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Optimum Guidance Behavior Consulting
Employee Handbook

Note: The following Employee Handbook serves to clarify policies and procedures currently in place at Optimum Guidance Behavior Consulting (OGBC). This employee handbook can be changed at any time without notice by OGBC. It is each employee's responsibility to obtain any changes.

Mission Statement

We aim to achieve the highest possible level of independence for all of our clients through individualized programming and care, and the utilization of Applied Behavior Analysis (ABA). It is OGBC's policy to be an equal opportunity employer and to hire individuals on the basis of their qualifications and ability to perform the job responsibilities they are hired to perform. Unless otherwise provided in writing, employment with OGBC is considered to be at-will so that either party may terminate the relationship at any time and for any lawful reason. Whenever possible, both parties will attempt to give two weeks' notice to each other.

Performance Evaluations

- Evaluations are designed to facilitate constructive discussion between a staff member and his or her supervisor. It allows us to clarify the quality of work to be performed as well as to discuss both deficiencies as well as strengths, as well as to provide reminders concerning ethics and code of conduct.
- All staff are supervised consistently throughout the week and receive constant feedback on daily performance. It is advised to engage in a brief evaluation after the first 90 to 120 days of working for OGBC. A list of areas in which the staff member performs well, and areas of deficiency will be identified, and follow-up steps will be determined.
- Performance evaluations may be conducted by seniors, BCBA's, BCaBA's, or with the directors of the agency if deemed necessary.

Sentinel Events

In the event of an unexpected occurrence involving death, serious physical, or serious psychological injury that occurs in the course of a client receiving behavioral health treatment, a debriefing will be held between the staff member(s) directly related to the incident and at least two (2) clinical team members, one of which will be the Clinical Director, in order to identify opportunities for improvement and permit clinical staff the opportunity to gather information to facilitate development of additional trainings for all OGBC staff members. Corrective action, if warranted, will be determined on a case-by-case basis and implemented at that time.

Dress Code and Personal Hygiene

OGBC's goal is to exhibit high standards of services and professionalism. Working directly with young children and adolescents requires employees to wear comfortable clothing. However, not all casual clothing is suitable for the office and other settings you may find yourself working in with OGBC. The following guidelines will help determine what is appropriate to wear while at work:

- Clothing that works well for the beach, yard work, dance clubs, exercise sessions, and sports contests are not appropriate for a professional appearance at work.
- Clothing that reveals cleavage, your back, your chest, your stomach, or your underwear is not appropriate for a place of business, even in a business-casual setting.
- Clothing should be pressed and never wrinkled. Torn, dirty, or frayed clothing is unacceptable. All seams must be finished. Any clothing that has words, terms, or pictures that may be offensive to other employees is unacceptable. Clothing that has the company logo is encouraged.
- Wear comfortable shoes that stay on. Working with students of various ages and ability levels requires employees to be able to reach any child fast. High heels will not be conducive to safety guidelines while working with young children. If in home, shoes may be taken off based on household rules.
- Sandals are allowed depending on the supervisor's discretion. All sandals must have a back.
- Jeans are versatile, durable, and a comfortable option for you to wear at work. When working at OGBC, you must be sure your jeans are not torn or washed out. Jeans must be worn in a casual but professional way.
- Yoga pants that are thick and not see-through are acceptable.
- Out of respect for our young student clientele and their highly sensitive sensory disturbances, it is required for each employee to engage in common daily personal hygiene practices prior to arriving at work.
- Loose or sharp jewelry should be removed when working with some OGBC clientele.

Exit/Termination Process

OGBC follows Colorado State legal doctrine of 'employment at will,' which provides that employees and employers have an at-will relationship, meaning that either of them may terminate at any time without advanced notice or cause unless the employee is hired for a definite period of time (Colorado Department of Labor and Employment).

Employees terminating employment with OGBC are encouraged to participate in a confidential exit interview. These interviews assist us in improving work relations and conditions. It is required that the employees terminating employment will do the following:

- Turn in a letter of resignation.
- If the employee is requesting a reference letter for new employment, provide consent in writing.
- Provide OGBC with an updated address to mail future W-2 forms.
- Return all company possessions such as tablets, keys, client data/forms, computers, software, stimuli, and files.

Employee Termination for Non-Performance

OGBC follows Colorado State legal doctrine of 'employment at will,' which provides that employees and employers have an at-will relationship, meaning that either of them may terminate at any time without advanced notice or cause unless the employee is hired for a definite period of time (Colorado Department of Labor and Employment).

OGBC may release an employee from employment for various reasons, including the violation of the following outlined policy and procedures, lack of clientele, violations of code of conduct, ethics, frequent absences, tardiness, and the inability to exhibit the necessary job skills the employee was hired to perform.

If OGBC has determined that evaluations and recommendations have not assisted in employee progress, it may lead to termination of the employee. In this case, the employee will meet with the appropriate staff (Clinical Director) to collect all company property such as keys, assigned phones, computers, stimuli, etc.

The following emphasizes the policy currently in place:

- OGBC does not offer tenure or guaranteed employment. Either the company or the employees can terminate the employment relationship at any time, with or without cause, and with or without notice.
- This at-will employment relationship exists regardless of any other written statements or policies contained in this Handbook or any other Company documents or any verbal statement to the contrary.
- No one except OGBC's owners can enter into any kind of employment relationship or agreement that is contrary to the previous statement. To be enforceable, such a relationship or agreement must be signed by one of the company's owners, and notarized.

Immediate Employment Termination

*OGBC follows Colorado State legal doctrine of 'employment-at-will,' which provides that employees and employers have an at-will relationship, meaning that either of them may terminate at any time without advanced notice or cause unless the employee is hired for a definite period of time (Colorado Department of Labor and Employment). **Also see workplace conduct for additional information.***

The following are situations and incidents for which a person's employment with OGBC will be terminated immediately:

- Verbal or nonverbal threats of violence.
- Committing a violent act.
- Bringing a weapon to work or in personal/company car.
- Viewing pornographic movies on work computers or during work time.
- Stealing company property or committing similar offenses such as misrepresenting actual time worked on time sheets.
- Negligence of clients.
- Release of confidential client information.
- Release of confidential company information.
- Failure to work a scheduled shift without following proper company cancellation procedures.

In the event of any of the above listed events, the employee will be informed of their termination immediately following the event. The employees will receive a written statement regarding the termination, will be asked to hand in all company property, and will be asked to leave the premises.

OGBC Paychecks and Paydays

Employees can expect direct deposit on the first and sixteenth day of each month. If the first or the sixteenth falls on a weekend or holiday, payday will fall on the day before. Pay periods are the 10th through the 24th and the 25th through the 9th of each month.

Sick Leave

The following are guidelines for accumulation and use of Sick Leave:

- As of January 2021, all employees will earn one hour of sick leave per thirty hours worked. This caps at 48 hours per year with one year of rollover.
- Sick Leave must follow Colorado sick leave guidelines.

Paid Time Off (PTO)

- Once an hourly employee has worked at OGBC for an average of 32 hours per week for 90 days, they are eligible to earn PTO at 1 hour per 40 hours with a starting cap of 40 hours per year and 80 hours total within two years. This may vary depending on the position and time worked at OGBC. After one month of ceasing to meet an average of 32 client hours per week, PTO accrual will discontinue.
- PTO policy for salaried employees may be variable, depending on position.
- If hired or offered a position before 4/11/2022, please refer to your offer letter to review PTO or contact HR for questions.

Meal and Rest Periods

Rule 7 of Colorado Code Regulation 5.2.1-B-ii reads “(ii) during time they are providing Medicaid-funded services for a service provider or agency receiving at least 75% of its annual total gross revenue from Medicaid or other governmental funds for providing such services within Medicaid home- and community-based services waivers, and the services provided require continuous supervision of the service recipient, or providing a rest period would interfere with ensuring the service recipient's health, safety, and welfare. Employees in category (i) or (ii) must receive:(1) rest periods that average, over the workday, at least 10 minutes per 4 hours worked; and(2) at least 5 minutes of rest in every 4 hours worked.

Such an agreement does not change an employee's right to pay for rest periods under Rule 5.2.4. Additionally, when (B)(ii) above applies: When direct support professionals or direct care workers serving individuals with disabilities spend time in community outings with those individuals with disabilities - as part of day programs, supported living services, or one-to-one respite or personal care - time in such outings does not require rest breaks or pay for rest breaks.

7 Colo. Code Regs. § 1103-1-5

The following are guidelines OGBC follows according to the above:

- At least 5 minutes of paid break will be used for every 4 hours worked with two, 5-minute paid breaks being the max for 4 hours worked.
- If an employee is not in agreement with taking two, 5-minute paid breaks for 4 hours worked, please email hr@ogbehavior.com for accommodations for one, 10-minute paid break and instructions on how to document.

Employees are offered the option to work a paid lunch with their clients to facilitate a community atmosphere and while targeting relevant skills. If the employee prefers, they are able to opt for an unpaid 30-minute lunch. Acknowledgements for employee preference will be sent annually.

Holidays

Hourly employees may choose to take the below listed major holidays off unpaid, or to use any accrued PTO, though prior coordination with applicable supervisors and families affected is required if a holiday falls on any given regularly scheduled session day. Salaried employees are not required to work the days below but must also coordinate and communicate with supervisors and affected families as needed.

- New Years Day
- Memorial Day

- 4th of July
- Labor Day
- Thanksgiving Day
- Christmas Eve
- Christmas Day

Benefits

OGBC is a developing company and will amend the Employee Handbook to reflect upcoming medical, dental, vision, and life insurance policy availability as changes are made.

Currently, OGBC offers medical insurance for the following:

- After thirty days of employment, salaried clinical supervisorial employees (such as BCBA's or BCaBA's) who meet an average of their tiered worked hours per week for those thirty days, based on a monthly average. After one month of failing to meet an average of their tiered worked hours per week, health benefits will discontinue.
- After thirty days of employment, administrative-only employees who meet an average of 32 hours per week based on a monthly average. After one month of failing to meet an average of 32 hours per week, health benefits will discontinue.
- After thirty days of employment, hourly clinical employees meet an average of 32 worked hours per week, based on a monthly average. After one month of failing to meet an average of 32 worked hours per week, health benefits will be discontinued.
- After thirty days of employment, salaried clinical employees (RBTs/BTs) meet an average of their tiered work hours per week, based on a monthly average. After one month of ceasing to meet an average of their tiered work hours per week, health benefits will be discontinued.
- After thirty days of employment, employees may request a one-time \$30.00 reimbursement for a phone case approved by OGBC.

**** If hired or offered a position before 4/11/2022, please refer to your offer letter to review medical insurance requirements or contact HR for questions.

Paid Drive Time

Drive time is only paid BETWEEN client sessions, meaning driving from one client to another, not home and back, unless otherwise approved by HR. Drive times are determined by those schedulers using GPS for AVERAGE drive times; extended drive times due to irregularly heavy traffic, pit stops, or other issues are not included in the drive time. This policy is subject to change if fraud or abuse occurs.

NOTE: These are all negotiable *should there* be an exception to any of these job descriptions.

Colorado Family and Medical Leave Insurance (FAMLI)

Employees may be eligible for FAMLI benefits if they:

- Have earned at least \$2,500 in wages in Colorado during the applicable base period, and
- Experience a qualifying event under the FAMLI program.

Eligibility determinations are made by the Colorado Department of Labor and Employment (CDLE), not the Company.

Eligible employees may receive FAMLI benefits for leave taken for the following reasons:

- The employee's own serious health condition
- Caring for a family member with a serious health condition
- Bonding with a new child (birth, adoption, or foster placement)
- Certain military-related events
- Safe leave related to domestic violence, stalking, sexual assault, or abuse

Eligible employees may receive up to 12 weeks of paid FAMLI leave per year.

Pay During Leave

- FAMLI provides partial wage replacement based on a percentage of the employee's average weekly wage, up to a state-set maximum.
- Benefits are paid directly by the State of Colorado, not by the Company.
- Employees may choose, or the Company may require where permitted by law, to use accrued paid time off (PTO) to supplement FAMLI benefits, subject to Company policy.

Job Protection and Benefits

- Eligible employees who have worked for the Company for at least 180 days before taking FAMLI leave are entitled to job protection under the program.
- During job-protected FAMLI leave, employees will generally be restored to the same or an equivalent position upon return.
- Health insurance benefits will continue during FAMLI leave under the same terms as if the employee were actively working, provided the employee continues to pay their portion of premiums.

Employees requesting FAMLI leave must:

- Provide notice to the Company as soon as practicable when leave is foreseeable
- Apply for FAMLI benefits directly through the Colorado FAMLI Division
- Comply with all documentation and certification requirements of the State

Attendance Policy

Objective

The purpose of this policy is to set forth Optimum Guidance Behavior Consulting's policy and procedures for handling employee absences and tardiness to promote the efficient operation of the agency; ensure consistent, quality care of clients; and minimize unscheduled absences.

Policy

Punctuality and regular attendance are very important to the operation of Optimum Guidance Behavior Consulting and the care of clients and their families, and it is the responsibility of each employee. Tardiness and absences cause disruption of operations, low-quality and inconsistent client care, and create an added burden for fellow employees. Good attendance is something that is expected from all employees. As such, employees are expected to report to work at their scheduled start time and be prepared to begin their workday/session. Employees are also expected to remain for their entire workday/session. Late arrivals, early departures, or other absences from scheduled hours are disruptive and should be avoided as much as possible.

This policy does not apply to absences covered by statutory leaves.

Absence

“Absence” is defined as when an employee is unavailable for work as assigned/scheduled. There are typically three types of absences:

- Excused absence. Occurs when an employee provides supervisors/admin with sufficient notice in advance of the absence and the absence request has been approved in advance by the employee’s supervisor. Sufficient notice is at least fourteen (14) days prior to the absence taking place. Excused absences also include pre-approved vacation, personal holidays, bereavement leave, and jury duty.
- Unplanned absence. Occurs when an employee has properly notified their supervisor that they will be absent from work due to an illness or an emergency. Employees must notify their supervisor no

later than two (2) hours prior to the employee’s scheduled start time on the same day the absence is occurring. Each employee is responsible for contacting their supervisor/assigned admin if they are going to be absent from work.

- Unexcused absence. Occurs when an employee fails to report to work or properly notify their supervisor/assigned admin of the absence (“No call, no show”) or when an employee has exhausted all of their sick leave. Absences that occur frequently or demonstrate a pattern of absenteeism may be deemed unexcused and subject to corrective action. An unexcused

absence counts as one (1) occurrence for the purposes of discipline under this policy. No more than three (3) unexcused absences will be allowed in a twelve (12) month period.

Employees with three (3) or more consecutive days of excused absence due to illness or injury may be asked to provide a doctor’s note prior to returning to work, unless this violates state or local law. Furthermore, employees who have exhausted their sick leave may be asked to provide a doctor’s note for the day(s) they were absent. Providing Optimum Guidance Behavior Consulting with a doctor’s note does not automatically deem an absence excused. Management will review overall patterns of attendance and make determinations accordingly.

Please see the Company’s “Time Off Request Procedures” for further details.

Tardiness

An employee is deemed to be tardy when they:

- Fail to report for work at the assigned/scheduled work time.
- Arrive to work past their scheduled start time.
- Leave work prior to the end of assigned/scheduled work time/session without prior supervisory and, if applicable, client/client caregiver approval.
- Take an extended break without approval.

If an employee cannot report to work/sessions as scheduled, they must notify their supervisor no later than two hours in advance. This notification does not excuse the tardiness but simply notifies the supervisor that a schedule change may be necessary.

Employees who must leave work before the end of their scheduled shift must also notify their supervisor and, if applicable, client/client family immediately.

We realize traffic or weather conditions may cause an employee to be late once in a while. However, employees are expected to plan for traffic and weather problems and to allow for extra time to commute to

work. If the employee will be late, they must let their supervisor/admin know of their late arrival as soon as practical. Notification does not change the fact that this will still be considered an

unexcused tardy. Excessive absences, tardiness, or early departures will lead to discipline, up to and including discharge. Absences or tardiness are excessive if they occur frequently or if they demonstrate a pattern.

Holidays

If an employee calls out of work the day before, the day of, or the day after a holiday, their supervisor/director will review the circumstances of the absence and based on the review, the supervisor will determine whether to count the incident as an excused or unexcused absence.

Corrective Action

Excessive absenteeism is defined as two (2) or more occurrences of unplanned absences or late arrivals in a thirty (30) day period and may result in corrective action. Three (3) occurrences of unexcused absences in a twelve (12) month period are considered grounds for termination.

Job Abandonment

Any employee who fails to report to work for a period of three (3) days (no call/no show) or more without properly notifying their supervisor will be considered to have abandoned their job and voluntarily terminated their employment with Optimum Guidance Behavior Consulting.

Non-Discrimination and Non-Harassment Policy

This policy and procedure is provided to all OGBC employees. OGBC is committed to maintaining an environment free from unlawful discrimination. To fulfill this commitment, OGBC will work to prevent unlawful discrimination from occurring and will ensure that policies prohibiting discrimination are fully enforced. OGBC affirms and protects the rights of clients and employees to seek and obtain the services of this agency without unlawful discrimination.

In regulation with the Civil Rights Act of 1964 as amended and the regulations adopted there under, no person shall, on the basis of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any program and or employment at OGBC.

Also, no employee shall on the basis gender, religion, age, sexual orientation, marital status, pregnancy, disability, veteran status (as defined by the Vietnam-Era Veterans' Readjustment Assistance Act of 1974, as amended), or national or ethnic origin be excluded from participation in, be denied the benefits of or be otherwise subjected to unlawful discrimination, including discriminatory harassment, while working at OGBC.

In addition, discrimination against employees on the basis of covered veteran status is prohibited. Employees who cause these rights to be violated may be subject to discipline and/or employment termination.

Racially-based conduct that consists of different treatment of any staff member, client, or vendor on the basis of race by agents or employees, acting within the scope of their official duties, is a violation of their rights. In addition, the existence of a racially hostile environment that is created, encouraged, accepted, tolerated, or left uncorrected also constitutes different treatment on the basis of race is a violation of the individual's rights. A racially hostile environment may consist of harassing conduct such as: physical, verbal, graphic or written statement/gestures.

OGBC is committed to maintaining an environment free from sex discrimination, including sexual harassment. Sexual harassment includes such behavior as sexual advances, requests for sexual

favors, and other verbal or physical conduct of a sexual nature directed towards any staff member or applicant.

OGBC takes a proactive stand on this issue and educates employees during their initial orientation as well as ongoing training throughout employment.

Please contact our offices immediately to file a grievance if you are a witness of or feel as though your rights have been violated at the following contact information:

Human Resources:

Via phone call at 720-755-2207

Via email at hr@ogbehavior.com

You may contact the Office of Civil Rights about any question and or complaints you may have at:

Office for Civil Rights:

San Francisco Office for Civil Rights

U.S. Department of Education Old Federal Building 50 United Nations Plaza, Room 239 San Francisco, CA 94102-4102

Phone: 415-556-4275 FAX: 415-437-7783

Email: OCR_SanFrancisco@ed.gov Web: www.ed.gov/OCR

Non-Discrimination Policy Regarding Disabilities

In accordance Section 504 of the Rehabilitation Act of 1973 and its implementing regulations, as well as the Americans with Disabilities Act (ADA) of 1990 and its implementing regulations, OGBC prohibits discrimination on the basis of disability in admission or access to, or treatment or employment. Questions regarding this policy may be directed to:

Optimum Guidance Behavior Consulting:

Via phone call at 720-755-2207

Via email at hr@ogbehavior.com

OGBC takes a proactive stance on this issue and educates employees during their initial orientation, as well as ongoing training throughout employment.

For further information on this federal policy, you may contact the Department of Education at the following:

U.S. Department of Education

Office for Civil Rights

Washington, D.C. 20202-1100

1-(800)-421-3481

Drug- and Smoke-Free Environment

OGBC is a drug-free and smoke-free workplace. Employees may not take or use alcohol or drugs, sell drugs, or be affected by the after-effects of indulging in alcohol or drugs outside of the workplace during non-work time. OGBC encourages employees with a substance abuse problem to seek treatment to recover.

OGBC

OGBC values the health and safety of all of our employees and is concerned that employees who may be working under the influence of alcohol or drugs could injure himself, another employee, or a client. Given the nature of our clients who may range from preschoolers to young adolescents, OGBC cannot tolerate any indiscretions or deviation from our drug-free policy and will terminate employment immediately.

To protect and enhance our indoor air quality and to contribute to the health and well-being of all employees, OGBC is entirely smoke-free. Additionally, the use of all tobacco products, including chewing tobacco, is banned from the OGBC workplace except as designated in this policy.

Smoking is prohibited in all of the enclosed areas within the OGBC worksites, without exception. This includes common work areas, facilities, classrooms, conference and meeting rooms, private offices, hallways, lunchrooms, stairs, restrooms, employer-owned or -leased vehicles, client homes, and other enclosed facilities.

There are no designated smoking areas at OGBC locations. Employees may smoke in their personal vehicles, but the smoke and tobacco products must be completely contained within the vehicle. It is not acceptable that either smoking or non-smoking employees or clients are subjected to smoke.

While OGBC makes outside areas available to smokers, it in no way has any legal responsibility to do so. Employees who choose to use smoking areas do so at their own risk. No additional breaks are allowed for any employee who smokes. Finally, smokers and users of tobacco products must dispose of the remains in proper containers. This helps to keep a neat and clean environment for all employees and our visiting partners and customers. Failure to comply with all of the components of this policy will result in disciplinary action that can lead up to and include employment termination.

Use of Company Equipment and Internet Use

Voicemail, email, and internet usage assigned to an employee's company computer, tablet, or telephone extensions are solely for the purpose of conducting Company business, though the employee may choose their own password for assigned devices with company permission. Some job responsibilities at the Company require access to the Internet and the use of software in addition to the Microsoft Office Suite of products. Only people who are appropriately authorized, for company purposes, may use the Internet or additional software.

In no way is any downloading of software or games allowed unless cleared by a supervisor and put into writing. Internet use brings the possibility of breaches to the security of confidential company information. Internet use also creates the possibility of contamination to our system via viruses or spyware. Spyware allows unauthorized people outside the Company potential access to Company passwords and other confidential information.

Additionally, under no circumstances may Company computers or other electronic equipment be used to obtain, view, or reach any pornographic or otherwise immoral, unethical, or non-business-related Internet sites. Doing so may lead to disciplinary action leading up to and including termination of employment.

It is each employee's responsibility to check their emails daily. Email is also to be used for Company business only. Confidential Company information must not be shared outside of the Company, without authorization, at any time. You are also not to conduct personal business using the company email account. Please note: Emails may be sent to you after hours or on weekends. You are not required to read those emails on your personal time.

Please keep this in mind, also, as you consider forwarding non-business emails to associates, family, or friends. Non-business-related emails waste company time and attention. Viewing pornography or sending pornographic jokes or stories via email is considered sexual harassment and will be addressed according to our sexual harassment policy.

Any emails that discriminate against employees by virtue of any protected classification including race, gender, nationality, religion, and so forth, will be dealt with according to the harassment policy. These emails are prohibited at the company. Sending or forwarding non-business emails will result in disciplinary action that may lead to employment termination.

You may not give out client information or write out clients' names in any emails, even when sent to OGBC staff. All employees must use first and last name initials to identify clients via email.

Company-Owned Employee Email

OGBC owns any communication sent via company email or email that is stored on company equipment. Management and other authorized staff have the right to access any material in your company email or on your computer at any time. Please do not consider your electronic communication, storage, or access to be private if it is created or stored at work.

Refer to our Use of Communications and Computer Systems Policy for more information.

By signing below, you indicate that you understand and have received a copy of the OGBC Employee Handbook and agree to comply with the policies and procedures included.

Printed Name

Signature

Date