



DENIZEN  
MANAGEMENT



## Module (4) Four – Human Resources

WE ARE





# MODULE (4) FOUR HUMAN RESOURCES

## Standard Operating Procedures

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# Employee Hiring

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# Job Descriptions

An important step in setting an Employee for success is to define the responsibilities of their position clearly and effectively. To establish these expectations, we utilize Job Descriptions specific for each role within Denizen Management. When properly used, Job Descriptions can also be a basis for proper recruiting, training, performance review, legal compliance, unemployment, and much more.

## Important Reasons for Job Descriptions

1. *Recruiting:* Job Descriptions are a clear, concise communication tool for the purpose of relaying job requirements to applicants. We want to attract and hire competent Employees, and to do so, they must understand the core requirements of the position from the beginning.
2. *Performance:* The Job Description spells out what is expected of the Employee and provides the direction to achieve successful job performance. The Job Description can be utilized when it comes time for performance reviews and/or determining compensation for a given position. Job Descriptions can also be used as road maps for career planning and training.
3. *Legal Compliance:* Job Descriptions are key to ensuring legal compliance with the Americans with Disabilities Act and the Fair Labor Standards Act (FLSA). There may be a situation in which an Employee requests an accommodation in order to perform his or her job. Their Job Description is firm documentation of what constitutes the position and the requirements for it. This will be important in determining what is a reasonable accommodation vs an unreasonable one and establishing controls for it. Job Descriptions also assist with FLSA compliance.
4. *Unemployment:* In terms of unemployment claims, it is not uncommon to have an employer speak to the requirements of the job. Having a written, standard Job Description is a great tool for assisting the state in determining such claims. Many state agencies that administer unemployment benefits tend to ask for a Job Description. Being able to provide these to the agency can help all parties involved in a claim.

# Job Description – District Manager

The District Manager is responsible for the overall financial performance, operations and asset management for Properties within their Portfolio under the direction and supervision of the Vice President of Denizen Management. This includes managing each of the General Managers (and their staff) within the Portfolio. The District Manager is essentially a “Navigator” that provides direction, support, quick decisions, and knowledge to their General Managers.

Below are specific requirements of the General Manager to perform:

## I. Minimum Required Skills:

- a. Capable of working independently
- b. Excellent and timely communication skills
- c. Strong Sales and Marketing skills
- d. Strong Customer Service skills
- e. Strong understanding of Financials
- f. Strong Expense management and Procurement skills
- g. Strong staff motivator and Team Leader
- h. Meeting or exceeding Budget expectations

## II. Performance:

- a. Follow, implement and insure adherence to all related Denizen Management Standardize Operating Procedures:
  - i. Employee Policy Manual
  - ii. Property Management
  - iii. Property Maintenance
  - iv. Accounts Payable & Receivable
  - v. All others as developed, enhanced and/or introduced
- b. Develop Annual Operating Budgets for each Property in the Portfolio and secure Owner Approval.
- c. Oversight and Supervision of the following for each Property within the Portfolio:
  - i. Leasing & Occupancy
  - ii. Income: Collections & Bad Debt
  - iii. Property Condition

- iv. Expenses and Owner Approved; Capital Improvements
- d. Oversight and Approval of all Procurement of services and materials with the Approved Operating Budget as provided by the General Manger for each Property in the Portfolio.
- e. Develop and/or oversee all reports including the following:
  - i. Weekly Activity Reports
  - ii. Sales, Marketing & Market Reports
  - iii. Monthly Owner Report (“MOR”)
- f. Develop, monitor & oversee all Marketing, Advertising, Social Media and Resident Relation plans and programs for each Property in the Portfolio.
- g. Hire and retain all General Managers and the oversight of all Staff under the General Manger for each Property in the Portfolio.
- h. Ensure to and/or provide the training of General Managers and oversight to the same for all Staff within Portfolio.
- i. Other assignments assigned

**Minimum Requirement of the Job:**

- a. Bachelor Degree
- b. Five (5) to Seven (7) years of related experience
- c. Excellent customer service and communication skills
- d. Ability to interact positively with Owner, Customers, Residents and Employees
- e. Demonstrate initiative and follow through on projects and work assignments
- f. Travel for the first day training, QUE 101 and other Denizen Management required training
- g. Proficient in the use of the Office Suite and propensity to learn new software programs
- h. Attention to detail and accuracy
- i. Valid Driver’s License

I have read and understand my job description.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_



## Job Description – General Manager

General Manager is fully accountable for all day to day Community operations including overseeing and enhancing the value of the Community. The General Manager must embrace the concepts of Leadership, Group Responsibility and Servant Leadership. The General Manager is the "Captain" and must delegate to and direct the staff, based on each member' competencies and strengths, to ensure successful overall operations.

Below are specific requirements and responsibilities of the General Manager to perform:

### I. Minimum Required Skills:

- a. Capable of working independently
- b. General understanding of financials
- c. Must possess strong customer service skills
- d. Must possess a positive team-building attitude
- e. Strong Leadership skills
- f. Proficient with property management software
- g. Experience in preparing and working within a budget
- h. Understanding of general maintenance

### II. Performance:

- a. Follow and adhere to the Denizen Management Policies & Procedures
- b. Good oral and written communication skills with management, residents, vendors and fellow associates
- c. Complete responsibility for all marketing sources; social media, online ads, flyers, outreach, etc.
- d. Entire property oversight and inspections, ensuring both the interiors and exteriors of the community are in great condition
- e. Walk the community each day to 'see' what our residents see
- f. Stay within, prepare and work with the community's budget, ensuring our owner's success
- g. Responsible for all lease contracts including; executing leases, document management, and inputting all data into Property Management Software

- h. Entirely responsible for collections of rent and maintaining less than 3% delinquency
- i. Working with vendors to secure the best pricing as well as verification of work completed prior to approving of invoices
- j. Responsible for all aspects of Accounts Payables
- k. Oversight of the maintenance work orders and turnover units to insure timely completion
- l. Other assigned tasks

**Minimum Requirements of the Job:**

- a. High School Diploma, college degree preferred
- b. Three to five years related experience
- c. Travel for Denizen Management training
- d. Excellent customer service and communication skills
- e. Ability to interact positively with customer and employees
- f. Demonstrate initiative and follow through on projects and work assignments
- g. Travel for the first day training, QUE 101 and other Denizen Management required training
- h. Proficient in the use of the Office Suite and propensity to learn new software programs
- i. Attention to detail and accuracy
- j. Valid Driver's License

I have read and understand my job description.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_



# Job Description – Assistant Manager

The Assistant Manager is responsible for assisting with the overall direction and control of the community, under the direction and supervision of the General Manager. This includes managing of the staff, servicing our residents, and working within the approved budgets.

Below are specific requirements of the Assistant Manager to perform:

I. Minimum Required Skills:

- a. Capable of working independently
- b. General understanding of financials
- c. Experience of completing light maintenance
- d. Must possess strong customer service skills
- e. Must possess a positive team-building attitude
- f. Team Leader
- g. Working use of property management software
- h. Experience in preparing and working within a budget

II. Performance:

- a. Follow and adhere to the Denizen Management Project Management Policies & Procedures
- b. Good oral and written communication skills with management, residents, vendors and fellow associates
- c. Must possess a positive team building attitude
- d. Oversight and completion of the social media advertising for the property
- e. Entire property oversight and inspections, insuring both the interiors and exteriors of the site are in great condition.
- f. Walk the property each day to 'see' what our residents see.
- g. Stay within, prepare and work with the community's budget, insuring our owner's success.
- h. Responsible for the lease, move-in and move-out, insuring its accuracy and timely completion
- i. Assist in the collections of rent – Denizen Management's goal is less than 3% delinquency.

- j. Working with vendors to secure the best pricing as well as verification of work completed prior to entering of invoices
- k. Responsible for coding and entering of invoices into the system
- l. Oversight of the maintenance work orders and turnover units to insure timely completion
- m. Other assignments assigned

**Minimum Requirements of the Job:**

- a. High School Diploma, college degree preferred
- b. Three to five years related experience
- c. Excellent customer service and communication skills
- d. Ability to interact positively with customer and employees
- e. Travel for the first day training, QUE 101 and other Denizen Management required training
- f. Demonstrate initiative and follow through on projects and work assignments
- g. Proficient in the use of the Office Suite and propensity to learn new software programs
- h. Attention to detail and accuracy

I have read and understand my job description.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_



# Job Description – Concierge

Under the direction and supervision of the General Manager, will be responsible for leasing and resident services for the property. The Concierge is the Community's sales representative whose primary duties are to greet clients, to professionally present the features and benefits of the community and properly secure lease agreements from qualified persons. The Concierge is very service oriented and strives to make residents feel welcome and comfortable in their community.

Below are specific requirements for the position of Concierge:

I. Minimum Required Skills:

- a. Capable of making and closing sales
- b. Must possess strong customer service skills
- c. Must possess a positive team-building attitude

II. Performance:

- a. Good oral and written communication skills for interaction with management, residents, vendors and fellow associates
- b. Actively coordinate all lease renewals. This includes contacting residents and scheduling resident appointments to discuss renewal rates and leasing options
- c. Correctly complete all lease applications, including related paperwork, assist with application verifications and notify prospective residents of results
- d. Organize and file appropriate reports, leases, and paperwork
- e. Inspect property, models, and 'market ready' vacancies daily to ensure cleanliness
- f. Responsible for the leasing and renewing of resident leases, ensuring the paperwork is accurate and complete
- g. Accept and record maintenance work orders from residents
- h. Ensure new move-ins are assisted with getting utilities transferred and obtaining renters insurance
- i. Work as a Liaison between the residents and management
- j. Learn and ensure compliance with all company, local, state and federal safety rules

- k. Ensure any unsafe conditions are corrected in a timely manner
- l. Assist with the social media advertising for the property
- m. Assist with the completion of the property newsletter and updating the property web pages
- n. Assist with the collection of rent
- o. Assist General Manager with preparation of weekly reports, resident communications, move-out inventory, market surveys, etc.
- p. Perform any additional duties assigned by General Manager, President or Property Owners

### Minimum Requirements of the Jobs:

- a. High School diploma
- b. Light travel for job training
- c. NALP designation preferred
- d. Attention to detail and accuracy
- e. Minimum of one (1) to three (3) years of sales or leasing experience
- f. Ability to interact positively with customer and employees
- g. Demonstrate initiative and follow through on projects and work assignments
- h. Travel for the first day training, QUE 101 and other Denizen Management required training
- i. Proficient in the use of the MicroSoft Office Suite and propensity to learn new software programs
- j. Valid Driver's License

I have read and understand my job description.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_



## Job Description – Service Technician

Under the directions, and supervision of the General Manager, responsible for performing routine and turnover maintenance, complete maintenance work orders as assigned; including HVAC, plumbing, electrical, painting, pool up-keep, daily maintenance, trim carpentry and exterior carpentry.

Below are specific requirements of the Service Technician to perform:

I. Minimum Required Skills:

- a. Electrical repair (replace light fixtures, outlets, switches, etc.)
- b. Plumbing repair (leaky faucet, replace reset lavatory, replace facets, etc)
- c. Licenses or Certifications: HVAC (training will be provided, if needed)
- d. Carpentry repair (drywall patching & replacement, base boards and casing, etc.)
- e. Painting and caulking
- f. General maintenance and basic tool knowledge
- g. Must be able to work independently
- h. Must be able to climb ladders, work in crawl spaces and on roofs
- i. Knowledge of landscaping and exterior maintenance

II. Performance:

- a. Follow and adhere to all Denizen Management Policies & Procedures including:
  - i. Routine Maintenance
  - ii. Work Orders
  - iii. Safe Lift Policy
  - iv. Maintain all maintenance logs
- b. Meet cycle times and schedules
- c. Other assignments assigned

### Minimum Job Requirements of the Job:

- a. High School Diploma
- b. Three (3) to five (5) years of relevant work experience
- c. Licenses or Certifications; HVAC

- d. Rotate On-Call responsibilities evenings and weekends with assigned Community Employees and other Communities in area of assigned Community, if directed.
- e. All Service Technicians are on call in the event of a property emergency, including weather, fire or other events deemed property emergencies
- f. Excellent customer service and communication skills
- g. Ability to interact positively with customer and employees
- h. Demonstrate initiative and follow through on projects and work assignments
- i. Travel for first day training, QUE 101 and other Denizen Management required training
- j. Proficient in the use of the Office Suite and propensity to learn new software programs
- k. Attention to detail and accuracy
- l. Must possess a valid driver's license and personal auto insurance

I have read and understand my job description.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_



# Job Description – Custodian

Under the directions, and supervision of the General Manager, responsible for performing overall cleaning of both the interior and exterior of the buildings, general upkeep of the Community and other duties as assigned.

Below are specific requirements of the Custodian to perform:

- I. Minimum Required Skills:
  - a. Detailed oriented
  - b. Capable of working independently
  - c. Capable of understanding the overall expected look of the property
  
- II. Performance:
  - a. Follow and adhere to the Denizen Management Property Maintenance Policies & Procedures
    - i. Routine Maintenance
    - ii. Work Orders
    - iii. Maintain all maintenance logs
  - b. Clean building floors by sweeping, mopping, scrubbing or vacuuming
  - c. Gather and empty trash in the common areas inside and out
  - d. Service, clean and supply common area restrooms and model
  - e. Assist with salting of the entryways during winter months
  - f. Cleaning of 'make ready' units to the level set by the General Manager
  - g. Picking up of the exterior of the property each day, if time permits, twice a day
  - h. Lighting checks and bulb replacements in the hallways, entry and exterior
  - i. Clean of the entry doors daily
  - j. Other duties as assigned

## Minimum Requirements of the Job:

- a. One to three years of cleaning/ grounds experience
- b. Attention to detail and accuracy
- c. Excellent customer service and communication skills
- d. Ability to interact positively with customer and employees

- e. Demonstrate initiative and follow through on projects and work assignments
- f. Travel for the first day training, QUE 101 and other Denizen Management required training
- g. Proficient in the use of the Office Suite and propensity to learn new software programs
- h. Valid Driver's License

I have read and understand my job description.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_



# Job Description – Grounds

The Grounds Persons primary responsibilities will include the upkeep of the Community to enhance and maintain curb appeal. The Grounds Person will also assist the staff in preventive maintenance and safety, seasonal cleanup, and ensuring grounds are neat and free of litter. Denizen Management strives to provide a clean, well-kept Community for our Residents.

I. Specific Requirements for the Grounds Position include:

- a. Good Driving Record with Insurance
- b. Lift/Move up to 50 pounds
- c. Work Independently
- d. Work Outdoors in Extreme Heat and Cold Temperatures
- e. Background and Drug Screening required Pre Employment

II. Performance:

- a. Trash Removal from Grounds, Parking Areas, Building Common Areas daily
- b. Seasonal Responsibilities to include some planting, watering, weeding beds, as well as Maintaining the Pool and Pool area.
- c. Snow Removal to include Snow Blowing, Shoveling, and Salting.
- d. Assist Maintenance and Management with Assigned Grounds Maintenance Tasks.
- e. Travel for the first day training, QUE 101 and other Denizen Management required training
- f. Report any Exterior or Common Area items requiring Maintenance.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

# Hiring Process Policy

The Hiring Process Policy is an Employee QSQ (“Quality Service Quotient”) of Embrace. Hiring new Employees is a regular part of any business. To meet the human resource need it is important to have a seamless process for the timely and successful hiring of new Employees. In addition, the advertising, interviewing, extending an offer of employment, and boarding of a new Employee is an important opportunity to make a great first impression of the organization, its People, and Culture, We Are QUE. Thus, the Hiring Policy was created to meet those goals.

## Filling Open Positions

When there is vacancy or the need for a change of, or addition of, staff, the General Manager (or District Manager, aka the hiring manager) completes the Open Position (Form) and forwards via email to the District Manager (aka supervisor) and the Human Resource Administrator for approval. It is imperative that the Open Position (Form) is processed immediately upon the opening of a position as not to delay the process of a new hire.

To complete the Open Position (Form), fully complete all required fields for the location and request, as well as any specific certifications or requirements; sign, date, and send the form via e-mail to your District Manager (Supervisor). The District Manager (Supervisor) will review and approve the Open Position (Form) before submitting it to the Human Resource Administrator.

*Proprietary & Confidential*

**Open Position (Form)**

**Location**

Property: \_\_\_\_\_ City/State: \_\_\_\_\_

Date Available/Required: \_\_\_\_\_

Requesting Hiring Manager (Name): \_\_\_\_\_

**Request**

Job Description: \_\_\_\_\_

Position Status: \_\_\_\_\_

Salary/Hourly Range: \_\_\_\_\_

Shift: \_\_\_\_\_

Full Time    Part Time    Temporary    Seasonal

Specific Certifications or Requirements: \_\_\_\_\_

\_\_\_\_\_  
General Manager (Hiring Manager)

\_\_\_\_\_  
District Manager (Supervisor)

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*OPEN POSITION (FORM) – can be retrieved on employee login website*

The submission of the approved Open Position (Form) will prompt the advertising for the position by the Human Resource Administrator.

## Resume Review

Resumes received for the Open Position will be forwarded to the District Manager (Supervisor) and General Manager for review and selection of prospective candidates. Subsequently, General Manager (Hiring Manager) will schedule and conduct interviews.

When scheduling interviews, provide plenty of time to spend with each prospective candidate. It is important to come to the interview prepared. Bring a copy of the resume, the Interview Questions & And What Not To Ask (Form) and the Job Description.

## Interviewing Candidates

In consultation with the District Manager (Supervisor), the General Manager (Hiring Manager) will conduct the first interview of the prospective candidates.

Once a perspective candidate arrives for the first interview, they must complete an Employment Application (Form), Background Disclosure (Form), and submit a copy of their State Issued ID prior to the commencement of the interview.

*Proprietary & Confidential*

### Employment Application

**If you need any help to fill this application, please notify the person who gave you this form. Every effort will be made to have someone help you in the reasonable amount of time.**

---

**Equal Opportunity Policy:** It is our policy to seek to employ the best-qualified personnel and to provide equal opportunity for the advancement of associates, including upgrading, promotion and training, and to administer these activities in a manner which will not discriminate against any person because of race, color, religion, age, sex, national origin, physical or mental handicap.

---

Nothing in this application is intended to create or imply a contractual relationship if hired, your employment will be "at-will," meaning you may leave voluntarily any time and the employer may terminate your services with or without advance notice anytime in the future. While employment policies may change from time to time, only a written agreement signed by the company's president can change the employment at-will status.

By your signature below you release the potential employer to obtain either directly or through its agents any information obtainable from law enforcement, state agencies, credit institutions, past employers, insurance companies or other companies that may be needed to furnish information relative to the responses you give on this application or in subsequent interviews.

**Any offers of employment are contingent upon the successful completion of an alcohol / drug test and background screening, the results of which are satisfactory to the company.**

Signature of applicant \_\_\_\_\_ Date: \_\_\_\_\_

---

**Personal Information:**

Date of Birth \_\_\_\_\_ Social Security Number: \_\_\_\_\_

Name \_\_\_\_\_ Last \_\_\_\_\_ First \_\_\_\_\_ Middle \_\_\_\_\_ Phone # \_\_\_\_\_

Present Address: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Previous Address: \_\_\_\_\_

Referred by \_\_\_\_\_

---

**Employment Desired**

Position \_\_\_\_\_ Date you can start \_\_\_\_\_ Salary Desired \_\_\_\_\_

Are you employed now? \_\_\_\_\_ if so can we contact them? \_\_\_\_\_ Telephone # \_\_\_\_\_

Ever applied to this company before? Yes  No  if so where and when: \_\_\_\_\_

---

**\*\*\*To be completed by the hiring supervisor or manager\*\*\***

Property Name: \_\_\_\_\_ Property # \_\_\_\_\_ Department \_\_\_\_\_ Position \_\_\_\_\_

Start Date: \_\_\_\_\_ Status: \_\_\_\_\_ EEOC Code: \_\_\_\_\_ Wages: \_\_\_\_\_ Hr or Salary \_\_\_\_\_

Approved: \_\_\_\_\_ Date: \_\_\_\_\_ HR Approval: \_\_\_\_\_

Sen date: \_\_\_\_\_ Job code: \_\_\_\_\_ w/c code: \_\_\_\_\_ Sui code: \_\_\_\_\_

Local tax # \_\_\_\_\_ Local tax # \_\_\_\_\_





*EMPLOYMENT APPLICATION (FORM) – can be retrieved on employee login website*

Proprietary & Confidential

### Background Disclosure (Form)

Date \_\_\_\_\_ Company Denizen Management Location \_\_\_\_\_

**DISCLOSURE IMPORTANT -- PLEASE READ CAREFULLY BEFORE SIGNING AUTHORIZATION!**  
**DISCLOSURE REGARDING BACKGROUND INVESTIGATION**

**Denizen Management** (the Company) may obtain information about you for employment purposes from a third party consumer reporting agency. Thus, you may be the subject of a "consumer report" and/or an "investigative consumer report" which may include information about your character, general reputation, personal characteristics, and/or mode of living, and which can involve personal interviews with sources such as your neighbors, friends, or associates. These reports may contain information regarding your credit history, criminal history, social security verification, motor vehicle records ("driving records"), verification of your education or employment history, or other background checks. Credit history will only be requested where such information is substantially related to the duties and responsibilities of the position for which you are applying. You have the right upon written request made within a reasonable time, to request whether a consumer report has been run about you, and disclosure of the nature and scope of any investigative consumer report and to request a copy of your report. Please be advised that the nature and scope of the most common form of investigative consumer report obtained with regard to applicants for employment is an investigation into your education and/or employment history conducted by **Acadent, Compliance Department, P.O. Box 14720, Cleveland, OH 44101-9000-2024, <https://www.acadent.com/academic>** or another outside organization. The scope of this notice and authorization is all-encompassing, however, allowing the Company to obtain from any outside organization all manner of consumer reports and investigative consumer reports now and throughout the course of your employment to the extent permitted by law. As a result, you should carefully consider whether to exercise your right to request disclosure of the nature and scope of any investigative consumer report.

**New York and Maine applicants or employees only:** You have the right to inspect and receive a copy of any investigative consumer report requested by **Employee** by contacting the consumer reporting agency identified above directly. You may also contact the Company to request the name, address and telephone number of the nearest unit of the consumer reporting agency designated to handle inquiries, which the Company shall provide within 5 days.

**New York applicants or employees only:** Upon request, you will be informed whether or not a consumer report was requested by **Employee** and if such report was requested, informed of the name and address of the consumer reporting agency that furnished the report. By signing below, you also acknowledge receipt of Article 23-A of the New York Correction Law.

**Oregon applicants or employees only:** Information describing your rights under federal and Oregon law regarding consumer identity theft protection, the storage and disposal of your credit information, and remedies available should you suspect or find that the Company has not maintained secured records is available to you upon request.

**Washington State applicants or employees only:** You also have the right to request from the consumer reporting agency a written summary of your rights and remedies under the Washington Fair Credit Reporting Act.





BACKGROUND DISCLOSURE (FORM) – can be retrieved on employee login website

Prospective Service Technician candidates must also complete the Maintenance Skills Assessment (Form) prior to the commencement of the interview.

Proprietary & Confidential

### Maintenance Technician Test

NOTE: ANSWER KEY IS ON LAST PAGE

Name \_\_\_\_\_ Score \_\_\_\_\_

This is a test of your knowledge of basic maintenance skills. It covers areas like plumbing, carpentry, electrical systems, painting, tools, etc. There are 75 questions. Each question is followed by four possible answers (marked a, b, c, d). Circle the letter that gives the best answer to the question.

Example: A building's hallway lights keep flickering. You are not sure what the problem is. Who should you call for help?

a. A plumber  
b. An electrician.  
c. The police.  
d. A mason.

Since b, an electrician, is the right answer, you would draw a circle around the letter b.

---

1. The piece of equipment on which you are most likely to find a safety (pop off) valve is:
  - a. Hot air furnace.
  - b. Electric fan.
  - c. Hot water heater.
  - d. Dehumidifier.
2. Water hammer in domestic water lines is best eliminated by:
  - a. Increasing the size of all piping.
  - b. Installing an air chamber.
  - c. Replacing the valve seats with neoprene gaskets.
  - d. Flushing the system to remove corrosion.
3. Of the following, the best procedure to follow with a frozen water pipe is:
  - a. Allow the pipe to thaw out by itself as the weather gets warmer.
  - b. Put antifreeze into the pipe above the section that is frozen.
  - c. Turn on the hot water heater.
  - d. Open the faucet closest to the frozen pipe and warm the pipe with a blow torch, starting at this point.
4. In plumbing work, a valve that allows water to flow in one direction only is commonly known as a:
  - a. Check valve.
  - b. Glove valve.
  - c. Gate valve.
  - d. Stop valve.





MAINTENANCE SKILLS ASSESSMENT (FORM) – can be retrieved on employee login website



The General Manager (Hiring Manager) is to use the Interview Questions & What Not To Ask (Form), following the instructions including writing down the responses to each question.

Proprietary & Confidential

**Interview Questions & What Not To Ask**

Hiring new employees is a regular part of any business. To meet the human resource needs it is important to have a seamless process for timely and successful hiring of new employees. In addition, the advertising, interviewing, and extending an offer of employment to boarding a new employee is an opportunity to make a good first impression of the organization, its *People* and Culture. *We Are QUE*. Thus, the Hiring Policy was created to meet those goals.

Hiring the right person is important and one of the best ways to know you have the right person is how they react during the interview process. That is why Denizen Management has a list of interview questions that each potential hire should be asked. The hiring manager may ask additional questions to these, provided they do not violate the What Not To Ask section below.

Interviewee: \_\_\_\_\_ Date: \_\_\_\_\_  
 Position: \_\_\_\_\_ Site: \_\_\_\_\_

**Interview Questions**

1. Tell me about yourself.  
 \_\_\_\_\_  
 \_\_\_\_\_
2. Why are you looking to make a change?  
 \_\_\_\_\_  
 \_\_\_\_\_
3. What attracts you to this kind of work?  
 \_\_\_\_\_  
 \_\_\_\_\_
4. Think about your most favorite and least favorite supervisors: What qualities did they possess that made them pleasant or unpleasant to work with?  
 \_\_\_\_\_  
 \_\_\_\_\_





*INTERVIEW QUESTIONS & WHAT NOT TO ASK – can be retrieved on employee login website*

From those first interviews, the General Manager (Hiring Manager) will send each of the completed Interview Questions & And What Not To Ask (Form), Employee Application (Form) and Maintenance Skills Assessment (Form), if applicable, via e-mail to the District Manager (Supervisor) to discuss the best prospective candidates to be scheduled for a second interview with the District Manager (Supervisor).

## Offer for Employment

After the completion of the second round of interviews, the General Manager (Hiring Manager) in consultation with the District Manager (Supervisor), select the best candidate for the position and the selected terms of employment, pay, full or part-time status, and the shift. Then the process of extending an Offer of Employment begins as follows:

- A verbal offer of the position is extended to the candidate and, if accepted, provide the candidate the Drug Test (Form) to be complete it within 48 hours of the verbal offer.

CHAIN OF CUSTODY FORM  
Customer Service: 800-833-3984

DTS - RTP  
LABORP  
1994 ALEXANDER DRIVE  
RTP, NC 27709  
3000

SIGNED BY NO. **0732368582** LAB NUMBER

STEP 1 - TO BE COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE

A. DONOR INFORMATION: COLLECTOR'S NAME, PHONE and Fax No. **402607**  
**FORWARDER/EMPLOYEE IDENTIFICATION** TOTAL COLLECTOR NETWORK  
 POINT 5440 NW 53RD AVE., STE 106 DR. SETH PORTINOV  
 FT. LAUDERDALE FL 33309 5440 NW 53RD AVE STE 106  
 954-677-1200 FT LAUDERDALE FL 33309  
 FAX: 954-677-1201 FAX: 800-836-9519

Location **800-891-4886**

D. Reason for Test:  Pre-Employment  Random  Reasonable Suspicion/Cause  Post Accident  Periodic  Other

E. Collection Site Address: Collector Phone No. Collector Fax No.

F. Donor Identification Verified By:  Photo I.D.  Employer Representation Collector Phone No. Collector Fax No.

STEP 2 - TO BE COMPLETED BY COLLECTOR  
 Read specimen temperature within 4 minutes. Is temperature between 97° and 100°F?  Yes  No. Enter Reason Factor  Specimen Collection:  Yes

STEP 3 - TO BE COMPLETED BY COLLECTOR AND DONOR - Collector affixes bottle seal(s) to bottles; Collector dates seals; Donor seals seals(s)  
 STEP 4 - TO BE COMPLETED BY COLLECTOR AND DONOR

G. Daytime Phone No. ( ) Evening Phone No. ( ) Date of Birth / /

H. TESTS REQUIRED BY EMPLOYER  
 C 10 PANEL - TEST# 789344

I authorize the collection of this specimen for the purpose of a drug screen. I acknowledge that the specimen container(s) seal(s) will be tampered with in transit and that the information provided on this form and on the bottle(s) affixed to the specimen container(s) is correct. I authorize the laboratory to release the test to the company identified on this form or its designated agents.

(PRINT) DONOR'S NAME (FIRST M. LAST) SIGNATURE OF DONOR BEVEL MONTH DAY YEAR

STEP 5 - CHAIN OF CUSTODY - INITIALED BY COLLECTOR AND COMPLETED BY LABORATORY

I certify that the specimen placed in me by the donor identifier on this form was collected, sealed, analyzed and returned to the lab. Seals on specimen with applicable requirements.

RECEIVED AT LAB: Signature of Analyst Primary Specimens Bottle Seal Intact  Yes  No, Enter Reason Below

Printed: 01/15

CONTAINER SEAL: DTS - RTP 3000 0732368582

A B SPLIT

DRUG TEST (Chain of Custody Form) – can be retrieved from designated area properties

- Next a completed New Hire (Form) must be sent via e-mail to the District Manager (Supervisor) for approval. Note that the best shift for the role must be selected (see Nova Time Policy for shift details).

Proprietary Confidential

**New Hire (Form)**

Employee Name:  
 Address: \_\_\_\_\_  
 Phone #: \_\_\_\_\_  
 Email: \_\_\_\_\_

Department/Property: \_\_\_\_\_

**Job Description:**  
 General Manager  
 Assistant General Manager  
 Concierge  
 Service Technician  
 Custodian  
 Grounds  
 District Manager  
 Other: \_\_\_\_\_

**Status:** Full Time Part Time

**Wages:**  
 Salary: \_\_\_\_\_ Annual  
 Hourly Rate: \_\_\_\_\_ Per Hour  
 Exempt  
 Phone Allowance: \_\_\_\_\_  
 Auto Allowance: \_\_\_\_\_

**Shift:**

#	Shift	Lunch
1	Open Shift	N/A
2	M-F 9:00 a.m. - 6:00 p.m.	60 min
3	M-F 8:30 a.m. - 5:30 a.m.	60 min
4	9:00 a.m. - 5:30 p.m.	30 min
5	8:00 a.m. - 5:00 p.m.	60 min
6	8:30 am - 5:00 pm	30 min

**Aquired:**  
 PTO Rollover: \_\_\_\_\_ Hours  
 Current Insurance Benefits: \_\_\_\_\_  
 Background Check Waiver Signed?   
 Drug Test Packet Provided?

**Approval:**  
 Signature: \_\_\_\_\_  
 Print Name: \_\_\_\_\_  
 Title: \_\_\_\_\_

Division:  
 Denizen Management  
 Anderson Binnia  
 Allied Diversified

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NEW HIRE (FORM) – can be retrieved on employee login website

- The approved New Hire (Form) is sent to the Human Resource Administrator for processing with all documents relating to the candidate;
  - o Resume
  - o Employee Application (Form)
  - o Background Disclosure (Form)
  - o Copy of ID – Driver's License & SS Card or Passport
  - o Maintenance Skills Assessment (Form)
  - o Interview Questions & And What Not To Ask (Form)
- The Human Resource Administrator will prepare an Offer of Employment (Letter) and send it to the candidate.
- The Human Resource Administrator will inform the General Manager (Hiring Manager) and District Manager (Supervisor) if the candidate has accepted the offer and the Background and Drug Test are satisfactory and the candidate is approved to be scheduled to be Boarded and for QUE 101 training. (1st day)
- Then Managepoint will send the candidate an ehire email to their personal email address. The candidate MUST complete this prior to anything else, as they are not legally an Employee until it is done. For this reason, they will not be issued a NovaTime login until completion

**Please Note:** No candidate is to be scheduled, or begin work until the Human Resource Administrator has provided approval.

## Onboarding a New Employee

The onboarding of New Employees is managed under our QUE 101 Policy, and processed and administered by QUE Training & Development.

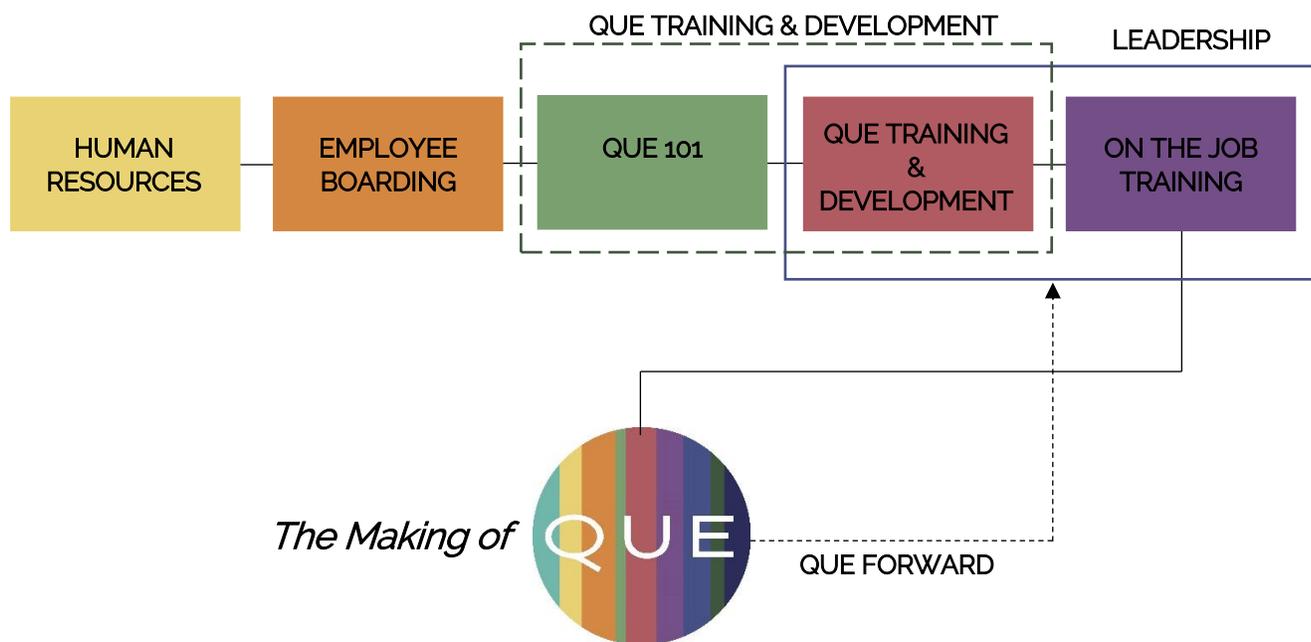
# QUE Training & Development – The Making of QUE

QUE Training & Development and The Making of QUE is an Employee QSQ (“Quality Service Quotient”) of Embrace.

The Making of QUE (which is the act of creating a knowledgeable and successful employee) involves everyone. It begins by recruiting good People who like others, boarding them to Join The QUE (Denizen Management) and giving them the basic tools to begin their career with QUE 101. Then they go on to QUE Training & Development and learning by experience (On The Job Training). But the true secret to success is through our Leadership actively leading by example, teaching, sharing knowledge, and treating others in the same QUE Culture and Systems in which they learned. The Product of all of this is the advancement of Denizen Management, the service to its Customers and Residents, and the careers of its Employees.

## QUE Training & Development Process

The following flow chart and descriptions is the outline of the QUE Training & Development process in the training of new and existing Employees.



## Human Resources

Human Resources is an essential part of the QUE. It begins by advertising for and recruiting good People to Join The QUE. Then by interviewing, screening for qualifications, background checks, and personality testing to select candidates who will best serve, thrive, and advance within the Company. And finally, the extending of an offer of employment, the pay, benefits, and the Employee Policy Manual which provides the treatment of all employees as equals and criteria for conduct.

Everything Human Resources performs in the interaction with prospective candidates is impactful in the success or failure of the future Employees. It sets the opinion of respective candidates and future Employees in regards to the Company.

## Employee Boarding

Once a candidate is selected they must complete all boarding requirements. No Employee is to clock in or begin work until they have been fully boarded including Ig Verification and signing all required Acknowledgements. This step is the official event to Join The QUE.

## QUE 101

Once a new Employee has completed boarding, the next step is QUE 101 training. This is the first day Employee orientation. It is taught by a QUE Ambassador, which is a specially trained peer, and covers the basics and tools they will utilize in their role. It also provides an outline of their ongoing training.

## QUE Training & Development

Upon completion of the QUE 101 the QUE Training & Development department will begin relevant additional training through group classes, one on one sessions, online courses, and third party classes. They perform the heavy lifting but this is only the beginning of the functional training process. The QUE Training & Development provides for the overview and step by step instructions in the application of the QUE Policy & Procedures. Most of all QUE Training & Development sessions are often held in a Group Class environment covering specific QUE Modules.

## On The Job Training

Now the Employee is ready to begin work with the prerequisite training to succeed. So, they move on to the next step of the functional training process; on the job training. The General Manager and District Manager will have the knowledge of what the new Employee has been taught and their role in advancing the employees through On The Job Training.

## Leadership

Leadership is the most essential element of the training and development of successful Employees. Leadership comes from the Executive Committee, Vice Presidents and District Manager, and then by extension from General Managers, Human Resources, the Accounting Department and QUE Training & Development, all of which have been fully trained in the QUE.

In addition to the day to day teaching, coaching, and encouragement, the Leadership is further advanced through Quarterly General Manager Meetings and Company Events where the QUE Culture and QUE Forward is shared and reinforced by example.

## QUE Forward

The fundamental QUE philosophy in caring for others cannot be more prevalent than in QUE Forward, which is the QUE's version of "pay it forward". If we share what we have learned about the QUE Culture and Systems and treat others as we would like to be treated, we will deliver The Resident Experience, perform better for our Customers, advance the Company, enrich our People and expand career opportunities for all Employees who share in the QUE. **The Making of QUE.**

# Training Request Policy

A company is only as good as its Employees; and at Denizen Management, we see our Employees as one of our most important resources. The Company is simply made of "its People and our Systems", in terms of the satisfaction of our performance.

Training is the means in which the Company communicates expectations, policies, and procedures for the success of both the Employees and the Company, to the betterment of our Owners. In addition, the Company is committed to the development of its Employees, not just for service provided to the Company and its Owners and Residents, but to the Employee in their career.

## The Training Mission

1. Improve Operations (the consistency and quality of Services to our Owners and Residents)
2. Improve Work Efficiency (allowing more time to provide the Customer Service "touch")
3. Team Building (the sharing of knowledge with fellow Employees, being of one Team)
4. Employee Development

## QUE Training & Development

QUE Training & Development has an important role in the success of our Employees. All Employees will receive training upon hire and then on-going training throughout their career with us. On-going training can be regularly scheduled classes and refreshers; or individual sessions at the request of a General Manager for their employees.

Training requests from General Managers for career development or deficiency training require an approval from the District Manager. All regularly scheduled training does not require any approval other than that of QUE Training & Development.

## Requesting Training

1. Complete the Training Request (Form) and submit it to [training@denizenmanagement.com](mailto:training@denizenmanagement.com)

*Proprietary & Confidential*

**Training Request (Form)**

Date: 06/19/17

Property: Choose One

Employee:

Learning Setting: QUE 101 - \$101

Reason Requested: Employee Requested

Module/Class: Personalized Topics

Notes:

Training Approval

Date Completed

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*TRAINING REQUEST (FORM) – can be retrieved on employee login website*

2. QUE Training & Development will discuss requests with the District Manager.
3. QUE Training & Development will confirm receipt of the request and the approval date for training with the General Manager.
4. QUE Training & Development will then input the scheduled training on the Master Training Calendar.

## Acknowledgement of Training

1. QUE Training & Development will generate a syllabus in the training software, where the Trainee will acknowledge all that was covered upon completion.
2. The Trainer will complete the Training Request (Form) and submit the form to the appropriate Staff Accountant for entry in the Accounting Software as an invoice for the service.
3. Any tests, course evaluations, or relevant information will be kept in the Trainee's personnel file or on their training software account.

# Employee Performance Review & Development Policy

The Company's most valuable asset is its People. The old saying, "You're only as strong as your weakest link" is true. Employees need to feel valued, supported, engaged, and empowered in order to perform at an optimum level. To achieve this, Supervisors provide Employees clear goals and regular feedback as to their performance. The best way to do this is through Employee performance reviews.

The Employee Performance Review & Development Policy encompasses all of the Employee QSQs ("Quality Service Quotients"); Respect, Share, Embrace, Focus, and Excel.

## Timing of Reviews

Employee Performance Reviews are to be completed annually for every Employee, on or around their employment anniversary. However, this doesn't mean that Supervisors should wait until a review to give their Employees feedback. Delaying feedback does a disservice to both the Employee and the Company. Consistent and regular communication with Employees regarding performance keeps them engaged and challenged. Forms of feedback other than annual reviews include:

1. Introductory Period - 90-Day Evaluation - Recap the Employees Job Description and use specific examples of how the Employee is performing.
2. Optionally, an Employee Performance Review can be conducted at any time, for example if there has been exceptional or substandard performance.

## Employee Performance Review & Development Plan

The Employee Performance Review & Development Plan is a simple and comprehensive policy and method to review and promote the career development of the Company's Employees.

### The Benefits

1. It is simple
2. The Employee is provided the opportunity to do a self-evaluation

3. It creates a conversation with the presentation both the Employees and the Supervisors perspective, or opinion, of performance
4. It includes a development plan for improvement, which in most cases, creates a constructive conversation.

## Employee Self Performance Review (Form)

1. The Employee Self Performance Review (Form) will be e-mailed to the Employee from Human Resource thirty (30) days to two (2) weeks in advance of the Employees review date, copying their Supervisor and District Manager. This will trigger the Employee Performance Review & Development Plan process.
2. At the beginning of each month, Human Resource will send out the Employee Self Performance (Form) to all Employees who were hired in the given month, and a 90 Day Evaluation (Form) to any 90-day review Employees.
3. The Employee is to complete and return the Employee Self Performance Review (Form) to their Supervisor within forty-eight (48) hours of receipt.
4. It is the responsibility of the Supervisor to ensure that the Employee returns the Employee Self Performance Review (Form) and to ensure the continuation of the process.

The form is titled "Employee Self Performance Review" and includes a "Proprietary & Confidential" watermark. It contains fields for Employee, Position, Review Period, Supervisor, Date, Hire Date, and Rating. Below these is a "Performance Review" section with a rating scale from 1 to 5. The scale is defined as follows: 5 Outstanding, far exceeds standard; 4 High performance, consistently exceeds standard; 3 Average; 2 Usually below standard, needs improvement; 1 Unacceptable, consistently below standard, must improve; N/A Not Applicable. The form includes a grid for rating various performance factors: Actively promotes the Mission & Core Values of the Company, Technical Ability-Application of job knowledge, Planning-Systematic and timely problem solution, Organizing-Effective arrangement of work, Decision Making-Makes timely decisions, Control-Ability to monitor progress, follow through, Quantity of Work-Productivity level, and Quality of Work-Neatness and accuracy of work. The form also features logos for DENIZEN MANAGEMENT, WE ARE QUE, and denizen.QUE THE RESIDENT EXPERIENCE.

*EMPLOYEE SELF PERFORMANCE REVIEW (FORM) – can be retrieved on employee login website*



## Employee Performance Review & Development Plan (Form)

1. Upon the receipt of the Employee Self Performance Review (Form) the Supervisor is to complete the Employee Performance Review & Development Plan (Form) and schedule the Employee Review within seven (7) days.
2. During the review, the Supervisor is to use the form as an outline for the review discussion.
3. The Employee Performance Review & Development Plan (Form) is the official record of the review, but the Employee Self Performance Review (Form) is to be attached and made part of the record.
4. The Employee Performance Review & Development Plan (Form) with any attachments are to be e-mailed to Human Resources to be placed in the Employee's personnel file, closing the Employee Performance Review & Development process.

Proprietary & Confidential

### Employee Performance Review & Development Plan

Employee: \_\_\_\_\_ Date: \_\_\_\_\_  
 Position: \_\_\_\_\_ Hire Date: \_\_\_\_\_  
 Review Period: \_\_\_\_\_ to \_\_\_\_\_  
 Supervisor: \_\_\_\_\_ Rating: \_\_\_\_\_  
 Next Review Date: \_\_\_\_\_

**Performance Review**

A. Review of Performance Factors: (Place an "X" in the column which best indicates where this employee stands in relation to what should be expected of him/her.)

**Rating Scale:**

- 5 Outstanding, far exceeds standard
- 4 High performance, consistently exceeds standard
- 3 Average
- 2 Usually below standard, needs improvement
- 1 Unacceptable, consistently below standard, must improve
- N/A Not Applicable

	1	2	3	4	5	N/A
Actively promotes the Mission & Core Values of the Company	<input type="checkbox"/>					
Technical Ability: Application of job knowledge	<input type="checkbox"/>					
Planning: Systematic and timely problem solution	<input type="checkbox"/>					
Organizing: Effective arrangement of work	<input type="checkbox"/>					
Decision Making: Makes timely decisions	<input type="checkbox"/>					
Control: Ability to monitor progress, follow through	<input type="checkbox"/>					
Quantity of Work: Productivity level	<input type="checkbox"/>					





*EMPLOYEE PERFORMANCE REVIEW (FORM) – can be retrieved on employee login website*

## Conducting the Employee Performance Review

At the scheduled Employee Performance Review the Supervisor is to thoroughly follow the Employee Performance Review & Development Plan (Form); and cover and consider the following:

1. **Job Description:** A copy of the Job Description for the Employee specifies the requirements of the position and are to be reviewed and referenced during the Employee Performance Review.
2. **Facts:** Reviews are only helpful if they include meaningful information. While it is very easy for Supervisors to use assumptions or emotions when completing a review, that approach can actually be very harmful. Reviews must be based on fact such as closing reports, renewal percentages, financial statements, productivity reports, move-in inspection reports, time clock records, etc. There is no benefit to anyone involved in a review based on anything other than fact.
3. **Completing the Employee Performance Review & Development Plan (Form):** It is extremely important to give yourself enough time to complete the review thoroughly and thoughtfully. Read over the items on the review and then gather the necessary facts (reports, notes, etc.) to complete the form.
  - a. **Goals:** Set some goals for the employee based on both their strengths and weaknesses.
  - b. **Training/Education Information:** Make some suggestions on training or education that may be of interest to the employee or that might be helpful in achieve such goals
4. **Signatures:** Both the Supervisor and the Employee should sign the review. Provide a copy to the Employee and forward to Human Resources as provided above.

## Introductory Period – 90 Day Evaluation

As provided in the Employee Policy Manual, all newly hired Employees must successfully complete an Introductory Period, which is 90 days. The process begins with the Introductory Period – 90 Day Evaluation (Form) e-mailed to the Supervisor from Human Resource thirty (30) days to two (2) weeks in advance of the Employees hire date. Upon the receipt, the Supervisor is to schedule the Introductory Period – 90 Day Evaluation with the Employee within seven (7) days of the end of the 90\*day Introductory Period.

The goal of the Introductory Period – 90 Day Evaluation is to give new Employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. Denizen Management uses this period to evaluate employee capabilities, work habits, and overall performance. If deemed necessary, the introductory period may be extended beyond 90 days. Either the employee or Denizen Management may end the employment relationship at will at any time during or after the introductory period, with or without cause or advance notice.

Upon satisfactory completion of the introductory period, employees enter the regular employment classification.

The form is titled "Introductory Period - 90 Day Evaluation (Form)" and is marked as "Proprietary & Confidential". It contains several sections: 1. Employee Information: Fields for Employee, Date, Position, Hire Date, Review Period (to), Supervisor, Rating, and Next Review Date. 2. Development Plan: Section E for Employee Development Plan and Training, Section F for Employee's Comments, and Section G for Reviewer's Comments. 3. Acknowledgement: Fields for Employer's Signature and Date, and Supervisor's Signature and Date. 4. Footer: A note that the Job Description should be attached for evaluation reference, and logos for DENIZEN MANAGEMENT, WE ARE QUE, and denizenQUE THE RESIDENT EXPERIENCE.

*INTRODUCTORY PERIOD 90 DAY EVALUATION (FORM) – can be retrieved on employee login website*

## Conducting the Introductory Period - 90-Day Evaluation

At the scheduled Introductory Period - 90-Day Evaluation the Supervisor is to thoroughly follow the Introductory Period - 90-Day Evaluation (Form); and cover and consider the following:

1. **Job Description:** A copy of the Job Description for the Employee specifies the requirements of the position and are to be reviewed and referenced during the Employee Performance Review.
2. **Facts:** Reviews are only helpful if they include meaningful information. While it is very easy for Supervisors to use assumptions or emotions when completing a review, that approach can actually be very harmful. Reviews must be based on fact such as closing reports, renewal percentages, financial statements, productivity reports, move-in inspection reports, time clock records, etc. There is no benefit to anyone involved in a review based on anything other than fact.
3. **Completing the Introductory Period - 90-Day Evaluation (Form):** It is extremely important to give yourself enough time to complete the review thoroughly and thoughtfully. Read over the items on the review and then gather the necessary facts (reports, notes, etc.) to complete the form.
  - c. **Goals:** Set some goals for the employee based on both their strengths and weaknesses.
  - d. **Training/Education Information:** Make some suggestions on training or education that may be of interest to the employee or that might be helpful in achieve such goals
4. **Signatures:** Both the Supervisor and the Employee should sign the review. Provide a copy to the Employee and forward to Human Resources as provided above.

## Best Practices

1. Schedule all reviews ahead of time with the employee.
2. Make sure to schedule sufficient time to allow conversation (generally 1 hour).
3. Be constructive.
4. Don't just focus on the negative; strive to recognize what the Employee is doing well.



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## Change of Status

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# Change of Status Policy

It is the goal of every Employee to grow and move up in their career. Here at Denizen Management, we believe that by supporting our Employee's and their ambitions the Company can grow a stronger organization. The Change of Status (Form) is used to document the changes that occur during an Employees career. It documents a change in employment status, pay, title, location, address, and/or division.

## Promotion

A promotion is granted when an Open Position arises that a successful and capable current Employee is selected for. Before a promotion can be granted the Employee may be required to complete the necessary round of interviews. If they are found to be the best candidate for the position then a promotion will be granted. Their immediate supervisor must complete a Change of Status (Form) and send it to the Human Resources Administrator.

The form is titled "Change of Status (Form)" and is marked as "Proprietary & Confidential". It is for Client Name: Denizen Management. The form contains several sections with input fields and checkboxes:

- Employee Information:** Employee Name, SSN.
- Employee Information Change:** Address Change, Date to be Effective, City, State, Zip Code, Apt., New County of Residence, Phone #, Old County of Residence, Email, Name Change (From, To).
- Pay Rate/Salary Change:** Old Rate (\$, per hr, per pay period, per year), New Rate (\$, per hr, per pay period, per year), Date to be Effective, Client Signature, Employee Signature.
- Division/Department Change:** Old Division, Old Department, New Division, New Department, Date to be Effective, Client Signature.
- Employee Status Change:** (check all that apply), Part-time to Full-time, Temporary, Non-exempt, Full-time to Part-time, Permanent, Exempt, Date to be Effective, Client Signature.

At the bottom of the form are logos for DENIZEN MANAGEMENT, WE ARE QUE, and denizenQUE THE RESIDENT EXPERIENCE.

CHANGE OF STATUS (FORM) – can be retrieved on employee login website

## Demotion

Demotions are sometimes a necessary part of career growth. Some people may desire a role with less responsibility, while others may simply not be a suitable fit for the role they are in. In either case their immediate supervisor must complete a Change of Status (Form) and send it to the Human Resources Administrator.

## Transfer

All employees work for Denizen Management, not the respective property that they happen to be assigned to. To ensure the success of our entire portfolio, it is often necessary to transfer an employee to another site. This may be due to personnel conflicts, skill level, commute time, or a number of other reasons. In the case of a transfer the District Manager will be required to complete the Change of Status (Form) and email it to the Human Resources Administrator.

## Change of Pay

One of the most common Change of Status requests is simply a routine change in pay. This will occur from time to time with performance reviews, skill increases, or possibly transfers. The immediate Supervisor must complete a Change of Status (Form) and send it to the Human Resources Administrator.

Supervisors are to inquire with the District Manager on the Company's pay policy for the given year, or as provided in the operating budget.

Any increase of pay as a result of an annual Employee Performance Review & Development Plan will be effective the date of the Employee anniversary hire date, regardless if review was concluded prior or sub sequential. Any exceptions must be approved by the District Manager.

## Change of General Information

The last reason to complete a Change of Status Form is when an Employees contact information changes (address, phone number, email, or emergency contact) or when there is a change of marital or dependent status (getting married, divorced, or birth of a new child). Please note that a change of marital or dependent status is also a qualifying event on the health insurance benefits and therefore the Change of Status must be completed within 30 days of the event for changes of insurance coverage.



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## Payroll & Benefits

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# Nova Time Policy

Accuracy and accountability of hours worked is the driving force behind our time clock system. Documentation is required for compliance with local, state, and federal regulations. These regulations stipulate the manner in which companies determine what and how to pay their employees.

It is imperative to keep track of each Employee's hours and days worked. Denizen Management uses Nova Time to track Employee's hours and payroll via electronic timesheets. All hourly employees are responsible for clocking in and out daily through Nova Time.

## Clocking In and Out

At the time of hire, each Employee is given an employee number, which is used to login to Nova Time. Each office computer is equipped with the Nova Time program and is always available for Employee access. Upon arrival, the hourly Employee must immediately clock in using Nova Time. Employees then clock out at the end of the day.

Each Employee is assigned a "Shift" in Nova Time by the Human Resources Administrator. All hourly Employees assigned to Shift 1 are also required to clock out when leaving for lunch and to clock back in after lunch. All other shifts are automatically deducted their lunch time as follows:

Shift 1	Open Shift	No lunch deducted
Shift 2	M-F 9:00am – 6:00pm	60min lunch deducted
Shift 3	M-F 8:30am – 5:30pm	60min lunch deducted
Shift 4	9:00am – 5:30pm	30min lunch deducted
Shift 5	8:00am – 5:00pm	60min lunch deducted
Shift 6	8:30am – 5:00pm	30min lunch deducted

## Payroll Submission

Managers are responsible to have all payroll approved and submitted on the Nova Time Supervisor website by 11 AM (local time) on payroll Mondays and do not have the time to make multiple corrected entries. While Managers do have the ability to correct a missed punch, this would be a rare exception rather than the rule.

Once the General Manager has submitted all payroll adjustments, the District Manager will then log into the Nova Time Supervisor website to apply PTO requests, holiday pay, incentives, and make a final approval.



## Paid Holidays

Company paid Holiday time will be added to each employees Nova Time payroll submission. A list of the current Holidays and their dates can be retrieved on the Employee login website. Employees are only eligible for Paid Holidays after their 90 day probationary period.

Proprietary & Confidential

### Holiday Schedule

As provided in the Employee Policy Manual, Denizen Management recognizes the following paid holidays for all regular full-time employees for the calendar year noted.

**YEAR: 2019**

Memorial Day (last Monday in May)	Monday, May 27, 2019
Independence Day (July 4)	Thursday, July 4, 2019
Labor Day (first Monday in September)	Monday September 2, 2019
Thanksgiving (fourth Thursday in November)	Thursday November 28, 2019
Day after Thanksgiving	Friday November 29, 2019
Christmas Eve	Tuesday, December 24, 2019
Christmas (December 25)	Wednesday, December 25, 2019
New Year's Day (January 1)	Wednesday, January 1, 2020

*CURRENT HOLIDAY SCHEDULE – can be retrieved on employee login website*

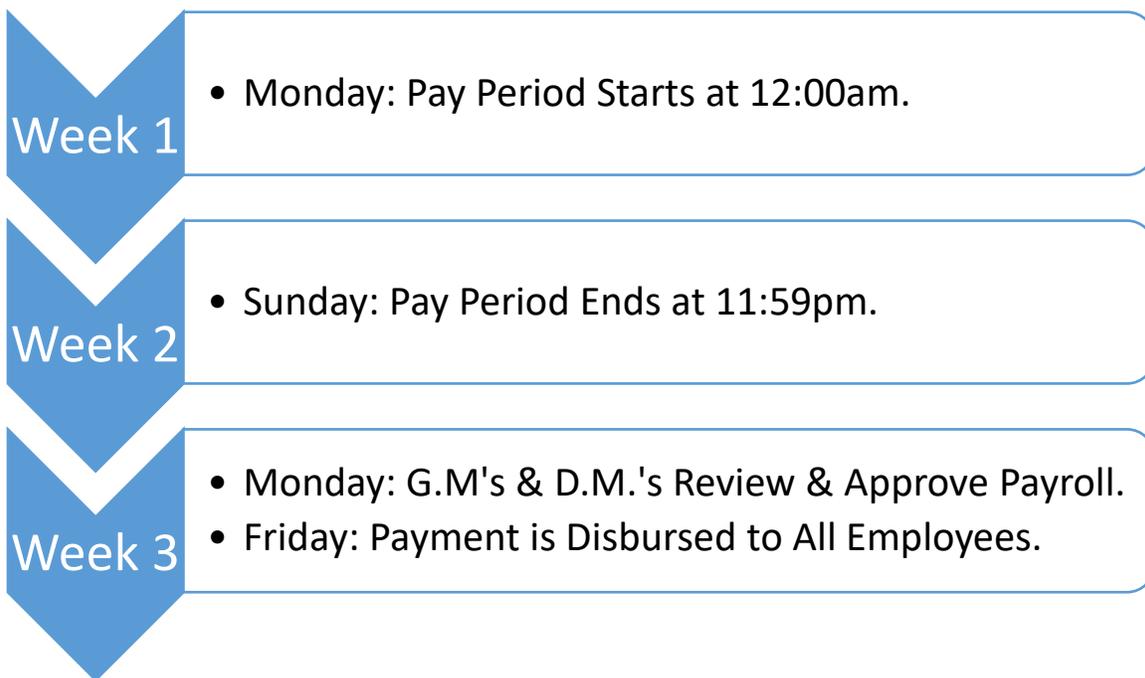
## General Policy

1. Continued missed punches or necessary corrections are grounds for discipline up to and including termination.
2. Never share your employee ID with another employee. Clocking another employee in or out is strictly prohibited and will be grounds for discipline up to and including termination for both the employees involved.

# Payroll Cycles

Payroll is processed every two weeks, biweekly. The pay periods go from Monday of week one through Sunday of week two. Then on Monday of the following week (week three) the General Managers and District Managers will review and approve all employee time cards. District Managers make adjustments to locations, times, and bonuses prior to approving to provide oversight and ensure accuracy.

Once approved, the Human Resource Administrator will process payroll. Pay to Employees will be made that Friday (week three).



## Payroll Payment Method

Paper payroll checks have become obsolete. However, employees need access to their paystub information. Denizen Management understands this and has partnered with Managepoint to provide ease of access to paystubs and a variety of payroll information.

### Forms of Payment

At onboarding, Employees must select from two (2) forms of payment. This can be adjusted later on by reaching out to the Human Resources Administrator. The two choices are as follows:

- Direct Deposit to a Checking or Savings Account
- Direct Load onto a PayCard

### Managepoint

Employees may access their personal employment information:

[hr.managepoint.biz](http://hr.managepoint.biz) and select "Login" or Access.

*Their username and password is set up by the Employee at the time of onboarding.*

Once logged in, the landing page is the Employee personal dashboard which displays accrued vacation/sick accrual, rate of pay and benefit enrollment.

After login in, by selecting the Main Menu, tabs such as Personal Data, Payroll Center and Employee Onboarding will be available.

In the Personal Data tab, items such as direct deposit, emergency contacts and state tax forms will be displayed.

In the Payroll Center, copies of pay check will be displayed as well as the ability to print a copy of previous payroll checks. Also, any employee notifications and W-2 will be available to view.

# Managepoint

Your Source for Employee Management

## EMPLOYER



Login to perform the collection, integration and distribution of all employee information.

Access

## EMPLOYEE



Sign in to your online employee self service portal.

Access

## SUPERVISOR



Sign in to manage your employees' workflow processes and view all relevant data.

Access

## TIME CLOCK



Sign in to punch in or out using the online time clock.

Access

## MANAGEPOINT

YOUR SOURCE FOR EMPLOYEE MANAGEMENT

## ABOUT US

## CONTACT US

## Health Insurance & Other Benefits

Denizen Management offers a wide range of competitive benefits including several health insurance plan options. These benefits are available to every Full-Time Employee after the Introductory Period (60 days). A benefits package will be delivered to each Employee, by Managepoint, 45 days before their eligibility date. All forms must be completed and returned within 30 days of receipt for coverage to begin on their eligibility date. Information on these benefits can be retrieved at the employee login website, or Employees can reach Managepoint at the following:

**Managepoint, LLC**  
919 Otis Avenue  
Indianapolis, Indiana 46216  
Phone: 317-377-3100 or 800-554-5945  
Fax: 317-543-2020

**BENEFITS**  
Stephanie Gaunt or Toni White  
Ext. 315 or 323  
[benefits@managepoint.biz](mailto:benefits@managepoint.biz)

### Health Insurance

Denizen Management/Managepoint, LLC's health insurance plan provides employees and their dependents access to medical, dental, and vision care insurance benefits.

Eligible employees may participate in the health insurance plan subject to all terms and conditions of the agreement between Managepoint, LLC and the insurance carrier. To be eligible for health insurance an employee must be a Regular, Full Time employee (excluding those with the title of "Partner") and have complete 60 days of employment.

A change in employment classification that would result in loss of eligibility to participate in the health insurance plan may qualify an employee for benefits continuation under specific plan details with the current medical carrier.

Details of the health insurance plan are described in the Summary Plan Description (SPD). An SPD and information on cost of coverage will be provided in advance of enrollment to eligible employees. Contact the Benefits Department at Managepoint, LLC for more information about health insurance benefits.

## Life/AD&D Insurance

Life/AD&D insurance offers you and your family important financial protection. Denizen Management/Managepoint, LLC provides a Life/AD&D insurance plan for Regular, Full Time employees (excluding those with the title of "Partner") who have complete 60 days of employment. Additional dependent life insurance coverage may also be purchased.

Eligible employees may participate in the Life/AD&D plan subject to all terms and conditions of the agreement between Managepoint, LLC and the insurance carrier.

Details of the Life/AD&D insurance plan including benefit amounts are described in the Summary Plan Description provided to eligible employees. Contact the Benefits Department at Managepoint, LLC for more information about life insurance benefits.

## Short Term Disability

Denizen Management/Managepoint, LLC provides a short-term disability (STD) benefit plan to Regular, Full Time employees (excluding those with the title of "Partner") who have complete 60 days of employment who are unable to work because of a qualifying disability due to an injury or illness.

Eligible employees may participate in the STD plan subject to all terms and conditions of the agreement between Managepoint, LLC and the insurance carrier.

Disabilities arising from pregnancy or pregnancy related illness are treated the same as any other illness that prevents an employee from working. Disabilities covered by workers' compensation are excluded from STD coverage.

Details of the STD benefits plan including benefit amounts, when they are payable, and limitations, restrictions, and other exclusions are described in the Summary Plan Description provided to eligible employees. Contact the Benefits Department at Managepoint, LLC for more information about STD benefits.

## Long Term Disability

Denizen Management/Managepoint, LLC provides a long-term disability (LTD) benefit plan to help Regular, Full Time employees (excluding those with the title of "Partner") who have complete 60 days of employment cope with an illness or injury that results in a long-term absence from employment.

Eligible employees may participate in the LTD plan subject to all terms and conditions of the agreement between Managepoint, LLC and the insurance carrier.

Details of the LTD benefits plan including benefit amounts, and limitations and restrictions are described in the Summary Plan Description provided to eligible employees. Contact the Benefits Department at Managepoint, LLC for more information about LTD benefits.

## Flexible Spending Account (FSA)

Denizen Management/Managepoint, LLC provides a Flexible Spending Account (FSA) program that allows Regular, Full Time employees (excluding those with the title of "Partner") who have complete 60 days of employment to have pre-tax dollars deducted from their salaries to pay for eligible out-of-pocket expenses. The pre-tax contributions made to the FSA can be used to pay for predictable non-reimbursed health care expenses and dependent care expenses during the plan year. Through the FSA program, you can reduce your taxable income without reducing your real income, so that you can keep more of the money you earn.

Participation in the Health Care and/or Dependent Care FSA is optional and determined on an annual basis for the plan year. You must enroll for each plan year. You determine how much to contribute to the account, up to a specified maximum, based on anticipated expenses during the plan year. Refer to your Flexible Spending Account Summary Plan Description (SPD) for the maximum annual contributions allowed for both the Health Care and Dependent Care plans. Contributions are directed to the account through salary reduction on a pre-tax basis. This tax-free money is then available to you for reimbursement of out-of-pocket expenses. Since the amounts that remain in the account at the end of the plan year are forfeited, you should take care not to over fund your account.

Details of the Flexible Spending Account program are described in the Summary Plan Description (SPD). Contact the Benefits Department at Managepoint, LLC for more information on the Flexible Spending Account program.

## 401(k) Retirement Plan

Denizen Management/Managepoint, LLC provides a 401(k) retirement plan to employees who are at least 21 years old and have at least three (3) months' service with the Company. All deductions are pre-tax, with a minimum deferral of 1% of compensation. Vesting is graduated, with 100% vesting after five years.

In addition, Denizen Management will match 50% of employee contributions, up to 6% of income or \$250.00, which ever is less.

Additional information can be obtained from the Benefits Department at Managepoint, LLC.



# Time Off Benefit (Form) & Instructions

## Overview

Employees are encouraged to use available PTO for rest, relaxation and personal Pursuits. PTO must be used in minimum increments of one half (1/2) day. To use PTO, Employees must have advance approval from their supervisor. Requests for three (3) or more consecutive days of PTO must be submitted no less than thirty (30) days in advance. Requests will be reviewed based on a number of factors, including business needs and staffing requirements and the requirements of each division. All PTO **must** be approved in advance.

The Time Off Benefit (Form) & Instructions are to be used for all PTO, Sick and Bereavement time off. The Time Off Benefit (Form) can be printed and manually completed or as provided as a Form Fillable PDF. Once completed, submit the form to your supervisor for their approval. The supervisor will then forward the approved Time Off Benefit (Form) to the Human Resources Department for processing. Keep a copy of the form for your records.

*Proprietary & Confidential*

**Time Off Benefit (Form)**

Employee Name: \_\_\_\_\_ Payroll Period Ending: \_\_\_\_\_  
Company/Property: \_\_\_\_\_ Time Off From: \_\_\_\_\_ Through: \_\_\_\_\_

**PTO**  
*PTO is to be taken in blocks of four (4) or eight (8) hours.*

Accrued Time Earned: _____	<i>As of the date of this request and found on NovaTime and/or your Management Online Account</i>
Hours Requested: _____	
Hours Remaining: _____	

**Sick Time**  
*Sick Time is to be taken in blocks of four (4) or eight (8) hours.*

Available Sick Time: _____	<i>Found on NovaTime and/or your Management online account</i>
Hours Requested: _____	
Hours Remaining: _____	

**Bereavement Request**  
*Up to 20 hours for Regular Full-Time employees in the event of a death of Spouse, Child, Siblings, Grandchild, Stepchild, Parent, Parent-in-Law, Sister, Brother-in-Law or Grandparent.*

Bereavement Request: _____
Relationship: _____

Employee \_\_\_\_\_ Date \_\_\_\_\_  
Supervisor \_\_\_\_\_ Date \_\_\_\_\_

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*TIME OFF BENEFIT (FORM) – can be retrieved on employee login website*

## PTO

PTO policies are found in the Employee Policy Manual in Section V.

1. Total Time Earned: Log in to your employee account at [www.hr.managepointbiz](http://www.hr.managepointbiz) to locate the earned PTO time and enter in this line. ( Accrual Summary)
2. Number of Hours Requested: Enter hours requested.
3. Total Hours Remaining: This will automatically calculate your hours remaining in the Form Fillable PDF or if manually entering, deduct Hours Requested from Total Time Earned. Total Hours Remaining may not be negative greater than provided in the Employee Policy Manual.

## Sick Time

Sick Time polices are found in the Employee Policy Manual in Section V.

1. Total Sick Time Available: Log in to your employee account at [www.hr.managepointbiz](http://www.hr.managepointbiz) to locate the earned sick time and enter in this line. (Accrual Summary)
2. Sick Time Requested: Enter the hours you are requesting.
3. Total Sick Time Remaining: This will automatically calculate the hours remaining after this request in the Form Fillable PDF or if manually entering, deduct Sick Time Requested from Sick Time Prior to this Request.

## Bereavement Request

Bereavement policies are found in the Employee Policy Manual Section V.

1. Bereavement Requested: Enter the hours requested per the Employee Policy Manual.
2. Relationship: Enter the relationship, as provided in the Employee Policy Manual.

## Overtime Policy

Overtime is governed by federal law contained in the Fair Labor Standards Act (FLSA). It is also an Owner QSQ ("Quality Service Quotient") in regards to Cash Flow. Unless exempt, employees covered by the Act must receive overtime pay for hours worked over 40 in a workweek at a rate not less than time and one-half their regular rates of pay. There is no limit in the Act on the number of hours employees aged 16 and older may work in any workweek. The Act does not require overtime pay for work on Saturdays, Sundays, holidays, or regular days of rest, unless overtime is worked on such days.

The Act applies on a workweek basis. An employee's workweek is a fixed and regularly recurring period of 168 hours — seven consecutive 24-hour periods. It need not coincide with the calendar week, but may begin on any day and at any hour of the day. Different workweeks may be established for different employees or groups of employees. Therefore, any non-exempt Denizen employee will be paid overtime pay at a rate of 1.5x their normal wage for any overtime hours performed. This will be automatically calculated by the payroll software. However, it is important that our employees receive ample time off for rest and relaxation. So, overtime must be limited and reserved only for extreme situations.

### Managing Overtime

In order to maintain our Communities budget parameters, overtime must be limited to rare and/or emergency situations. To help reduce costs and potential employee burnout General Managers and District Managers have the right to request overtime, send employees home early, change shift hours, or delegation of work.

All overtime must be approved in advance. The General Manager can approve up to 5 hours of overtime per pay period per Community. Any overtime exceeding 5 hours must be approved by the District Manager. Below you will find a list of times when overtime work is automatically approved:

- To perform emergency maintenance services
- In the event of a disastrous situation; fire, flood, etc.

# Lease Renewal & Lease Incentive Policy

The Lease Renewal & Lease Incentive Policy reflects the denizenQUE philosophy of quality, unique and exceptional Customer Service and that our existing Residents (“Members”) are especially important as their satisfaction of service is the benchmark of the denizenQUE quality service quotient (“QSQ”). As a result, Lease Renewals as a Team Incentive are the primary focus of this Policy. The denizenQUE Team includes all on-site personnel; Service Technicians, Concierge, Grounds, Custodian, Assistant Manager and General Manager.

The denizenQUE philosophy of Customer Service benefits our Owner Customers as it improves and maintains the reputation of the property, increasing the Lease Renewal percentage; which lowers turnover cost and shortens the supply of available units to lease; increasing the demand for the property, improving rents and lowering marketing costs.

## General Policy Guidelines

Leasing is the responsibility of the General Manager, Assistant Manager and Concierge at each property.

Lease Renewal & Lease Incentives requests:

- a. Are to be submitted monthly for the first payroll period of each month (no exceptions).
- b. Will be paid the month immediately following the effective date of the Lease Renewal or Lease (new).
- c. Earned and paid to Employees who are:
  1. employed at the Community at the Lease start dates, and;
  2. employed at the Community during the payroll period for which Lease Renewal and Lease Incentives are processed for payment.
- d. In order to be paid, the Lease Renewal or Lease must be posted to the Accounting Software as follows:
  - Lease must be fully executed and uploaded to the Resident history
  - Old auto-charges stopped
  - All Rental Charges posted
  - New auto-charges set-up



- Proof of current renter's insurance to the Resident history, old auto-charges stopped, new auto-charges set up, proof of current renter's insurance attached to resident history.

## Lease Renewal Incentive

In addition to the Concierges, Assistant and General Managers, our Service Technicians, Custodial and Grounds personnel have daily contact and play a key role in making our Residents comfortable in their homes, feeling a sense of community and of our service. From the first hello, to a perfect move-in experience, a prompt and efficient completion of a Work Order, a clean and well-kept property and grounds; or just for being kind, friendly and respectful, ALL of the on-site personnel contribute to the denizenQUE experience.

In recognition of and to reinforce the denizenQUE philosophy, the Lease Renewal is a Team Incentive.

### Lease Renewals

- a. Lease Renewal Letters will be written, personalized, and sent by the General Manager, Assistant Manager and/or Concierge.

**One Hundred Dollar** (\$100.00) Leasing Renewal Incentive (with all of the following present):

- a. Rent increase of three percent (3.00%) or more
- b. Twelve (12) month Lease or longer, or if less if a Short-Term Lease Fee is charged

**Seventy Five Dollar** (\$75.00) Leasing Renewal Incentive (with all of the following present)

- a. Rent increase between zero percent (0.00%) to less than three percent (3.00%)
- b. Twelve (12) month Lease or longer, or if less if a Short-Term Lease Fee is charged

Allocation of Lease Renewal Incentive as the Team Incentive:

- a. All Lease Renewal Incentives are to be split between all of the on-site personnel at the property.

- b. The denominator for the split is based on one (1) Divisible Unit per Regular Full-Time Employee and a fraction for a Part-Time Employee based on the average hours worked in 40 hour week (set by the District Manager). For example, if the property has three (3) Regular Full-Time Employees and one (1) Part-Time Employee who works two (2) days a week (2/5ths or 0.40 Divisible Unit) the total Divisible Units would be three point four (3.4). Then, if the total Lease Renewal Incentive for the given period was one thousand dollars (\$1,000), then Lease Renewal Incentive paid to the three (3) Regular Full-Time Employees would be two hundred ninety-four 12/100 dollars (\$294.12) (computed as  $1/3.4$  or  $29.41\% \times \$1,000 = \$294.12$ ) and one hundred seventeen 65/100 dollars (\$117.65) (computed as  $0.40/3.4$  or  $11.76\% \times \$1,000 = \$117.65$ )

## New Lease Incentive

The Lease Incentive on new Leases will reward personnel directly involved in securing new Leases and Lease Renewals.

### Lease Periods

- a. Twelve (12) to Eighteen (18) month leases
- b. The goal is always to have leases expire March through August (the prime leasing season).

### Assignment of Lease Incentive

- a. The Concierge (General Manager or Assistant Manager) shows a Prospect a Unit for the first time (regardless of who made the appointment, spoke to them on the phone, or corresponded with them via email), will earn the Lease Incentive. This is for cases when Concierge does get an Application on the first visit or if the Prospect drops the Application off at a later date.
- b. If the Prospect is shown multiple Units over different visits by multiple Concierges, then the Lease Incentive will be equally split.

### Fifty Dollar (\$50.00) Leasing Incentive (with all of the following present)

- a. Twelve (12) month Lease or longer, or if less if a Short-Term Lease Fee is charged
- b. At market rents (Price List)



- c. With no free rent or concessions.

**Twenty Five Dollar (\$25.00) Leasing Incentive** (if any of the follow are present)

- a. New leases of six (6) to eleven (11) months, or
- b. New leases at below market rents (Price List), or
- c. New Leases with free rent or concessions

## Special Leasing Incentives

From time to time, as provided by the District Manager and as approved by the Owner/Customer, Special Leasing Incentive may apply to specified properties to achieve the leasing goals of the Owner/Customer such as:

- A seasonal increase in occupancy,
- To meet refinancing occupancy goals, etc.
- To manage lease terminations, such as lease expirations from March through August, for example

Such Special Leasing Incentive will be provided as a periodic addendum to this Policy by the District Manager and approved by the Owner/Customer.

## Lease-Up Incentives

**One Hundred Dollar (\$100.00) Leasing Incentive** (with all of the following present)

- a. For designated (by the District) properties and Units that are newly constructed or with significant renovation.
- b. On the first new Lease for such designated constructed or renovated Unit
- c. Twelve (12) month Lease or longer, or if less if a Short-Term Lease Fee is charged (as provided by the District)
- d. At market rents (Price List)
- e. With no free rent or concessions



## Reimbursable Expense Policy

As provided in the Employee Policy Manual the Company has established the policy for Employee expenses that are reimbursable. This Reimbursable Expense Policy is for Project Management activities of Denizen Management.

### Accounting of Reimbursable Expenses

All Reimbursable Expenses such as Airline Travel, Lodging, Rental Car, Parking, Meals, etc. require advanced approval from the District Manager, Vice President or Principals.

All approved Reimbursable Expenses are required to be submitted once a month before the 20<sup>th</sup> of the month to be processed paid by the end of the month ("Required Period") using the Reimbursement Expense (Form).

**Please note**, Reimbursable Expenses submitted later than one subsequent period from the Required Period are no longer a committed obligation to be paid.

### Reimbursable Expense Categories

The following are the Reimbursable Expense categories.

1. Airline Travel
2. Lodging
3. Rental Car
4. Parking
5. Meals – per diem
  - a. \$35.00 per day with hotel overnight stay (1-night hotel overnight = \$35.00 meals reimbursement)
6. Conference and class fees associate with approved travel
7. Mileage (per the Mileage Reimbursement Policy)

### Arrangement and Payment

All Employees are responsible for making arrangements and the payment for airlines, hotels and rental car companies (locations and providers approved by the District Manager, Vice President or Company) for any approved work-related travel. Any payments are to be submitted as a Reimbursable Expense in the next Required Period for reimbursement.



# Mileage Reimbursement Policy

There are times in the performance of duties an Employee may be required to travel. Because any travel away from the assigned work location (Community) takes an Employee away from normal duties and incurs an expense to the Employee, a Mileage Reimbursement Policy is necessary.

## Who May Claim Mileage

Any Employee who is traveling for an approved business-related purpose as provided in this Policy. An Employee who receives an auto allowance as part of their compensation may not be eligible for reimbursement as provided herein.

## Approved Mileage Expense

1. After Hours On-Call Maintenance unless Employee is on an Auto Allowance.
2. Mileage for Community Outreach, court, bank, travel between sister properties, pick up supplies, etc. unless Employee is on an Auto Allowance.
3. Mileage to scheduled off-site
  - a. QUE Training & Development
  - b. Apartment Association Meeting or Classes
  - c. Corporate Office
4. Employee Floaters (as provided below)

## Non-Covered Travel

1. Travel to and from work
2. Travel on the property
3. Company Sponsored Events (voluntary participation)

## After Hours On-Call Maintenance

An Employee who is assigned to After Hours On-Call Maintenance is eligible for Mileage Reimbursement from their Home (as provided to Human Resources) and the Community (round trip) for each occurrence of such travel unless Employee is on an Auto Allowance. Upon the first occurrence, the mileage for each occurrence would not change, unless the Employee moved and updated their new address to Human Resources.



All Employees must submit any Mileage Reimbursement for each bi-weekly pay period for which the travel occurred.

1. Mileage Reimbursement (Form) is to be submitted to the Employee's General Manager for approval, and;
2. Then forward to the District Manager for approval and submission.

For example, bi-weekly pay periods end on Sunday, and paid on the following Friday, so any Mileage Reimbursement (Form) must be submitted for approval on the following Monday by 9:00 a.m. If approved, Mileage Reimbursement will be included in the Employee's payroll check (no taxes are deducted for Mileage Reimbursement).

**Please note:** Mileage Reimbursements submitted later than one subsequent pay period, the Mileage Reimbursements are no longer a committed obligation to be paid.

## Note

1. Mileage distances noted on the Mileage Reimbursement (Form) will be regularly checked against distances noted on Google Maps or Map Quest.
2. Mileage reimbursement requests must be signed by the Employee, General Manager, and District Manager for approval.
3. The General Manager or District Manager will enter all Mileage Reimbursement, similar to all commission into Nova Time.



DENIZEN  
MANAGEMENT



## Employee Injury

WE ARE



# Employee Injury Policy, Procedure, & Worker's Comp.

At Denizen Management, the safety of our Employees is a top priority. Even with training and promoting a safe work environment, accidents and injuries can still occur. When accidents happen, it can be a stressful time for both the injured party and the Supervisor. Knowing what to do and how to proceed is critical.

The Company maintains workers' compensation coverage on all Employees in accordance with the laws of the state in which you are assigned. This coverage is maintained at no cost to the Employee. Subject to applicable legal requirements, workers' compensation insurance provides benefits for absences caused by an injury or illness that occur during the course of employment with The Company.

## Treatment for Injury & Illness

The Employee should immediately notify his or her Supervisor of the injury in order to gain authorization to proceed with treatment, if necessary. The Supervisor should then determine whether to call 911, first-aid can be performed on the scene or if additional emergency care is required at an assigned Occupational health care facility. Depending upon the severity of the injury, the employer may need to notify family members for the Employee.

All injured Employees must immediately submit to a mandatory drug screen, whether seeking medical treatment or not.

## In the Event of an Injury

1. Stay Calm
2. Escort or ensure transportation of the Employee with a supervisor to the network provider. Injured Employees are not permitted to 'take themselves' for treatment.
3. Both Denizen Management and Managepoint policy requires mandatory drug screening on any Employee who is involved in a work related injury/incident even if the Employee refuses treatment. Employee must present picture ID at time of treatment. Some facilities, (especially hospital Emergency Rooms), require a signed Drug Screen Request Form in order to administer the drug screening.

The Supervisor/Management Personnel or Co-Worker that accompanies the Employee to the facility must request a drug screening be administered.

If for any reason a Drug Screening was not obtained at time of treatment, the Employee will be required to return to a Medical Facility and obtain a drug screen.

4. Accident reporting forms must be completed in detail and returned to the Human Resources Administrator within 24 hours of the injury. There are 3 forms which must be used.
  - a. The Employee Statement (Form) should be completed by the injured worker the day of injury. If they are unable to complete the form, have someone ask them the questions and complete it for them.

If medical treatment is refused by the injured Employee, the Employee must sign the waiver on the Employee Statement. The report still needs to be completed and submitted to Denizen Management for reporting. The Employee will still need to be taken to the assigned Occupational Health Center for the Mandatory Drug Screening.

The form is titled "Employee Statement (Form)" and is marked as "Proprietary & Confidential". It contains the following sections and fields:

- Employee Information:** Employee Name, SSN, Address, Date of Birth, City/State/Zip, Telephone, Employee's Job Title, Marital Status (Unmarried, Married, Separated), Number of Dependents, and Subscriber Location (Where you report to work).
- Incident:** Date (Exact Time & Location where injury occurred), Last date worked, Date returned, and Date injury was reported (if different from date of injury, please explain why).
- Reporting Information:** To whom did you report the injury?, Nature of injury, Part of body affected, and a description of the incident.
- Medical Attention:** Questions about whether the injury is an aggravation of a previous injury, if the employee has ever had a similar injury, and if medical attention was received or refused.
- Waiver and Certifications:** A certification that the employee made a conscious decision not to seek medical attention, and a statement that the employee certifies that the information provided is true and correct.
- Signatures:** Fields for the Employee's Signature (to refuse treatment), Injured Employee's Signature, Witness Signature to employee's signature above, and Signature of Reporting Personnel, each with a corresponding Date field.

*EMPLOYEE STATEMENT (FORM) – can be retrieved on employee login website*

- b. The Supervisor Report of Accident Investigation (Form) is to be completed by the Supervisor, Owner or Management personnel. This is the supervisors view of what happened and why. It is not simply a repetition of the Employee's explanation of his/her accident. Carelessness is not the root cause of the injury. The cause should be identified along with the corrective actions to ensure that the accident does not occur again.

Proprietary & Confidential

### Supervisor Report of Accident Investigation (Form)

Name of Employee: \_\_\_\_\_ Date of Report: \_\_\_\_\_  
Occupation: \_\_\_\_\_ Dept: \_\_\_\_\_  
Length of Employment: \_\_\_\_\_ Age: \_\_\_\_\_  
Date and Time of Accident: \_\_\_\_\_ Exact Location: \_\_\_\_\_

Description of Accident - What was employee doing? What tools/equipment were they using?  
\_\_\_\_\_  
\_\_\_\_\_

Names of Witnesses  
\_\_\_\_\_  
\_\_\_\_\_

Nature of Injuries - What part of employee's body was injured? \_\_\_\_\_  
Did employee report the accident to you immediately? \_\_\_\_\_  
If not, why? \_\_\_\_\_  
Did employee go to a doctor for treatment? \_\_\_\_\_ What doctor? \_\_\_\_\_  
Did employee go to a hospital? \_\_\_\_\_ Which one? \_\_\_\_\_  
Did employee return to work after the accident? \_\_\_\_\_ When? \_\_\_\_\_

Based upon your investigation, what caused this accident?  
\_\_\_\_\_  
\_\_\_\_\_

What should be done, and by whom, to prevent a similar accident from occurring in the future?  
\_\_\_\_\_  
\_\_\_\_\_

What is being done to see that this does not happen again?  
\_\_\_\_\_  
\_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_





*SUPERVISOR REPORT OF ACCIDENT (FORM) – can be retrieved on employee login website*

- c. The Witness to Injury Statement (Form) is to be completed by someone who witnessed the accident/injury if applicable.

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### Witness to Injury Statement (Form)

Witness Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Telephone #: \_\_\_\_\_

Injured Employee's Name: \_\_\_\_\_ SS# \_\_\_\_\_

#### INCIDENT INFORMATION

Date, Time & Location Where Injury Occurred: Date: \_\_\_/\_\_\_/\_\_\_ Time: \_\_\_am/pm  
Location (Be specific): \_\_\_\_\_

Nature of Injury: \_\_\_\_\_  
Part of body affected: \_\_\_\_\_

Describe fully how incident occurred (be specific as to tools or material being handled, what the employee was doing):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Was injured employee hospitalized? Yes \_\_\_ No \_\_\_ Unknown \_\_\_  
Hospital Name: \_\_\_\_\_  
Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

If known, please provide us with the name, address and telephone number of the attending physician. Name: \_\_\_\_\_  
Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

Please keep in mind that any person who knowingly and with intent to defraud or deceive the Bureau of Workers' Compensation or any insurance carrier, files a statement containing false, incomplete or misleading information may be subject to criminal penalties.

Witness to Injury Signature: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_





*WITNESS TO INJURY STATEMENT (FORM) – can be retrieved on employee login website*

All paperwork must be fully completed. Inaccurate or missing information can hinder the assignment and handling of the claim. Please handle promptly and with sensitivity. Do not prejudge. Do not blame. Report only, what you know to be true.

5. If an Employee has been off work due to a work related injury/illness, the Human Resources Administrator needs to be made aware that the Employee is off work and notified when the Employee returns to work.
6. In case of a motor vehicle accident, forward a copy of the accident report along with a copy of the police report to the Human Resources Administrator.
7. All Doctor/Medical Reports, releases, off work slips along with any medical bills need to be forwarded to the Human Resources Administrator.
8. Investigate the accident to prevent a reoccurrence.

## Report Incident to Appropriate Parties

In accordance with The Company's internal policy, the Employee should report the incident to the Property Manager. The Property Manager should notify Human Resources and complete the First Report of Injury form (Texas) or call the Injury Hotline, as applicable.

The Human Resources Department will share with the Employee the claims procedures, the benefits available to the Employee and whom to contact for any concerns.

Items frequently covered include:

- **Injury/illness report.** A report of the injury/occupational illness must be immediately or the Employee may lose the right to file a workers' compensation claim.
- **Non-Emergency Medical Treatment.** An employer's doctor that is designated for seeing Employees with work-related injuries should see the Employee first. Thereafter, the Employee can select a physician for continued treatment, if required.
- **Emergency Medical Treatment.** Call 911.

**Medical cooperation.** The Employee is expected to cooperate with the employer and/or the insurance carrier per their plan instruction and required treatment.

- **Medical expenses.** The Employee is entitled to have all reasonable medical expenses paid that were a result of the workers comp injury or illness.

## Worker's Compensation Leave

If an authorized treating physician takes the Employee off work, they will be placed on Worker's Compensation Leave. While on leave, if eligible under the State's worker's compensation law, the Employee will receive worker's compensation benefits rather than regular pay. The failure to promptly report any accident and/or injury could result in the loss of the Employee's right to receive worker's compensation benefits. Copies of all doctor statements must be forwarded to the HR Administrator.

The Employee will remain on Worker's Compensation Leave until the authorized treating physician releases the Employee to return to work. However, in no event may a Worker's Compensation Leave extend for more than one (1) year.

If the Employee suffers a permanent impairment as a result of a compensable injury or disease and the authorized treating physician releases the Employee to return to work with restrictions against performing specific activities, the Company will attempt to assign the Employee work that is within the restrictions or to otherwise reasonably accommodate the Employee. However, the Company cannot guarantee that a position within the restrictions will be available or that the Company will be able to otherwise reasonable accommodate the restrictions. If not, the Employee will remain on leave until: a position within the restrictions becomes available; the authorized treating physician modifies or discontinues the Restrictions; or, all available Worker's Compensation Leave is exhausted (i.e. if after one year)

If in the opinion of the authorized treating physician, the Employee remains unable to return to work, in accordance with the State's worker's compensation law, the Employee's employment will automatically terminate.

No Vacation Leave or Sick Leave will be earned for the time an Employee is on Worker's Compensation Leave.

During a Worker's Compensation Leave, the Company will continue to pay its contribution for the Employee's single medical insurance coverage for a period not to exceed ninety (90) days. The Employee will be responsible for their contribution portion. After that time, the Employee can elect to continue group health insurance coverage at the group rate, but the Employee will be responsible for paying the entire premium until they return to work.

## Incident Investigation

An incident investigation should be completed *immediately following* every accident by the Property Manager or Maintenance Supervisor.

The purpose of investigating an incident is to determine the incident cause so that similar accidents can be prevented.

It is the responsibility of the supervisor to make an immediate report of every incident and "near miss." The supervisor usually knows more about the accident than anyone else, and it is up to the supervisor, in most cases, to put into effect whatever measures may be adopted to prevent similar incidents.

Each investigation should be made as soon after the incident as possible. A delay of only a few hours may allow important facts to be destroyed or removed.

It is the purpose of incident investigation to obtain factual information so that the cause can be determined and incident recurrence prevented, not to fix blame.

The following are items which should be covered in the supervisor's incident investigation:

- **Describe injuries (or property damage)**  
Cover what injuries were sustained by Employees or others and/or damage to equipment, vehicles, or materials. Examples might be:
  - "particle in eye"
  - "left arm broken"
  - "strain in lower right side of back"
  - "drove over bicycle"
  
- **What was involved during the incident?**  
Cover the items involved in the incident and how it occurred. Examples may be:
  - "making keys without safety glasses or guard"
  - "standing on three boxes to change light bulb"
  - "boxes slipped and Employee fell"
  - "feeding unguarded power press"
  - "Employee was installing a water heater"
  - "backing out of parking space"
  
- **How was the incident caused?**  
Describe unsafe act, unsafe condition, or defective equipment or material. This should cover the specific cause of the incident. Examples may be:

- “failed to wear safety glasses”
  - “Employee stood on boxes instead of ladder”
  - “lifted improperly”
  - “failed to look before backing”
- **How can this be prevented in the future?**  
Cover corrective action to prevent recurrence of the accident. Examples can be:
    - “personal protection has been purchased for persons using the key machine, and Employees need to be instructed on use of safety glasses with a sign to be posted enforcing the use of this protection”
    - “checked to see that ladders were available, will instruct Employees on use of ladders at next safety meeting”
    - “will instruct Employees on proper lifting at next safety meeting and review instructions to Employees before they begin job”
    - “driver has been instructed to check behind the vehicle before backing, have someone assist while backing or avoid situations which require unnecessary backing”

### ***Managing the Incident Scene***

An accident scene is a chaotic place, particularly when injuries are involved. The supervisor will take charge of the site and direct any response activities. The General Manager and corporate office should be notified of the incident as soon as possible.

It is important to remember that two concerns take priority at any accident scene:

- Care and treatment of the injured.
- Elimination or control of remaining hazards.

### ***Treat the injured first***

The care and treatment of the injured Employee will take first priority at the scene. However, when hazardous conditions at the scene present an immediate threat to the health or safety of anyone, including rescue workers, eliminating or controlling the hazard should take priority.

When injuries are encountered at an accident scene, the supervisor should make sure that proper emergency help has been summoned and the victims are given any necessary first-aid. If emergency providers are already on the scene, the supervisor should make sure they receive whatever cooperation they need to get the job done. Only authorized first-aid personnel should be administering first-aid treatment. This includes trained Employees, emergency medical technicians (EMT's), paramedics, and medical personnel.

### ***Control Remaining Hazards***

After an accident, conditions at the site can remain hazardous. If anything at the scene still presents a danger, restrict access to the area until the hazard has been eliminated or controlled. If there is any uncertainty about conditions at an accident site, do not take chances, keep people out of the area until no danger remains.

### ***Isolate the Site***

Keep the area from being disturbed until it has been inspected. A common way to handle this is to use a brightly colored marking tape, rope, cones, barricades, or other types of signs to outline the restricted area. If none of these are available, Employees may be posted around the site to keep people out of an area.

## **Helpful Hints**

1. Err on the side of caution. It is better to be safe than sorry.
2. All injuries, no matter how minor, require documentation.
3. All injuries, no matter how minor, require drug testing.
4. Refusal to submit to a drug test is grounds for immediate termination.
5. If you are assisting an injured party, protect yourself appropriately from Blood borne Pathogens by using sterile first aid gloves from your First Aid Kit.



DENIZEN  
MANAGEMENT



# Employee Discipline

WE ARE



# Employee Discipline Policy

Just as promotions and pay increases are a part of the Human Resource Policy, so is disciplinary action for communicating and correcting bad behavior, poor performance, and prior to terminating ineffective Employees. If properly applied, it can be a positive tool to communicate the Supervisor's attention to, and an opportunity for the Employee to correct and grow from constructive criticism, reflecting an Employee QSQ ("Quality Service Quotient") of Respect.

In addition, documentation is necessary to meet federal, state and local employment laws if an Employee is terminated, and for Employee Performance Review & Development.

## Clarification Memo

The Clarification Memo is the first warning an Employee should receive, unless the issue is severe in nature. A Clarification Memo is a means to provide an Employee with additional direction and an action plan for improvement. A Clarification Memo should be used when the Supervisor believes the issues can be easily corrected and the Employee is likely willing to learn and correct the nonperformance.

Proprietary & Confidential

Denizen Management  
Inter-Office Correspondence

Date: \_\_\_\_\_  
To: \_\_\_\_\_  
From: \_\_\_\_\_  
CC: \_\_\_\_\_

Subject: CLARIFICATION MEMO

Incident/Issue:  
\_\_\_\_\_  
\_\_\_\_\_

Changes moving forward:  
\_\_\_\_\_  
\_\_\_\_\_

Associates comments:  
\_\_\_\_\_  
\_\_\_\_\_

I acknowledge that I have read and understand the items in this clarification memo.

Associate Signature \_\_\_\_\_ Date \_\_\_\_\_ Supervisor's Signature \_\_\_\_\_ Date \_\_\_\_\_

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*CLARIFICATION MEMO (FORM) – can be retrieved on employee login website*

## Employee Warning Notice

An Employee Warning Notice is a written notice that will be placed and made part of an Employee's personnel file. The Employee Warning Notice should be provided in situations of repeated poor performance, bad behavior, and in the event of a severe offense; insubordination, dereliction of duty, failing to report for work, etc. Though not required, it is often advised and common that an Employee Warning Notice will follow a noncorrected Clarification Memo.

In addition, it is advisable, in most cases, that if an Employee is likely to be terminated for stated reasons the Employee Warning Notice should be issued prior to termination.

*Proprietary & Confidential*

### Employee Warning Notice

Employee Name: \_\_\_\_\_ Date of Warning: \_\_\_\_/\_\_\_\_/\_\_\_\_  
 Payroll #: \_\_\_\_\_ Department: \_\_\_\_\_ Shift: \_\_\_\_\_

**Type of Violation**

<input type="checkbox"/> Attendance	<input type="checkbox"/> Carelessness	<input type="checkbox"/> Insubordination
<input type="checkbox"/> Lateness/Early Quit	<input type="checkbox"/> Failure to Follow Instructions	<input type="checkbox"/> Violation of Safety Rules
<input type="checkbox"/> Rudeness to Employees/Customers	<input type="checkbox"/> Willful Damage to Material/Equipment	<input type="checkbox"/> Working on Personal Matters
<input type="checkbox"/> Unsatisfactory Work Quality	<input type="checkbox"/> Violation of Company Policies/Procedures	<input type="checkbox"/> Other

**Previous Warnings**

1 <sup>st</sup> Warning	Date	Written	Date	By Whom
2 <sup>nd</sup> Warning				
3 <sup>rd</sup> Warning				

**Employers Statement**

Date of Incident: \_\_\_\_\_ Time: \_\_\_\_\_

\_\_\_\_\_

**Employee Statement**

I Agree with Employers Statement  I Disagree with Employers Statement for this reason

\_\_\_\_\_

**Action to be taken**

Warning  Probation  Suspension  Dismissal  Other

Consequence should issue occur again \_\_\_\_\_

Have read this warning notice and understand it \_\_\_\_\_

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

Signature Of Supervisor Issuing Warning \_\_\_\_\_ Date \_\_\_\_\_





*WARNING NOTICE (FORM) – can be retrieved on employee login website*

## Consultation

When Employee performance issues arise, it is imperative to consider the following guidelines as part of the Supervisor's practice and application of this policy:

1. Do not procrastinate or delay action, it only makes the situation worse for the Employee, Supervisor, Company, Owner, and Residents.
2. Avoid being rash or take actions out of anger or frustration, be calm.
3. Always seek Consultation with the District Manager and/or Human Resources.

Human Resource issues are often complicated. Working with the entire Team out of the view or knowledge of the Employee is always the best policy before taking action. Sometimes, just a conversation with the Employee may resolved the matter. In other instances, making notes and raising the issue at the Employee Performance Review & Development is the best option, Regardless, Consultation is advised.

# Ohio Termination Guidelines

Ohio is an "employment-at-will" state. This means that either the employer or employee may terminate an employment relationship at any time and for any reason unless a law or contract exists to the contrary. However, a number of state statutes and several court decisions have established important exceptions to employment at will.

## Exceptions to At-Will Employment Retaliatory Discharge

Ohio recognizes several exceptions to the doctrine of at-will employment. In addition to federal limitations, state law prohibits employers from discharging employees for engaging in the following activities: Workers' compensation. Employers are prohibited from retaliating against an employee because he or she has filed a workers' compensation claim or testified at a workers' compensation hearing (OH Rev. Code Sec. 4123.90 ).Note: The Ohio Supreme Court has held that an at-will employee terminated while on workers' compensation has no cause of action for wrongful discharge in violation of public policy as long as the discharge was nonretaliatory ( Bickers v. Western & Southern Life Insurance Co., 879 N.E.2d 201 (OH 2007)).

## Political Activity

It is unlawful for an employer to use threats, expressed or implied, to influence or attempt to influence an employee's political opinions or activities (oH Rev. Code sec. 3599.05).

## Wage & Hour Claims

Employers may not retaliate or otherwise discriminate against an employee for making a complaint about unpaid wages, instituting such a complaint, or testifying in a state wage law proceeding (OH Rev. Code Sec. 4111.13(8)).

## Union Activity

Employers cannot force employees to refrain from engaging in union activities as a condition of employment (OH Rev. Code Sec. 4113.02 ).

## Jury duty

It is illegal to retaliate against an employee for receiving and responding to a jury summons or for serving on a jury (OH Rev. Code Sec. 2313.19 ).

## Subpoena

Employers are prohibited from discharging or threatening to discharge an employee because the employee was absent from work pursuant to a subpoena to attend proceedings in a juvenile case. (OH Rev. Code Sec. 2151.211). This law does not protect employees who are summoned to attend juvenile proceedings ( Carter v. King Wrecking Co., No. C-090208 (OH App. Ct. 2009)). In this case, an employer discharged an employee who was absent from work to appear in juvenile court in response to a summons. The court held that the employee was not protected by the law. It distinguished between a summons and a subpoena, noting that a summons is generally issued to a party in a case, while a subpoena is issued to a nonparty witness. Also, unlike a subpoena, a person summoned to court need not appear in person, but can appear through his or her attorney.

## Contract Issues

Whether or not an actual written contract exists between the employer and employee, certain statements, actions, or representations can bind the employer just as though there were a written contract.

## Implied Contracts

An implied employment contract may be created through the employer's customs and practices, promises made by management, or policies found in the employee handbook if the statements or policies are specific enough to create such an agreement. A court may or may not find an implied contract in the facts, but if it does, it carries the same force as a written contract. Please see the national Employee Handbooks, Ohio Employee Handbooks, national Employment Contracts, Ohio Employment Contracts sections.

## Employee handbooks

In order to support the finding that an employee handbook has created a contract of employment, the Ohio courts have generally required a showing of mutual assent (i.e., both parties intended that the handbook create a contract) or additional consideration (i.e., the employee's continuation of work after receiving notice of the

handbook's terms). An employer's unilateral distribution of an employee handbook, without more, will generally not result in the formation of an implied contract of employment. In addition, a disclaimer in the handbook clearly stating that employment is at will and the handbook is not a contract will usually help an employer avoid contractual liability. Please see the national Employee Handbooks section.

## Discrimination

The Ohio Fair Employment Practice Law prohibits employment practices that discriminate on the basis of race, color, religion, sex (including pregnancy, childbirth, or related medical conditions), military status, national origin, disability, age, or ancestry ( OH Rev. Code Sec. 4112.01 et seq).

## Whistleblowers

Ohio law protects employees that engage in whistleblowing activity. Under the law, employees must notify their employers orally and in writing if they become aware of a violation of state or federal law that the employee reasonably believes is a criminal offense that is likely to cause an imminent risk of physical harm or a hazard to public health or safety, a felony, or an improper solicitation for a contribution. If the employer does not correct the violation or make a reasonable effort to correct the violation within 24 hours, the employee may then file a written report with the appropriate public official or agency that has regulatory authority over the employer and the industry, trade, or business. Employers may not retaliate or take any disciplinary action against an employee for reporting the employer's illegal activity under the statute (OH Code Sec. 4113.52 ).

## Public Policy

To fill in the gaps in legal protection for employees, courts in some states have recognized what is commonly known as a "public policy" exception to employment at will. This amounts to a prohibition against firing a worker for refusing to break the law or for exercising certain kinds of rights. The Ohio Supreme Court has set out four criteria for finding a violation of public policy (Collins v. Rizkana, 652 N.E.2d 653 (1995)). They are:

- The existence of a clear public policy manifested in a state or federal constitution, statute, regulation, or the common law (e.g., jury service or discrimination against an ethnic, religious, etc., group);
- The dismissal of a particular employee that violates the public policy;
- The employee's dismissal was motivated by conduct related to the public policy; and
- The absence of an overriding business reason for firing the employee.



## Burden of Proof

An employee claiming wrongful discharge has the burden of proving his or her case. The employee may use circumstantial evidence to satisfy this burden. As a result, it is essential for employers to be able to show conclusively, with both testimony and documentation, that an employee's "protected" conduct was in no way related to his or her termination.

## Termination Issues

When a person's employment is terminated, whether voluntarily or involuntarily, there are a number of questions that may arise.

## Mass Termination

If enough people are being terminated, the federal plant closing law may apply. Please see the national Layoff, Ohio Layoff sections.

## Unemployment Compensation

Most involuntary separations--and even some seemingly voluntary ones--result in a claim for unemployment benefits. Please see the Ohio Unemployment Compensation section.

## Separation Interviews

It is advisable to meet with employees who leave the job voluntarily, not only to protect against liability but to keep alert to morale problems that may be undermining the employer's business objectives. Please see the national Exit Interviews section.

## Health Insurance

Both the federal government and the state of Ohio require employers that provide healthcare insurance to allow employees to continue their insurance--at the employee's expense--for a period of time after separation. A detailed explanation of employees' continuation rights is available. Please see the national Health Insurance Continuation/COBRA, Ohio Health Insurance Continuation/COBRA sections.

## Pay Issues

Ohio law does not specifically address payment of wages upon termination. In this case, wages owed to terminated employees should be paid at the next regular payday. If the employer offers paid vacations, accrued vacation time may also require a payment at the time of separation, and if the employer has promised severance pay, it must be paid according to the terms of the commitment made to the employee. Please see the Ohio Paychecks, Ohio Vacations sections.

# Indiana Termination of Employment

## At Will Employment

Indiana employers may enter into contractual relationships with employees setting forth terms and conditions of employment including with respect to issues concerning termination of employment. In such cases, the terms of the contract will be the main evidence affecting the outcome of disputes between the employer and employee, assuming that the contract is sufficiently detailed to cover the point(s) of dispute. Further, employers in Indiana can set forth a set duration or period of employment during which an employee typically cannot be terminated without some reason or cause sufficient to justify the termination of an at will employment relationship.

Alternatively, an employee hired for an indefinite period of time and without an employment contract is called an "at will employee." What this means is that the employer or the employee may terminate the employment relationship with or without cause, and at any time. Further, there is no legal requirement of providing advance notice of the termination of an at will employment relationship.

Indiana law recognizes the at will employment doctrine, but subject to certain narrowly defined exceptions. There are also federal law restrictions on an employer's right to terminate an otherwise "at will" employee.

Indiana State law exceptions to the general at will employment doctrine include the following judicially-created and narrowly-construed exceptions that apply when the employee is exercising a statutorily-protected right or performing a statutorily-required duty. Recognized exceptions include: attendance at jury duty, filing (or threatening to file) a worker's compensation claim, and refusal to perform an illegal act (i.e., refusing to drive a truck that is in excess of legal weight limits). Also, employment that is for a fixed term for which the employer and employee have agreed to restricted reasons for discharge, or in which the employee was hired by the employer with knowledge that the employee gave up job protected status with a prior employer to take the new employment, is not at will.

When an employer hires an employee for a temporary period or for a season, the temporary employee is still an at will employee of the employer, and the relationship is governed by the same laws as those applicable to at will employees. As with permanent employees, legally mandated benefits, such as workers' compensation insurance and unemployment insurance, must be offered to temporary employees. Optional benefits, such as 401(k) plans, need not be offered to temporary employees.

## Independent Contractors

Some employers may choose to hire or use the services of independent contractors to perform certain services. A true independent contractor is not considered an employee of the employer.

However, it is important to note that courts and government agencies reviewing the relationship between an employer and individuals, who are alleged to be independent contractors, will look beyond the label given to the relationship by the employer and individual. Instead, the courts and agencies will examine the substance of the working relationship. For instance, federal and state governmental agencies (such as tax agencies like the Indiana Department of Revenue, worker's compensation agencies such as the Indiana Workers Compensation Board, Indiana and federal departments of labor, etc.) have a variety of tests for determining whether a worker is truly an employee or an independent contractor. The exact tests will vary, to some extent, by agency. However, for the most part, the tests deal with whether the employer had the right to direct and control not only the end result of the work being done, but also the manner in which the work was to be performed. Furthermore, there will be some review of other factors including: whether the individual held himself/herself out to other employers or the general public as performing the same or similar services; the manner of payment to the individual for the services; and the length of the working relationship.

Incorrectly classifying an employee as an independent contractor is an extremely serious matter. Not only can claims be made for things such as overtime pay and employee benefits, there can also be assessment and collection of unpaid payroll taxes, interest, and penalties and exposure to employment-related lawsuits and administrative claims. The cumulative impact of these claims, lawsuits and penalties can be sufficiently serious to cause the employer to go out of business and close its doors.

## Employment Agreements and Enforceability

As mentioned above, employers can enter into an employment agreement with an employee and such agreements are generally enforceable under Indiana law (assuming unlawful provisions are not part of the agreements). Such agreements can contain covenants: not to compete (in various forms); to maintain confidentiality over certain information/data; not to attempt to recruit employees away following the employee's employment; not to solicit employer customers/clients following the employee's employment, etc. Under Indiana law, there are, of course, requirements that certain such covenants be reasonable and tailored to the employer's protectable interests.

## Employment Records

For the most part, federal law supplies retention requirements for employment records. Nonetheless, we recommend that Indiana employers maintain the following records, for the time periods specified below. Employers are free to maintain records for longer periods and should do so when there is litigation or a reasonable risk of litigation, as directed by counsel and litigation "hold" policies and directives. In Indiana, employees of private employers do not have any rights to access personnel records, except as part of discovery in litigation. Public sector employees do have access to records under certain circumstances.

Medical records and other confidential documents, such as investigative files for harassment claims, should be maintained apart from an employee's regular personnel file and should be kept confidential and access should be restricted to those management officials with a legitimate business need for such information.

Overview of Common Record Retention Requirements Under Indiana and Federal Law

### Period of Retention: Records to be Retained

#### 1 year

Personnel records relating to (1) job applications, resumes or other replies to job advertisements, including records pertaining to failure to hire; (2) promotion, demotion, transfer, selection for training, layoff, recall or discharge; (3) job orders submitted to employment agency or union; (4) results of any physical examination if the employer considered it in connection with any personnel action; (5) records of employer-administered aptitude or other test; and (6) job advertisements or notices to employees regarding openings, promotions, training programs, or opportunities for overtime work. (ADEA, ADA, Title VII)

Personnel and employment records are required by Executive Order if the employer/federal contractor has fewer than 150 employees or does not have a contract with the federal government of at least \$150,000. An employer/federal contractor with more than 150 employees or a contract of more than \$150,000 must retain relevant records for two years. (OFCCP Regs)

#### 2 years

For government contractors and any other entity governed by the Rehabilitation Act: job descriptions, job postings and advertisements, records of job offers, applications and resumes, interview notes, tests and test results, written employment policies and procedures and personnel files. (Rehabilitation Act, Executive Order 11246)

Personnel or employment records of public elementary or secondary schools. (Title VII, ADA)

From date of last entry, basic employment and earnings records, wage rate tables, records of additions to or deductions from wages paid, work time schedules, orders, shipping and billing records, job evaluations, merit or seniority systems, or other matters that describe or explain the basis for payment of any wage differentials to employees of the opposite sex in the same establishment, and records of deductions from or additions to pay. (FLSA, Title VII, Walsh-Healey, Davis-Bacon)  
Reasonable accommodation requests. (ADA)

### 3 years

From last date of entry, payroll records containing each employee's name, address, date of birth, occupation, rate of pay and compensation earned per week. (ADEA)

Basic certificates payroll records, relevant union or individual employment contracts, collective-bargaining agreements, applicable and notices of Wage-Hour Administrator, and sales and purchase records. Also, injury frequency rates, gender and identifying contract number for Walsh-Healey. Substantiation records must be kept for at least two years. (FLSA, Walsh-Healey, Davis-Bacon, ADEA)

Records relating to discrimination charges. (Title VII, ADA, ADEA, Rehabilitation Act)

Records relating to sex and occupation of members of workforce and basis of wage differentials. (EPA)

Employment eligibility verification (Form I-9) (IRCA) (Statute requires I-9s be retained until the later of (1) three years from employee's date of hire; or (2) one year after the employee's termination.)

Dates leave taken under FMLA, copies of employee notice, documents describing employee benefits, employer policies regarding paid and unpaid leaves. (FMLA)

Polygraph tests and results. (Employee Polygraph Protection Act)

Bloodborne pathogen safety training. (OSHA)

### 5 years

Records pertaining to payments to union representatives and employees, payments for interfering with employee rights and arrangements with labor consultants. (Landrum-Griffin Act)

Form 301; Form 300 Log and Summary of Occupational Injuries and Illnesses, Privacy Case List, and Annual Summary. (OSHA)

Payroll and certain personnel records. (Rules of the Indiana Department of Employment and Training Services.)

6 years

ERISA plan disclosures, annual reports and summaries.

30 years

Medical records for employees with occupational exposure to bloodborne pathogens. (OSHA)

All employee medical and exposure records under OSHA's Toxic and Hazardous Substances Standards (must be preserved and maintained for at least the duration of employment plus 30 years).

## Pending Litigation

From the time that a company has notice of a Charge of discrimination or other employment-related litigation, particular effort must be made to preserve documentation which could be relevant to the defense or prosecution of the claim. This includes the personnel file of not only the charging party, but also of other potential comparables. Special care should be taken to preserve electronic data which could be relevant.

Upon receipt of a Charge of Discrimination or other litigation, a company's IT department should be notified to immediately preserve electronic data which could be relevant. Such documentation should not be destroyed until final disposition of the matter and even then only if the documentation does not pertain to other potential claims. (Title VII, ADA, Executive Order, Zublake)

Employee benefit plans, written seniority or merit rating plan, period plan or system is in effect plus one year. (ADEA)

Not Specified

Written affirmative action plans. (OFCCP Regs)

EEO-1 reports that are required of employers with 100 or more employees. (Title VII)

Certificates of Age must be retained for the duration of the employee's employment. (ADEA)

Medical records and other confidential documents, such as investigative files for harassment claims, should be maintained apart from an employee's regular

personnel file and should be kept confidential and access should be restricted to those management officials with a legitimate business need for such information.

### **Indiana Termination of Employment**

Assuming that an employee is employed on an at will basis, that employee may generally be terminated with or without cause or advance notice, provided there is no violation of otherwise applicable law, such as whistleblower, anti-discrimination, or anti-retaliation laws. For example, Indiana prohibits the termination of an employee in retaliation for filing a workers' compensation claim. Indeed, an employment termination that occurs within "temporal proximity" of the time when an employee sought to avail himself/herself of the benefits provided by the Indiana workers' compensation laws will likely be viewed as suspicious by the Indiana courts. Further, termination or layoff of employees may engender litigation or charges filed with governmental agencies such as the federal Equal Employment Opportunity Commission ("EEOC"), the Indiana Civil Rights Commission ("ICRC"), etc.

Therefore, employers should consider whether the facts of each particular case justify termination of employment. In some cases, termination may not be appropriate or timely. Further, there may be some lesser sanction that is appropriate. It is important to consider all circumstances in deciding upon a disciplinary course of action.

Moreover, in terminating employment, employers should assess the risks of workplace violence and take detailed precautions, where appropriate. Employment counsel may need to be consulted before terminating employees.

In addition, large-scale reductions in force call into play other employment laws that require even more analysis to confirm whether there is a disparate impact on protected categories of employees. Moreover, if there are a sufficiently large number of employees affected by a reduction in force, the federal Worker Adjustment and Retraining Notification Act ("WARN") may require 60-days' advance written notice to affected employees, certain union representatives (if any), and state/local government officials. Unlike many states that maintain their own state law versions of WARN, there is no separate Indiana WARN act. Employers in Indiana are regulated under federal WARN.

### **Pay**

All earned wages (including earned/accrued and unpaid vacation pay which is regarded as "wages") must be paid with the final paycheck at separation of employment. The same may be true of earned bonuses and commissions, under certain circumstances.

### **Severance Agreements / Releases**

Severance pay is not required under Indiana law. However, an employer may commit to paying severance compensation in an enforceable agreement, subject to the terms of that agreement. If the employer wishes to have the employee sign a

release of claims in consideration of the severance pay (which must be in addition to any compensation to which the employee was already entitled), federal law contains specific statutory requirements for waivers of age discrimination claims. Also, federal law prohibits the waiver of certain claims, such as wage claims.

#### Unemployment Insurance / Compensation

The purpose of unemployment compensation is to provide benefits to those who are unemployed through no fault of their own. Therefore, to be eligible for payments, an applicant generally must either (1) have quit for good cause attributable to his or her employer or (2) have been terminated for reasons other than serious misconduct connected with his or her work. In addition, an applicant must be available and actively looking for work during the entire period of benefits, and (1) have earned wages in at least 2 quarters in the base year; (2) be unemployed for a waiting period of one week; (3) make a claim for benefits for each week of unemployment; (4) have registered to work and continue to report to the employment office; (5) be available and able to work; and (6) actively seek, but be unable to obtain work during the benefit year (365 days).

Unemployment benefits come from taxes paid by employers on wages of their workers. These taxes are put in a special trust fund that is used solely to pay unemployment benefits to workers who lose their jobs through no fault of their own. The benefits are intended to be temporary to help people with basic needs while seeking new employment.

Most employers pay contributions under the experience rating provisions of the law at a rate of 2.7 to 5.4% of their total payroll. The employer's contribution rate depends on its individual benefit ratio (benefits charged to its account for a certain period divided by its total payroll for the same period) as well as the level of funding of the Unemployment Compensation Fund.

To be "unemployed," individuals must perform no services in a given week and receive no remuneration. In situations where individuals receive payments from their employers for periods in which they render no personal services, e.g., back pay awards, holiday and vacation pay, certain severance payments or employer funded disability pay, they are not "unemployed" and are not entitled to unemployment benefits.

#### Health Care Continuation (COBRA) Requirements

There is no Indiana law regulating notice to employees regarding the cessation of certain employment benefits upon their termination (or resignation) from employment. Instead, such notification arises under a federal law known as the Consolidated Omnibus Budget Reconciliation Act of 1985 ("COBRA").

The Consolidated Omnibus Budget Reconciliation Act of 1985 ("COBRA") requires employers who provide employee health and medical benefits to provide

notification to employees of their COBRA rights at the time of a “qualifying event” such as a resignation or an involuntary termination of employment. COBRA applies to employers with more than 20 employees. See the Federal Laws Regarding Employment section for more information.

# Nebraska Termination Guidelines

Wrongful termination occurs when employers terminate their workers at a time or in a manner in which their workers are legally protected from termination. This could occur when an employer fails to abide by the terms of an employment contract, or if the employer retaliates against an employee after the employee files a harassment charge. It is vital that employers become well-versed in this area of law so they do not mistakenly make employment decisions that could lead to a lawsuit. One of the central tenets of these laws is the concept of at-will employment.

## At-will Employment in Nebraska

Nebraska is an at-will employment state. This means employees can be dismissed for any reason at any time and without notice when an employment contract or other governing principle is not in effect. Employers can even fire their employees for no reason at all. Alternatively, workers can also leave a job without prior notice without fear of legal ramifications.

## Wrongful Termination in Nebraska

There are some significant exceptions to at-will employment. Each exception is designed to prohibit employers from taking advantage of their employees in certain situations and grant workers protection against unjust or unfavorable actions due to their personal circumstances. Both federal law and the Nebraska Fair Employment Act address these issues. When companies break these laws, they may have to defend their actions in a lawsuit. If they fail to prove their actions were in compliance with the laws, they may be forced to pay the unlawfully terminated employee for the cost of the suit, punitive damages and any wages or benefits he or she would have earned had he or she not been terminated.

## Breach of Contract

any other kind of contract created in Nebraska, if an employment contract is breached, the responsible party may face a lawsuit for the damages his or her actions caused. These employment contracts may indicate whether or not an employee is at-will, and therefore grant the employee protections against certain reasons for termination. Conversely, a contract may stipulate the only reasons for which the employee can lose his or her job. Whether a contract is written, oral or made as part of a collective bargaining agreement with a union, these laws may still apply.

## Discrimination

Discrimination is one of the most common forms of wrongful termination. The state Fair Employment Act and Age Discrimination in Employment Act prohibits employers from basing any employment decisions on the gender, race, color, marital status, disability, pregnancy, ethnicity, religion, national origin or age of employees or prospective employees. Additionally, it is illegal for employers to treat these protected employees differently than other workers. Federal laws are also in place that offer the same protections.

## Retaliation

When employers base employment decisions on an employee's choice to assert her or his rights, it is known as retaliation. The same laws that prohibit discriminatory acts against certain employees also have strict guidelines on how employers must handle employees who make claims under these laws, or who seek to assert their legal rights in other ways. Nebraska law states that employers are prohibited from taking negative actions against an employee who files a complaint or testifies about his or her claim. Federal law also prohibits employers from retaliating when their employees engage in desirable, necessary or legally proper activities, such as taking part in union activities.

## Public Policy

When employment actions violate a public interest, they are recognized by common law to be a public policy exception to at-will laws. This largely encompasses situations that society recognizes as illegitimate grounds for termination. Nebraska recognizes only limited public policy exceptions. Under the law, employers cannot discharge employees for any reasons that clearly violate a public policy mandate. What is deemed public policy is determined by whether or not a statute is in place either endorsing or prohibiting an action. For example, collecting workers compensation benefits and refusing to commit perjury are both covered under the public policy exception.



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