council's usual process. For example, an employee can request that the Arts Council forward information concerning PHI to a relative's address. The Arts Council will consider all reasonable requests.

What is the complaint procedure if an employee believes his/her rights have been violated or PHI or social security number has been improperly used or disclosed by the Arts Council:

If an employee of the Arts Council has violated the privacy rights or has used or disclosed PHI or social security numbers in an improper or unlawful way, employees

may register a complaint or direct their comments or criticisms to the Executive Director. Employees may also register a complaint with the Secretary of the U. S. Department of Health and Human Services. To ensure the quality of services provided to employees and the privacy of PHI, the Arts Council will not retaliate against any employee registering a complaint with the Arts Council or with the U.S. Department of Health and Human Services.

Information regarding this notice, employee rights, and use and disclosure of social security numbers and PHI may be obtained by contacting the Executive Director.

Mailing address: Arts Council of Greater Lansing
1208 Turner
Lansing, MI 48906

Telephone: (517) 372-4636

EMPLOYEE ACKNOWLEDGEMENT

I acknowledge that I have received a copy of the Arts Council of Greater Lansing Personnel Policies Manual. I understand that I should consult the Executive Director if I have any questions about any of the Arts Council's policies. I understand that neither this manual nor any other policy, practice or procedure of the Arts Council of Greater Lansing is intended to provide any contractual obligation related to continued employment, compensation, or benefits.

The Arts Council Board of Directors has the sole authority to add, delete, or adopt revisions to the policies in this manual.

I understand and agree that I have read and will comply with the policies contained in this manual and any revisions, and am bound by the provisions contained therein.

Date: _____

Signature of Employee

Printed Name of Employee