



**TITLE: EMPLOYEE EMPLOYMENT AND  
TRAINING**  
**POLICY 3.0**  
**Rev. September 2017**

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PURPOSE AND SCOPE:

This policy outlines Kokua's basic requirements for employment and training.

COMMITMENT TO EMPLOYEES:

The organization recognizes the value of qualified, competent, and committed employees in order to meet the organization's mission and goals.

The organization will support a working environment that is conducive to safety, productivity and well-being.

Kokua supports the quality of life for both our clients and employees and will work to support all staff with quality training and compassionate supervision and support.

PHILOSOPHY REGARDING EMPLOMENT:

Kokua's administration and management believes that the quality of client care and services depend on the creativity, dedication, competence and compassion of all employees. In order to provide client care in the most competent and compassionate manner possible, employees need a supportive and healthy work environment. To meet this need, Kokua staff are expected to:

1. Maintain an open door policy (see Section B below) encouraging honest, two-way and constructive communication between and among administration and employees.
2. Provide safe and healthy working conditions.
3. Provide access for problem resolution at the informal level first.
4. Follow procedures for resolving issues and complaints.
5. Motivate and enable employees to participate in decision making, communication, problem solving and the creative process.

A. NON-DISCRIMINATION IN EMPLOYMENT

Kokua is an equal opportunity employer. We will not discriminate in any employment actions based upon the employee's race, religion, marital status, age, gender, gender identity or expression, sexual orientation, color, creed, national origin, veteran or Vietnam era veteran status, use of a trained guide dog or service animal by a person with a disability or a handicapping condition, the presence of any sensory, mental or physical disability, including communicable diseases and HIV/Aids. Kokua expects employees to treat both clients and other employees in a non-discriminatory manner. Discriminatory behavior may be cause for discipline.

**A-1. TRANSGENDER EMPLOYMENT**

This policy is designed to create a safe and productive workplace environment for all employees. This policy sets forth guidelines to address the needs of transgender and gender non-conforming employees and clarifies how the law should be implemented in situations where questions may arise about how to protect the legal rights or safety of such employees. This policy does not anticipate every situation that might occur with respect to transgender or

gender non-conforming employees, and the needs of each transgender or gender non-conforming employee must be assessed on a case-by-case basis. In all cases, the goal is to ensure the safety, comfort, and healthy development of transgender or gender non-conforming employees while maximizing the employee's workplace integration and minimizing stigmatization of the employee.

### **Definitions:**

The definitions provided here are not intended to label employees but rather to assist in understanding this policy and the legal obligations of employers. Employees may or may not use these terms to describe themselves.

- Gender identity: A person's internal, deeply-felt sense of being male, female, or something other or in-between, regardless of the sex they were assigned at birth. Everyone has a gender identity.
- Gender expression: An individual's characteristics and behaviors (such as appearance, dress, mannerisms, speech patterns, and social interactions) that may be perceived as masculine or feminine.
- Transgender: An umbrella term that can be used to describe people whose gender identity and/or expression is different from their sex assigned at birth.
  - A person whose sex assigned at birth was female but who identifies as male is a transgender man (also known as female-to-male transgender person, or FTM).
  - A person whose sex assigned at birth was male but who identifies as female is a transgender woman (also known as male-to-female transgender person, or MTF).
  - Some people described by this definition don't consider themselves transgender – they may use other words, or may identify simply as a man or woman. A person does not need to identify as transgender in order for an employer's nondiscrimination policies to apply to them. »
- Gender non-conforming: This term describes people who have, or are perceived to have, gender characteristics and/or behaviors that do not conform to traditional or societal expectations. Keep in mind that these expectations can vary across cultures and have changed over time.
- Transition: The process of changing one's gender from the sex assigned at birth to one's gender identity. There are many different ways to transition. For some people, it is a complex process that takes place over a long period of time, while for others it is a one- or two-step process that happens more quickly. Transition may include "coming out" (telling family, friends, and coworkers); changing the name and/or sex on legal documents; and, for many transgender people, accessing medical treatment such as hormones and surgery.
- Sexual orientation: A person's physical or emotional attraction to people of the same and/or other gender. Straight, gay, and bisexual are some ways to describe sexual orientation. It is important to note that sexual orientation is distinct from gender identity and expression. Transgender people can be gay, lesbian, bisexual, or straight, just like non-transgender people.
- LGBT: A common abbreviation that refers to the lesbian, gay, bisexual, and transgender community. EVERYONE HAS A . . .
  - Sex Assigned at Birth
  - Gender Identity

- Gender Expression
- Sexual Orientation

**Privacy:**

Transgender employees have the right to discuss their gender identity or expression openly, or to keep that information private. The transgender employee gets to decide when, with whom, and how much to share their private information. Information about an employee's transgender status (such as the sex they were assigned at birth) can constitute confidential medical information under privacy laws like HIPAA.

Management, human resources staff, or coworkers should not disclose information that may reveal an employee's transgender status or gender non-conforming presentation to others. That kind of personal or confidential information may only be shared with the transgender employee's consent and with coworkers who truly need to know to do their jobs.

**Official Records:**

Our company will change an employee's official record to reflect a change in name or gender upon request from the employee. Certain types of records, like those relating to payroll and retirement accounts, may require a legal name change before the person's name can be changed. Most records, however, can be changed to reflect a person's preferred name without proof of a legal name change.

A transgender employee has the right to be addressed by the name and pronoun corresponding to the employee's gender identity. Official records will also be changed to reflect the employee's new name and gender upon the employee's request.

As quickly as possible, we will make every effort to update any photographs at the transitioning employee's workplace so the transitioning employee's gender identity and expression are represented accurately. If a new or transitioning employee has questions about company records or ID documents, the employee should contact Kokua's Human Resources Coordinator.

**Names/Pronouns:**

An employee has the right to be addressed by the name and pronoun that correspond to the employee's gender identity, upon request. A court-ordered name or gender change is not required. The intentional or persistent refusal to respect an employee's gender identity (for example, intentionally referring to the employee by a name or pronoun that does not correspond to the employee's gender identity) can constitute harassment and is a violation of this policy. If you are unsure what pronoun a transitioning coworker might prefer, you can politely ask your coworker how they would like to be addressed.

**Transitioning on the Job:**

Employees who transition on the job can expect the support of management and human resources staff. HR will work with each transitioning employee individually to ensure a successful workplace transition.

**Sex-segregated job assignments**

For sex-segregated jobs, transgender employees will be classified and assigned in a manner consistent with their gender identity, not their sex assigned at birth.

**Dress Codes:**

Our company does not have dress codes that restrict employees' clothing or appearance on the basis of gender. Transgender and gender non-conforming employees have the right to comply with agency dress codes in a manner consistent with their gender identity or gender expression.

**Discrimination/ Harassment:**

It is unlawful and violates company policy to discriminate in any way (including, but not limited to, failure to hire, failure to promote, or unlawful termination) against an employee because of the employee's actual or perceived gender identity. Additionally it also is unlawful and contrary to this policy to retaliate against any person objecting to, or supporting enforcement of legal protections against, gender identity discrimination in employment. Our company is committed to creating a safe work environment for transgender and gender non-conforming employees. Any incident of discrimination, harassment, or violence based on gender identity or expression will be given immediate and effective attention, including, but not limited to, investigating the incident, taking suitable corrective action, and providing employees and staff with appropriate resources.

B. OPEN DOOR POLICY

Kokua believes in an "Open Door Policy" to support our employees. Employees should share their concerns with their supervisor. Supervisors are expected to listen to employee's input, and to seek resolution to problems that an employee may raise. All employees are strongly encouraged to assist the organization in finding ways to improve the services we provide, and to find ways to operate and support our clients more efficiently.

C. AT-WILL EMPLOYMENT

In order to maintain the staffing flexibility that is essential to the successful management of our organization, as well as to protect the options of each employee, it is understood that the employment relationship with Kokua is "At Will". It can be terminated, with or without cause, at any time by either the employer or employee. No agreement to the contrary is valid. No other provision in these policies is intended in any way to alter the at-will nature of an employee's employment.

D. VOLUNTARY RESIGNATION

Employees who voluntarily resign are expected to give 2-weeks written notice. Exceptions may be made for emergencies. Employees who resign their employment by giving proper written notice are laid off and do not have an unresolved disciplinary action are eligible for rehire based upon the same terms or conditions as other applicants. Employees who do not give proper notice are considered ineligible for rehire.

E. LAYOFFS

There are certain times when it becomes necessary to lay off employees as a result of changes in client need or a decrease in funding. Should it ever become necessary to lay an employee off, Kokua will try to give at least a two-week notice if budgetary conditions permit.

If an employee's position is being eliminated due to a reduction in force or a change in agency structure, an employee has the right to apply for any other open position for which they may be qualified. The employee needs to go through the regular competitive interview process along

with the other applicants for the open position. Should the laid off employee be selected for the open position, that employee will be paid at the rate applicable to the new position for which they are hired.

F. LEAVING EMPLOYMENT

All employees leaving employment will be notified of any rights to continue benefits coverage. The employee's final paycheck will be available on the next regularly scheduled pay day.

G. FBI BACKGROUND INQUIRY

All employment candidates, prospective interns and volunteer applicants must also complete a FBI background application, including fingerprints.

An applicant who requires a FBI background check may be considered for provisional hire provided:

- The DSHS background inquiry has been submitted, and
- Three individuals who have known the applicant for at least three years are willing to attest to the character, competence and suitability of the applicant to work unsupervised with vulnerable adults.

The Human Resources Coordinator will review the applicant's full application packet and completed references to determine the applicant's suitability for hiring. The Human Resources Coordinator will also determine whether or not the individual would be cleared to work unsupervised with clients.

If the FBI background inquiry reveals that an individual who is a provisional hire has a disqualifying offense or does not meet the criteria listed in the preceding section, that individual will be terminated.

Any individual who is found to have given false or misleading information during the application process will be terminated.

H. RENEWAL OF BACKGROUND INQUIRY

Employees and volunteers must submit a new background check application every three years. Employees will be terminated if, since the date of hire, they are found to have:

- Committed a disqualifying offense per WAC 388-113-0020, or
- They have committed an offense deemed by the Executive Director to pose a potential risk to the clients or which raises a question as to the employee's suitability for working with vulnerable adults.

I. UNLAWFUL ACTIVITY AND SELF-DISCOLSURE OF CRIMINAL CHARGES

No employee shall be permitted to engage in unlawful activity either on Kokua property, client property or while off the job. If you believe anyone in or associated with Kokua has requested you to do anything that violates the law, or has prohibited you from doing something that the law requires you to do, you should report this to Kokua's Human Resources Coordinator or Executive Director.

Employees must self-disclose any pending or new criminal charges that occur between regularly scheduled background checks to Kokua's Human Resources Coordinator. Failure to disclose any pending charges or charges that have occurred since that staff's last background check may result in disciplinary action up to and including termination.

J. REQUIREMENTS FOR THE USE OF MOTOR VEHICLES

All applicants for employment are requested to submit proof of motor vehicle insurance coverage, a copy of a valid driver's license and a copy of their Motor Vehicle Record from the Department of Licensing. In order to drive any vehicle as a part of their work duties, employees must:

1. Possess a valid driver's license, and
2. Have their DOL driving abstract reviewed and approved by the Administrator.

Employees are not allowed to transport clients in their private vehicles. In the event of an emergency, the Executive Director or designee may grant one time exceptions to this rule when needed to ensure client health and safety.

Some work shifts require an employee to drive their own vehicle to run errands or to work at different work sites in a single shift. In order for an employee to use their private vehicle as a part of their work day, the employee must:

1. Carry motor vehicle insurance coverage and notify their insurer that they are using their car for work purposes;
2. Give Kokua written authorization to secure a Department of Licensing employer's driving abstract at least yearly, or more often if deemed necessary by the Executive Director or designee.

Any employee who is cited for driving under the influence of alcohol or drugs must notify the Administrator, or the Human Resources Coordinator of the infraction within one working day. Failure to do so will result in disciplinary action up to or including termination. All employees are required to sign a release annually that authorizes Kokua to order an updated driving abstract. Kokua reviews all driving records to ensure that employees authorized to drive as a part of their job duties continue to meet Kokua's guidelines. Employees who are scheduled to work shifts where driving may be required may be suspended from work until the motor vehicle requirements listed above have been met.

#### K. EVALUATION OF MOTOR VEHICLE RECORD

The following violations or series of incidents on an employee's Driving Abstract would disqualify an employee or prospective employee from any position involving the transportation of clients.

1. Driving while intoxicated. (any citation within the last 3 years)
2. Driving while under the influence of drugs. (any citation in the last 3 years)
3. Negligent homicide.
4. Operating a vehicle during a period of suspension or revocation that relates to unsafe driving.
5. Using a motor vehicle in the commission of a felony.
6. Aggravated assault with a motor vehicle.
7. Operating a motor vehicle without the owner's permission.
8. Permitting an unlicensed person to drive.
9. Reckless driving.
10. Racing.
11. Hit and run.

Kokua reserves the right to remove an employee's work driving privileges if an employee's driver's license is suspended, an employee is arrested for driving under the influence, an employee has three or more safety-related driving infractions in a three-year period; uses a cell phone while driving or any other circumstances deemed to present a safety hazard by the Executive Director or designee.

#### L. TRAINING PERIOD

Within 120 days of hire employees must complete New Employee Orientation, client specific orientations (including Peer Coaching), CPR/First Aid, Bloodborne Pathogens, Nurse Delegation and DDA Residential Services Curriculum (40 hours).

Beginning the second year of employment employees are required to complete a minimum of 12 hours of approved continuing education credits each year for the remainder of their employment.

Additional client or agency specific training occurs regularly throughout employment.

M. REQUIRED TRAINING

All staff must have current First Aid, CPR and Blood Borne Pathogens Training. Additionally, beginning in the second year of employment all staff are required to obtain 12 credits of continuing education. Each staff member is responsible to keep certificates current. Failure to remain current on certifications will result in suspension until the certifications are brought up to date. The notification system is a courtesy of Kokua. Responsibility for maintaining all certifications remains the responsibility of the employee. Failure to stay current with required training may result in disciplinary action up to and including termination

N. TEAM MEETINGS

Staff are expected to attend all team meetings to stay abreast of the events and plans in the home they work in. The Team Leader will be notified if a meeting cannot be attended.