



# **Fayette County Bar Association**

## **EMPLOYEE HANDBOOK**

***Adopted March 11, 2014***

**Fayette County Bar Association  
EMPLOYEE HANDBOOK**

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## **Fayette County Bar Association**

### **Notice To Employees and Acknowledgment of Policies**

The Employee Handbook summarizes some of the policies, procedures, benefit plans, and regulations of the Fayette County Bar Association. It also contains information about the Association. This handbook creates no rights, contractual or otherwise, between FCBA, any prospective or current employee, or any other person. Employees of FCBA are "employees-at-will." This means that either the employee or the employer may terminate the employment relationship at any time, with or without cause, and with or without notice. The policies described here, which may be altered, amended, or withdrawn altogether at any time, are not conditions of employment, and the language is not intended to create a contract between the Fayette County Bar Association and its employees.

All hiring responsibility is at the discretion of the Board of Directors. Employees should consult the President of the FCBA if questions arise as to the status or accuracy of policies published in this handbook.

It is the responsibility of each employee to read the policies contained within this handbook and to seek clarification where a policy is not understood. The FCBA requires the written acknowledgment of acceptance and compliance with all FCBA policies.

### **Acknowledgment of Confidentiality**

As an employee of the Fayette County Bar Association, I acknowledge that during the course of my employment, I will become familiar with secret or confidential proprietary information pertaining to FCBA's membership and the financial affairs of the association. As an employee, I acknowledge that any information and materials received by the FCBA and/or the membership from third parties in confidence will be deemed to be and will be confidential information. As an employee, I also agree that I will not, except with the prior written consent of the FCBA, or except if I am acting as an employee of FCBA solely for the benefit of FCBA in connection with FCBA's business, at any time during or following my employment term, directly or indirectly divulge, reveal, report, publish, transfer, or otherwise disclose for any purpose whatsoever or appropriate for my own use any of such confidential information which has been obtained by or disclosed to me as a result of my employment with FCBA. The covenants of this paragraph will survive the termination of my employment term.

This agreement shall supersede all prior employment agreements between FCBA and me and will be governed by and construed in accordance with the laws of the Commonwealth of Kentucky.

Employee signature: \_\_\_\_\_ Date: \_\_\_\_\_

## 1. FCBA POLICIES REGARDING DISCRIMINATION AND HARASSMENT

**Equal Employment Opportunity.** FCBA's policy is to select, plane, train, and promote the best-qualified individuals based upon relevant factors such as work quality, attitude, and experience, so as to provide equal employment opportunity for all our employees in compliance with applicable local, state, and federal laws without regard to non-work-related factors such as race, color, religion/creed, sex, national origin, age, disability, citizenship, marital status, or sexual orientation.

**Anti-Harassment Policy.** Harassment of employees is strictly prohibited by the FCBA, whether based on race, color, religion/creed, sex, national origin, age, disability, citizenship, marital status, or sexual orientation. Harassment includes without limitation conducts of a verbal nature (epithets, derogatory statement, slurs, innuendos), of a physical nature (assault, threat, physical interference with normal work environment), a visual nature (postures, cartoons, drawings, etc. in any form including those electronically generated by any electronic device including without limitation cell phones), and/or any type of harassment via social media or the internet, during work hours or after work hours. FCBA policy prohibits such conduct on the part of any employee, as well as members of the association.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, and other verbal, physical, or visual conduct of a sexual nature. Sexual harassment occurs when submission to or rejection of unwanted sexual conduct is used as the basis for employment decisions or when unwelcome sexual conduct creates an intimidating, offensive, or hostile work environment. Sexual harassment on the part of any member or employee of FCBA is strictly prohibited.

Any employee who is found to have engaged in harassment of another employee will be subject to appropriate disciplinary action up to and including termination of employment.

**Reporting Discrimination or Harassment.** If you believe you have been subjected to or have witnessed any sort of discrimination or harassment **you must immediately report the incident** to the Executive Director. If you do not feel comfortable reporting to the Executive Director, you may report it to any member of the Executive Committee or Board of Directors. All reports of discrimination or harassment will be investigated promptly and thoroughly. Confidentiality will be protected to the extent reasonably possible. **There will be no retaliation against anyone for reporting an honest concern in good faith or for assisting in the investigation of a complaint of discrimination or harassment.**

## **2. FCBA PHILOSOPHY, MISSION STATEMENT, AND STRUCTURE**

The Fayette County Bar Association is a non-profit 501(c)6 association and its mission is to:

- Promote the efficient administration of justice and the constant improvement of the law;
- Elevate the standards of integrity, honor, and courtesy in the legal profession;
- Cultivate a spirit of brotherhood and good fellowship among its members;
- Enrich the public knowledge with the spirit of democracy as embodied in the rule of law;
- Establish a closer relationship and cooperation with the Kentucky Bar Association and through it with the American Bar Association; and
- Engage in any and all purposes and activities permitted by KRS 273.161-273.390 and other applicable law.

FCBA staff work for and with FCBA members to achieve each and all association goals.

Each FCBA employee is considered a key component to the success of the association. Staff suggestions are welcomed and encouraged.

### **3. DEFINITIONS**

#### **3.1 Full-Time vs. Part-Time**

FCBA categorizes employment status as follows:

- Full-time: An employee who is scheduled to work 40 hours per week, annually.
- Part-time: An employee who is regularly scheduled to work less than 40 hours per week.

The above categories determine which, if any, of FCBA's benefits are available to individual employees. In general, full-time employees will be eligible to participate in the full array of benefits offered by FCBA. Further details on the eligibility of employees for particular benefits can be found under the section on "Benefits."

All new employees must successfully complete a six (6) month probationary period. A probationary employee's performance will be evaluated at the end of three (3) months of employment and again at the end of six (6) months of employment.

#### **3.2 Work Week Hours**

Full-time employees of the FCBA work a 40-hour work week. Generally, the FCBA office should be staffed between the hours of 8:30 a.m. and 5:00 p.m. Starting and ending times for the workday may vary, however, to accommodate the scheduling needs of the FCBA (i.e., days on which the FCBA has events which either require staffing prior to 8:00 a.m. or after 5:00 p.m.) Time worked outside of the 8:30 a.m. to 5:00 p.m. work day must be pre-approved and scheduled by the Executive Director.

Each non-exempt employee must record their hours worked weekly using timesheets maintained by the Executive Director. The timesheets must reflect the time and day the employee's worksheet began, the hours worked each day of the week, and the total hours worked for each workweek. Non-exempt employees must be provided 10-minute rest periods for every 4 hours worked and a reasonable unpaid period for a meal no sooner than the third nor later than the fifth hour of a work shift unless it is agreed with the employee to some other arrangement.

Non-exempt employees may not work more than 40 hours in any given work week without prior approval. Non-exempt employees may not work more than 8 hours in any given workday without prior approval unless the employee receives overtime pay or compensatory time off during the same work week. All overtime must be approved in advance by the Executive Director and the President.

## **4. PERSONNEL ACTIONS**

### **4.1 Performance Evaluation:**

FCBA wants each employee to grow and develop in his or her position and encourages development, in part, through performance evaluations, based on action on measurable goals and feedback from the employee's peers, supervisor, and membership. Each FCBA employee will receive an annual evaluation prior to the April Board of Directors meeting. Staff members will be evaluated by the Executive Director and the Executive Director will be evaluated by the President with approval of the Board of Directors. Probationary employees will also receive the three (3) month and six (6) month evaluations set out in Section 3.1.

### **4.2 Discipline**

Disciplinary action will be applied as warranted. Disciplinary actions may include but are not limited to, oral warning, written warning, suspension without pay, and termination. These disciplinary actions are not intended to be progressive in nature, and any disciplinary action may be applied if warranted by an employee's conduct at any time, up to and/or including termination.

### **4.3 Resignation**

An employee is expected to inform the FCBA Board of Directors as soon as possible after deciding to terminate employment. Notice should be in writing and must contain an effective date of resignation. A two- to four-week notice period is both customary and appreciated.

## **5. COMPENSATION PLAN**

### **5.1 Compensation**

An employee's compensation is based on qualifications, level of responsibility, and performance. If applicable and at the discretion of the Board of Directors, compensation may include benefits, annual leave, and professional development responsibilities.

## **6. LEAVE**

### **6.1 Annual Leave**

The FCBA leave provisions are discretionary and may not be construed to mean that the FCBA is bound by the Family Medical Leave Act (FMLA) or any other state or federal law or regulation which is not applicable.

#### **Record of Annual Leave**

An annual leave record will be maintained for each eligible employee by the Executive Director. A holiday observed while an employee is on leave will not be charged as a day of leave.

#### **Rate of Accrual**

Full-time employees will accrue annual leave on the following basis:

*For employees hired before 3/11/14:*

Employed three months to five years, 1.5 days a month, or a maximum of 18 days annually.

Employed more than five years, 2 days a month or 24 days per calendar.

*For Employees hired after 3/11/14:*

Employed 6 months- 5 days

Employed 1 year- 10 days

Employed more than five years, 15 days

Employed more than ten years, 24 days

#### **Use of Annual Leave**

Annual leave, which includes vacation, personal time, and sick time, may be taken as accrued, considering office scheduling needs. Unless approved by the Board, leave should not consist of more than 2 consecutive weeks at a time. Except in the event of illness or an emergency, leave of more than one day must be scheduled at least one week in advance. Use of leave by staff members must be scheduled with approval of the Executive Director. Use of leave by the Executive Director must be scheduled with approval of the President of the Board of Directors.



## **Year-To-Year Accumulation**

Unused annual leave may be carried forward into the new year up to a maximum of 5 days accrued unused leave. Employees will forfeit any accrued unused leave in excess of 5 days at the end of the fiscal year on April 30. Annual leave will not accrue during long-term disability or during a leave of absence.

## **Termination**

Accrued but unused paid leave time not to exceed 10 days will be paid upon voluntary resignation, provided the employee gives notice as outlined in this handbook. In all other circumstances, accrued leave time will not be paid.

## **6.2 Jury Leave**

Employees serving on juries will be granted time off with pay. The Employee so serving must obtain a court clerk verification of service and provide it to the Executive Director. Since the employee will continue to receive pay during any jury service, any Juror pay shall be turned over to the FCBA.

## **6.3 Bereavement Leave**

Full-time employees will be granted up to three days of paid bereavement leave per occurrence in the event of the death of a grandparent, parent, spouse, sibling, or child. Additional accrued leave may be taken upon approval of the Executive Director.

## **6.4 Unpaid Leave of Absence**

Any unpaid leave of absence not previously addressed herein will be considered upon request once all annual leave is used. A request for an unpaid leave of absence should be submitted in writing to the Board of Directors. Employees granted a leave of absence will be considered an employee of the FCBA on inactive status without salary. Employees on a leave of absence will not accrue any type of annual leave and will be responsible for payment of premiums under any insurance plan.

# **7. BENEFITS**

## **7.1 Insurance**

Benefits may be provided and modified at any time at the discretion of the Board of Directors.

## **8. HOLIDAYS**

<b>January</b>	New Year's Day Martin Luther King's Birthday
<b>May</b>	Memorial Day
<b>July</b>	Fourth of July
<b>September</b>	Labor Day
<b>November</b>	Veterans Day Thanksgiving Day The Friday after Thanksgiving Day
<b>December</b>	Christmas Eve Christmas Day New Year's Eve

All full-time employees are eligible for paid holidays as of their date of hire. Employees on a leave of absence (no time worked or charged to earned personal days) will not be paid for holiday hours falling within that work week.

## **9. PROFESSIONAL DEVELOPMENT**

FCBA may provide professional development opportunities which are proposed by written submission and approved by the Board.

## **10. TRAVEL**

Employees traveling on FCBA business, other than in the course of normal commuting, will be reimbursed for out-of-pocket expenses. Out-of-town travel shall be approved in advance by the Board of Directors. To qualify for reimbursement, an employee shall document and submit such expenses on a standard form in accordance with Section IV of the Accounting Policies and Procedures Manual. When such reimbursement is for mileage accumulated on the employee's personal vehicle, the submission for reimbursement shall detail the date, destination, specific purpose for such travel, and mileage accumulated. Mileage will be reimbursed at the Internal Revenue Service standard rate then applicable.

## **11. OUTSIDE EMPLOYMENT**

FCBA employees who maintain outside employment shall notify the Executive Director and President of such outside employment. Outside employment which conflicts with the mission or objectives of the FCBA in any manner or which otherwise interferes with an employee's ability to fully perform duties is prohibited.

## **12. DRUG ABUSE POLICY**

FCBA is committed to supporting a drug-free work environment. It is the policy of the FCBA to prohibit the use, sale, dispensing, possession, or manufacture of illegal drugs and narcotics on or off its premises. Employees will be subject to disciplinary action, up to and including dismissal, for bringing illegal, non-prescribed drugs and narcotics to work, being under the influence of such substances while working, or dispensing, distributing, or illegally manufacturing or selling on or off the FCBA premises and work sites.

As a condition of their employment, all FCBA employees must report any arrest and/or conviction of any criminal offense within 5 days of the arrest and/or conviction.

## **13. SMOKING POLICY**

The Fayette County Bar Association maintains a smoke-free office.

#### **14. SOFTWARE/INTERNET/E-MAIL/VOICE MAIL POLICY**

All employees shall use software only in accordance with the software license agreement. Any unauthorized duplication of copyrighted computer software except for backup and archival purposes violates the law and is contrary to FCBA policy.

All staff members with access to FCBA electronic mail and the Internet are expected to use these services in a professional and responsible manner.

As with any communications made on behalf of FCBA, sending abusive or objectionable messages is strictly prohibited. Transmitting or displaying obscene, pornographic, sexually offensive or other inappropriate or offensive materials violates FCBA's sexual harassment policy and may violate state and/or federal law. Accessing, viewing, or displaying obscene, indecent, defamatory, or patently offensive sites on the Internet is also prohibited.

Using FCBA's electronic mail and Internet services for commercial purposes other than FCBA business is prohibited. While personal use of e-mail and Internet is not prohibited, such use must not interfere with work schedule.

Electronic mail messages should be considered the equivalent of paper files and the content of those messages will be available for monitoring and review by appropriate personnel as necessary. Accordingly, employees should have no expectation of privacy in any such records or in their internet usage. FCBA reserves the right to monitor electronic mail messages and internet usage and to disclose them to law enforcement officials or other third parties without notice to any of the parties to the messages. Employees may be subject to any appropriate disciplinary action, including termination, for inappropriate electronic mail and/or internet usage as determined by the Board of Directors.

All FCBA staff will be assigned an internal electronic mail ID and password by the Executive Director. Passwords, if changed, should be provided to the Executive Director.

Each employee will also be provided a password for a voice messaging system. All passwords will be provided to the Executive Director.

Electronic mail, voice mail, and online services provided through FCBA paid subscriptions and services are not private and may be accessed at any time by FCBA.

## **15. SOCIAL MEDIA POLICY**

The Fayette County Bar Association supports the use of social media to increase member engagement, build community among members and disseminate information about bar activities. All postings should contribute to the legal community's knowledge or skills, improve the legal system or public understanding of the legal system, build community or directly relate to FCBA activities.

The FCBA is not to use social media to promote or advertise another organization's, entity's, or individual's goods or services, legal or otherwise, or promote other's fundraising efforts.

As a membership organization, the FCBA must avoid the appearance of supporting, endorsing, or financially supporting candidates for political office. This does not preclude announcing results of any FCBA judicial evaluations. Unless specifically approved by the FCBA board, no issue positions should be taken or disseminated by social media.

Any postings by FCBA office staff or members are to be civil, respectful, and professional. They should not contain defamatory, libelous, or offensive language. They are to follow copyright and fair use laws. FCBA staff is to immediately remove any posting which violates these rules and entities or individuals who fail to comply with these guidelines will forfeit the right to participate in FCBA social media sites.

The FCBA executive director shall appoint a social media site administrator from among staff. That person will be responsible for posting and for decisions on what other bar members shall be allowed to post to the site directly.

## 16. MILITARY SERVICE LEAVE POLICY

The FCBA provides unpaid military service leave in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and applicable state laws.

### Requests for Military Service Leave

An employee who needs to take military service leave should notify the Executive Director and/or President of the Board of his/her need for military service leave as soon as possible. When possible, the employee should give at least 30 days' notice of his/her request for leave. Written notice is preferred, but not required. Where possible, the employee should submit a copy of his/her military orders, training notices, or order to active duty to the Executive Director and/or President of the Board in support of the request for leave.

### Eligibility Requirements

Eligibility requirements are determined by applicable law.

**Eligible Employees.** An employee is eligible for military service leave if s/he is absent from work because of eligible military service.

**Eligible Military Service.** For purposes of this policy, eligible military service means certain types of service (listed below) in the following branches of the US military: (1) Armed Forces (Army, Navy, Air Force, Marine Corps, and Coast Guard), including the Reserves; (2) National Guard, when the employee is engaged under federal authority in active duty for training, inactive duty training or full-time National Guard duty; (3) Commissioned Corps of the Public Health Service; and (4) Any other category of persons designated by the President in time of war or national emergency.

Eligible employees may take leave under this policy for the following types of military service:

Active duty.

Active duty for training.

Initial active duty for training.

Inactive duty training.

Full-time National Guard duty.

Funeral honors duty performed by National Guard or Reserve members.

Submitting to an examination to determine your fitness for any of these services.

Service as an intermittent disaster-response appointee of the National Disaster Medical System when you are activated under federal authority or attending authorized training in support of a federal mission.

### **Compensation During Leave**

Military service leave is unpaid. However, employees may use any or all of their accrued but unused vacation or other paid time off during their military service leave.

### **Continuation of Benefits During Leave**

During military service leave, all benefits provided under an employee benefit plan are governed by the terms and conditions of the applicable employee benefit plan documents in accordance with applicable law. If the employee has coverage under a health plan in connection with his/her employment with the FCBA, the plan must permit the employee to elect to continue the coverage for a period of time. The employee should contact the Executive Director and/or the President of the Board for details about electing to continue coverage.

For all other non-seniority benefits, an employee on military service leave will receive the same rights and benefits as employees on an unpaid leave of absence.

### **Reemployment**

An employee may be eligible for reemployment after his/her military service leave. An employee desiring to return to work after military service leave must report to work or submit an application for reemployment to the Executive Director and/or President of the Board, including the employee's military discharge documentation, if available, as follows:

If the employee's military service was for less than 31 days, the employee must report to work on the first regularly scheduled workday that is at least eight hours after the employee returns home from military service.

If the employee's military service was for 31 to 180 days, the employee must apply for reemployment within 14 days following completion of military service.

If the employee's military service was for more than 180 days, the employee must apply for reemployment within 90 days following completion of military service.

If the employee is unable to comply with this schedule through no fault of the employee's, or if the employee is injured or recovering from an injury, the employee should speak with the Executive Director and/or President of the Board as soon as possible to determine eligibility for additional time to apply for reemployment. Employees who do not report to work or apply for reemployment within the applicable timeframe will be subject to the FCBA's rules about unexcused absences.

Nothing in this policy requires the FCBA to reemploy individuals who are not eligible for reemployment rights under applicable law.

### **Discrimination and Retaliation Prohibited**

The FCBA prohibits and will not tolerate discrimination or retaliation against any employee or applicant because of that person's membership in or obligation to perform service for any branch of the US military. Specifically, no one will be denied employment, reemployment, promotion, or any other benefit of employment or be subjected to any adverse employment action based on that person's membership in or service for any branch of the US military. In addition, no one will be disciplined, intimidated, or otherwise retaliated against because that person exercised rights under this policy or applicable law.

If an employee feels that s/he or someone else may have been subjected to conduct that violates this policy, the employee should report it immediately.



## **17. MISCELLANEOUS**

### **17.1 Security**

Each employee will be issued an office key and/or security card at the time of hire. All keys and security cards must be turned in to the Executive Director or President upon termination of employment.

### **17.2 Telephones**

During office hours (8:30 a.m. – 5:00 p.m.), every effort will be made to ensure all calls will be answered by a person. Calls after hours will be forwarded to a voice messaging system. Phones should be answered by the second ring with the greeting, "Fayette County Bar Association, [your name] speaking." The association membership directory and list of Board members and committees chairpersons will be provided. Long-distance personal calls should not be made on the office telephone.

### **17.3 Workplace Injuries**

Any employee must report to the Executive Director any work injury sustained by the employee as soon as practicable. The Executive Director will prepare the required forms. If said employee is the Director, then he or she will prepare the required forms and report the injury to the FCBA President.