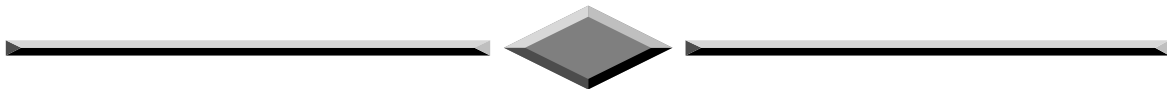


EMPLOYEE HANDBOOK  
Of  
CREATIVE ALTERNATIVES,  
a California Corporation

Dated: August 17, 2015



Creative Alternatives' mission is to deliver a comprehensive therapeutic environment in order to provide a safe and nurturing atmosphere that promotes social-emotional growth and stability.

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## A. ADMINISTRATION

### 1. Introduction

Welcome to Creative Alternatives, a California Corporation (hereinafter, the “Agency”). We are happy to have you aboard. It is the responsibility of each employee to read and understand this booklet. If anything is not clear to you please ask for an explanation.

This Handbook replaces and supersedes all prior policies and practices which have been given to employees, whether in writing or verbally, on the topics addressed in this handbook. The Agency retains the sole discretion to modify, delete or add to this Handbook, in writing, at any time. When such amendments are made, each employee will be provided with a written statement of the amendment and will be required to acknowledge they have received and read the amendment. None of these policies or procedures can be amended, altered or modified in any way by oral statements, but can only be altered by a written statement issued by authorized management personnel.

**NOTHING IN THIS HANDBOOK CHANGES THE “AT-WILL” EMPLOYMENT RELATIONSHIP THAT EXISTS BETWEEN THE AGENCY AND ITS EMPLOYEES. THIS MEANS THAT EMPLOYMENT MAY BE TERMINATED AT ANY TIME FOR ANY LEGAL REASON BY EITHER THE EMPLOYEE OR THE AGENCY WITH OR WITHOUT PRIOR CAUSE OR NOTICE.** The at-will employment relationship may only be modified in a writing signed by the executive director or president of the Agency.

Thank you for joining the Agency.

### 2. Agency Overview

Founded in 1976, the Agency is a nonprofit human services corporation with offices at 2855 Geer Road, Turlock and 3195 M Street, Merced. The Agency provides residential care, foster care, transitional housing plus foster care, and nonpublic schools services to children who are wards, dependents or voluntary placements from various counties in the State of California.

The Agency operates Level 11 closed environment group homes in Stanislaus and Merced Counties. These facilities serve emotionally disturbed boys and girls at risk of institutionalization.

The Agency also operates Reyn Franca School (4033 Main Street, Denair), Reyn Franca Annex (1601 N. Berkeley, Turlock), Grace Bishop School (2025 E. Santa Fe, Merced) and Creative Alternatives School (4460 E. Yale, Fresno) which provide a continuum of care for emotionally disturbed children, those identified as qualifying for special education services but who are not compatible with a public school setting.

In 2014, Creative Alternatives was licensed and started operating a Transitional Housing Placement (THP) plus Foster Care (FC) program. The THP+FC program is an option for non- minor dependents and provides services such as housing and financial assistance. This option is available to adults ranging from 18-21 years old and must meet the educational or employment eligibility criteria to receive these benefits.

The residential care, foster care and nonpublic schools work closely together to provide the best comprehensive treatment approaches to our consumers.

## B. EMPLOYMENT POLICIES

### 1. Employment Policy – At Will Employment

The Agency’s employment policy is “at-will”. Under the at-will policy, neither you nor the Agency is committed to continuing the employment relationship for any specific term. Rather, the employment relationship will continue at will. Either side may terminate the relationship at any time, with or without cause and with or without notice. The Agency also retains the right to demote, transfer, change job duties and change compensation at any time with or without notice and with or

without cause at its sole discretion. In deciding to work for the Agency, or continuing to work for the Agency, you must understand and accept these terms of employment.

2. Discrimination and Harassment

- a. Equal Employment Opportunity. The Agency is an equal opportunity employer and makes employment decisions on the basis of merit, qualifications, potential and competency. We want to have the best available person in every job. As required by federal, state, and local laws, equal employment opportunity will be extended to all persons in all aspects of the employment relationship, including recruitment, hiring, upgrading, training, promotion, transfer, discipline, layoff, recall, and termination.
- b. General Policy Against Discrimination and Harassment. It is against the law and against Agency policy to illegally harass or discriminate against job applicants, employees, or independent contractors based on that person being a member of a "protected class," as defined by applicable federal, state, and local laws. The most common protected classes include: ancestry, age (40 and above), color, disability (physical and mental, including HIV and AIDS), genetic information, gender, gender identity, or gender expression, marital status, medical condition (genetic characteristics, cancer or a record or history of cancer), military or veteran status, national origin (includes language use and possession of a driver's license issued to persons unable to prove their presence in the United States is authorized under federal law), race, religion (includes religious dress and grooming practices), sex (includes pregnancy, childbirth, breastfeeding and /or related medical conditions) and sexual orientation. Please review the employment posters on the employee bulletin board and visit the California Department of Fair Employment and Housing (DFEH) website for a complete listing of all protected classes. It is also against Agency policy, and the law, to harass or discriminate against an employee who is involved in a legally protected activity, such as filing a workers' compensation claim or being on or having requested a leave of absence that is required to be offered by law, such as a pregnancy disability leave.
- c. Specific Policy Against Sexual Harassment as Required by California Government Code Section 12950(b). Sexual harassment of a job applicant, employee, unpaid intern, volunteer, or independent contractor, whether toward someone of the opposite sex, the same sex, or based on someone's sexual orientation, is illegal under the California Fair Employment and Housing Act and /or Title VII of the federal Civil Rights Act of 1964, and is against Agency policy. Under the California Fair Employment and Housing Act (FEHA), harassment because of sex includes sexual harassment, gender harassment, and harassment based on pregnancy, childbirth, or related medical conditions. Federal law defines sexual harassment as either (1) unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when it is an explicit or implicit condition of employment, or, is used as a basis for employment decisions, such as raises or promotions, or (2) unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when it has a purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.

Examples of illegal sexual harassment include the following when based on a person's gender, pregnancy, childbirth, or related medical conditions, or if the conduct is of a sexual nature:

- \* Engaging in unwelcome touching, pranks, staring, whistling, teasing, or brushing against another person.
- \* Impeding or blocking another person's movement through aisles, halls, doorways, etc.
- \* Sharing risqué jokes, innuendoes, stories, sexual experiences, or music.
- \* Showing sexually indecent posters, photography, drawings, or cartoons.
- \* Using foul or demeaning language or body gestures.

- \* Making unwelcome advances, flirtations, or requests for dates or social contact.
  - \* Offering favorable job assignments, performance reviews, or other terms and conditions of employment in exchange for sexual favors.
  - \* Making threats of violence or physically harming persons or property.
  - \* Being uncooperative in working with or training another person.
  - \* Harassing someone of the same gender, either because you dislike that person's sexual orientation or you want a sexual relationship with that person.
- d. Unprofessional Behavior. The Agency prohibits all "bullying," threats of physical harm, and unprofessional conduct at the workplace or while on duty at an offsite location, even if such does not meet the definition of being illegal. Making derogatory comments or jokes about a protected class, engaging in sexually inappropriate speech and conduct, or engaging in bullying conduct is prohibited at work even if the parties involved consented together to participate in the conduct, and even if the participants are themselves a member of the protected class that is the target of the conduct. In addition, the Agency will not allow customers, vendors, subcontractors, visitors or other outside persons to harass, bully, or engage in unprofessional behavior toward the Agency's employees, or independent contractors. "Bullying" means abusive conduct or verbal abuse that is malicious and that a reasonable person would find, hostile, offensive, and unrelated to Agency business, as defined by California Government Code section 12950.1.
- e. Requests for Reasonable Accommodations. An employee may from time to time, due to religious reasons or because of disability, have or develop a need for a reasonable accommodation which would allow the employee to perform the essential functions of his or her job. All requests for a reasonable accommodation should be given to the Program Director or the Human Resource Director in writing. The sooner and the more specific the employee is when making a request, the faster and the better the response will be from the Agency. The employee must cooperate with the Agency's investigation of the employee's need for the accommodation and the Agency's verification that the employee can perform the essential functions of the job. The investigation may require the employee to submit to a doctor's examination and/or a job capacity test, normally at the Agency's expense. The Agency is committed to following the law in discussing any need for and the providing of a reasonable accommodation. The Agency will not provide an accommodation if such would impose an undue hardship on the Agency or if the employee would not be able to perform the essential functions of the job, even with the accommodation, in such a manner as would not endanger the health or welfare of the employee or other persons.
- f. Reporting Potential Harassment and Discrimination. It is the responsibility of every person at the Agency to ensure that illegal discrimination and harassment do not occur in the workplace in any form. The Agency cannot monitor and correct discrimination and harassment if it is not being informed of conduct that breaches this policy. Therefore the Agency expects that employees will report potential harassment and discrimination, whether or not the employee making the report is the alleged victim. Failure by an employee to promptly report blatant discriminatory or harassing conduct may be grounds for discipline. The following reporting procedure provides a method whereby job applicants, employees, unpaid interns, volunteers, or independent contractors may raise concerns about harassment and discrimination and the Agency will investigate, resolve, and remedy those concerns.
- (1) Where to Report. In order to ensure that reports of potential discrimination and harassment are identified and investigated, all reports must be submitted to the Program Director (668-9361 or 723-6030) or Human Resource Director (668-9361) as soon as possible. If the complaint relates to the Program Director or the Human Resource Director, you may report your complaint to the Executive Director (668-9361). The longer the person waits to raise a concern, the more difficult it is to remember events, gather relevant information, corroborate with witnesses, defuse

conflict, or formulate an amicable resolution. However, incidents of violence or threats of physical harm to life or property should be reported immediately to any member of management, who will then take reasonable steps, including calling the police, if needed.

- (2) Form of Report. A person can make a report verbally or in writing. If appropriate, the Agency may request that the person provide a more thorough written report, especially if the original report was given verbally. The Agency will assist the person, as needed, in putting the report in writing. The person will be asked to review and sign the report, verifying that it is accurate. Although not a prerequisite to raising a concern, it would be helpful for the person to suggest an acceptable resolution at the time the report is made, even in cases of alleged discrimination or harassment.
  - (3) Reports by Supervisors. Any supervisor or member of management observing or receiving a report that this policy against discrimination and harassment may have been breached shall make a written report and immediately notify the Program Director or Human Resources Director, even if the supervisor told the offending person to stop the offending conduct.
  - (4) Cooperation Requested. Employees are requested to cooperate in any investigation conducted by the Agency so that the issues raised may be addressed and resolved.
  - (5) Confidentiality. Management will keep workplace complaints and investigations as confidential as possible, with only those being informed of the source of a report who need to know. Absolute anonymity is not possible. Likewise, persons involved in a complaint should act professionally when dealing with workplace issues by not spreading rumors, embarrassing others in public, or sharing sensitive information with those who are not in a position to resolve the issue.
  - (6) Investigation Procedures. All complaints shall be investigated in a timely and fair manner. The investigation shall be documented. The alleged harasser shall not have supervisory authority over the individual(s) conducting the investigation, and shall not directly or indirectly control the investigation. During any investigation, the alleged victim shall be separated so as to avoid contact with the alleged harasser. All parties who have a need to know, including the alleged victim(s) of harassment or discrimination, will be informed of the results of the investigation and the subsequent action taken to correct any confirmed misconduct.
  - (7) Prohibition Against Retaliation. The Agency will not tolerate retaliation against any employee, unpaid intern, or volunteer for making a good faith complaint, for reporting potential acts of discrimination or harassment, or for cooperating in an investigation or hearing. However, intentionally making false reports of any kind, including false reports of harassment or discrimination or intentionally providing false information during an investigation is also against Agency policy and will subject the offender to discipline.
- g. Corrective and Remedial Action. If inappropriate conduct is determined to have occurred, the Agency will take such remedial action as is necessary to correct and restore any lost employment-related pay, benefits, or opportunities to the victim as is reasonably possible under the circumstances. In addition, the Agency and any employee who is an alleged victim of harassment or discrimination will consult together in an attempt to create a mutually acceptable resolution to any conflict that may exist between the Agency and the employee. In addition, the Agency will take such action as is necessary to prevent the conduct from reoccurring in the future.
- h. Consequences for Violating Policy. An employee, unpaid intern, or volunteer who violates the Agency's policy against harassment and illegal discrimination will be subject to stern discipline and corrective action by the Agency. The disciplinary and corrective action could include such things as a written warning, suspension without pay, temporary or permanent reduction in wage rate or salary, demotion, job reassignment, or termination of

employment, internship or volunteer service. The discipline and corrective action to be given will be such as is necessary to match the harm done and to deter any future violations of the policy.

In addition, if the offending person is not terminated, the Agency may require that the person complete behavioral counseling and/or training programs to help the person understand what constitutes harassment and how to avoid it and to improve his or her interpersonal skills.

In addition to discipline by the Agency, an offending person may also be subject to civil action by the victim or appropriate governmental agency.

- i. Preventive Action Steps. The Agency shall take the following steps to prevent discrimination, harassment (including sexual harassment), and retaliation from occurring:
  - \* All current and new employees, unpaid interns, and volunteers will be given a copy of this policy.
  - \* This policy shall be posted on the employee bulletin board at all times.
  - \* All government required posters regarding harassment and discrimination prevention will be posted on the employee bulletin board as required by law.
  - \* All new employees, unpaid interns, and volunteers shall be trained on avoiding and reporting discrimination and harassment within 30 days of being hired.
  - \* All current and new employees, unpaid interns, and volunteers will be given a copy of the Department of Fair Employment and Housing Pamphlet (DFEH-185) entitled "Sexual Harassment: The Facts about Sexual Harassment".
  - \* The Agency shall hold periodic training for all employees, unpaid interns, and volunteers, including managers and supervisors, on preventing and reporting discrimination and harassment at least once every two years.
  - \* Persons who have violated this policy, but whose actions do not warrant termination of employment, internship, or volunteer service, shall be re-trained on avoiding discrimination and harassment within 30 days of the violation.
  - \* Complaints shall be taken seriously and handled in a timely fashion as described above.
  - \* All supervisors and managers shall observe and monitor the workplace for violations of this policy, and if applicable, shall periodically ask employees, unpaid interns, and volunteers who have complained of discrimination or harassment if any further incidents have occurred, and shall ask co-workers and other potential witnesses if they have observed any inappropriate behavior.
  - \* Persons who violate this policy against discrimination and harassment shall be disciplined.
  - \* The Agency shall take reasonable steps to protect reporting parties, witnesses, and victims from retaliation.
- j. Complaints to Governmental Agencies. Employees who are affected by discrimination or harassment may also file a claim with the local office of the United States Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). Such claims should be filed promptly. The EEOC or DFEH will then investigate the claim. During this process, the parties will be offered the opportunity to resolve the dispute through mediation. If mediation fails to resolve the dispute and if the EEOC or DFEH believe evidence of discrimination or harassment exist, the EEOC or DFEH may file a lawsuit on the complainant's behalf. The EEOC or DFEH may also issue a "Right-to-Sue" letter to the complaining employee that would allow the employee to bring his or her own lawsuit in civil court. If discrimination or harassment is found to have occurred, the court can order such remedies as fines, damages, back pay,



reinstatement, promotion, and changes in the policies or practices of the involved employer. Courts may also award attorney's fees in certain situations. Employees may contact the EEOC or DFEH via Internet or by using the number listed in the telephone directory.

3. Personnel & Medical Records

The Agency maintains personnel files on all employees. Medical information concerning an employee is contained in a secure location separate from the general personnel file of the employee. Personnel records, including medical information, will not be released to third parties without the employee's written consent except as authorized by law. Only select individuals within the Agency who have a need to know are authorized to view another employee's personnel file and/or medical file.

Each employee must inform the Agency of any changes of employee information such as name, residence, mailing address, tax identification numbers, Social Security numbers, marital status, dependents or other information used by the Agency for tax purposes, determining employee benefit eligibility, or sending notices to the employee. For certain changes in your employment data, documentation proving the factual basis for the change may be required. In no event will an employee be allowed to provide or change any employment data for a fraudulent or illegal purpose.

Employees should speak with the Human Resource Department regarding the procedure for inspection of the employee's personnel files. The Agency will consider an employee's request to add information or a document to the employee's personnel file; however, the Agency is not required to do so. Only the Executive Director may authorize removal of items from an employee's personnel file.

4. Introductory Period

All employees are subject to a 60-day introductory period. After the first 60 days of employment, there is a performance evaluation of their job performance. If found to be satisfactory, they qualify for specific benefits assigned to their specific job category. Continued employment beyond the introductory period or successful completion of the introductory period does not change the at-will employment relationship.

5. Employment Evaluations

a. Six-Month Performance Evaluation

All employees are required to successfully pass a six-month performance evaluation. A thorough review of their ability to perform the full scope of their job duties will be conducted. This performance evaluation may be extended as necessary to accurately evaluate the status of the employee. In these cases, the employee is notified of the extension. An employee who changes positions will automatically have a six-month performance review regardless of when their hire date was established. **Successfully passing the six-month performance evaluation does not alter the employment relationship between the Agency and the Employee. The relationship remains "at-will," meaning that employment may be terminated at any time for any legal reason by either the Employee or the Agency with or without prior cause or notice.**

b. Annual Performance Evaluation

All employees are required to successfully pass an annual performance evaluation. A thorough review of their ability to perform the full scope of their job duties will be conducted. This performance evaluation may be extended as necessary to accurately evaluate the status of the employee. In these cases, the employee is notified of the extension. A successful performance evaluation is also required for all promotions. **Successfully passing the annual performance evaluation does not alter the employment relationship between the Agency and the Employee. The relationship remains "at-will," meaning that employment may be terminated at any time for any legal reason by either the Employee or the Agency with or without prior cause or notice.**

## 6. Standard of Conduct

Employees have a duty of loyalty to the Agency and are expected to conduct themselves in a professional manner at all times. Conduct which would cause injury to the Agency's image, goodwill, reputation, security, employee safety or welfare, or which is disruptive to the Agency's operations is prohibited. Such conduct is prohibited whether or not it was exhibited on or off Agency premises or while the employee is on or off duty. However, the Agency will not discipline an employee, nor discriminate against an employee, nor allow retaliation in the workplace against an employee for engaging in any legally protected activity that is conducted in a safe and legal manner, such as, but not limited to, engaging in political activities, filing grievances with government agencies, being a witness in any grievance filed by another employee, or engaging in concerted activity related to improving wages and working conditions as protected by the National Labor Relations Act.

For the purpose of emphasis, the following is a non-exclusive list of conduct that falls below the required standard of conduct. It must be remembered that all Agency policies and procedures are important, even if they are not specifically listed in this Handbook, and an employee's failure to follow any Agency rule will subject the employee to discipline.

### **Non-Exclusive List of Unacceptable Conduct**

- a. Violating any Agency policy or procedure, including safety and health rules and procedures.
- b. Inefficient, unsatisfactory, or careless performance of job responsibilities and duties, which includes engaging in non-work related activities and communications during working time that interferes with work.
- c. Being disrespectful or unprofessional toward co-employees, current consumers or the people who do business with the Agency.
- d. Not working in a cooperative manner with management, coworkers, consumers and/or vendors.
- e. Being insubordinate.
- f. Engaging in physical horseplay on Agency property or while on the job.
- g. Theft of Agency property or the property of a co-employee, consumer or visitor.
- h. Negligence or improper conduct leading to damage to Agency property or the property of a co-employee, consumer or visitor.
- i. Engaging in threats or acts of violence, harassment, or physical or verbal abuse towards other employees or persons doing business with the Agency, including comments (whether intended as a joke or not) that would make a reasonable person afraid for his or her safety.
- j. Provoking or threatening a physical fight or engaging in actual fighting, except in self-defense where no escape is possible and only reasonable force is used.
- k. Using profane, vulgar, abusive, or rude language or gestures.
- l. Bringing on Agency property any dangerous materials, including but not limited to knives (except key-chain pocket knives with a blade under two inches in length), weapons, nunchuks, firearms, ammunition, fireworks or explosives.
- m. Sleeping, malingering, or wasting time when the employee is to be actively working.
- n. Illegal gambling on Agency premises.
- o. Committing criminal conduct on Agency premises or while working.
- p. Leaving work, or refusing to work, without good cause (as determined by the Agency) and without proper advance notice and prior approval.
- q. Intentionally providing false information on Agency records, including job applications and timekeeping records, or making knowingly false reports or knowingly false complaints

about other employees or giving knowingly false information to the Agency, a governmental agency, or a person or entity with which the Agency does business.

- r. Making maliciously false statements or maliciously false accusations about the Agency and/or its products and services.
- s. Prescribing or making recommendations of any type of treatment, medication (whether prescription or over-the-counter), prognosis, or diagnosis to any consumer, unless you are specifically authorized to do so by law.
- t. Smoking on Agency premises and facilities.
- u. Being on Agency premises at unauthorized times without reasonable justification.

## 7. Drug & Alcohol Policy

- a. Possession and Use of Alcohol and Illegal Drugs Prohibited. The Agency is committed to maintaining a drug and alcohol free workplace. No employee may use, be under the influence of or be impaired by, nor manufacture, possess, distribute, or sell, any alcohol or any illegal drug while on the Agency's premises (including parking lot), while at the employee's work location. This also includes while being on-call, during rest or meal breaks, while operating a non-Agency owned vehicle for Agency business, or while he or she is in or operating at any time an Agency owned or leased vehicle. This is a zero tolerance policy, meaning that if an employee is caught violating this policy, there are no second chances and the employee's employment will be terminated.
- b. Definition of Illegal Drug. For purposes of this policy, a drug will be considered an "illegal drug" if its use is prohibited or restricted by state or federal law and an employee uses or possesses the drug without a valid prescription or in violation of the prescription. Use of illegal drugs includes getting "high" on mind-altering gases or fumes, such as glues, petroleum products, butane gas, and aerosol propellants. The Agency follows federal law in the area of marijuana use; therefore, marijuana falls with the definition of an illegal drug for purposes of this policy.
- c. Definition of "Under the Influence". Being "under the influence" or "impaired" means (1) the employee has detectable amounts of controlled substances or alcohol in his or her system, or (2) the employee's physical motor skills, mental reasoning, and/or emotional state are affected by the use of controlled substances or alcohol as exhibited by the employee's behavior, appearance, speech, mood, odors, etc.
- d. Drug Convictions. Any employee who is convicted on a charge of illegal sale or possession of any illegal drug while on or off duty must report the conviction to the employee's supervisor immediately. Each conviction will be reviewed separately. However, convictions may lead to termination of employment because such conduct, even though off duty, reflects adversely on the Agency. In addition, the Agency must keep people who illegally sell or possess drugs off the Agency's premises in order to keep the illegal drugs themselves off the premises.
- e. Agency Sponsored Events. On occasion, the Agency may sponsor an event that includes alcoholic beverages. Employees are not to bring their own alcohol to any Agency sponsored event. Employees are not to arrive intoxicated at an Agency sponsored event and should avoid consuming alcohol prior to the event. Illegal drugs shall not be used at any Agency sponsored event. Even though employees are not working during an Agency sponsored event, their conduct reflects upon the Agency. Therefore, employees shall use good judgment when consuming alcohol at an Agency sponsored event and shall not act in any manner that would harm others or the good reputation of the Agency. Employees are expected to control their guests at an Agency sponsored event. Employees shall obey all laws in relation to drinking and driving. No employee performing safety-sensitive functions shall consume alcohol at an Agency sponsored event if the employee is scheduled to work less than 12 hours later or be on call.

- f. Use of Medications by Employees in Safety Sensitive Jobs. The legal use of prescribed or over-the-counter drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger the employee or other individuals. If an employee is on any medication, whether prescribed by a doctor or not, which may affect the employee's motor skills or judgment in a safety sensitive position, then the employee must advise his or her supervisor of this fact before the employee reports to work. The supervisor will keep the information confidential, reporting only to those who have a need to know, such as the Human Resource Director. The employee will not have to disclose why the medication is being taken; however, an evaluation will be made regarding the employee's ability to perform his or her job safely. The evaluation may include the employee obtaining an opinion from the Agency's doctor at the Agency's expense. If needed to protect the employee and others from injury, the employee will be placed on an appropriate leave of absence to the extent such is available and required by law.
- g. Reporting Policy Violations. Employees are required to report violations of the Agency's drug and alcohol use and testing policies to the employee's supervisor or Human Resource Director when the employee witnesses or has reliable information that another employee has violated any of these policies.

8. Drug and Alcohol Testing

The Agency considers the safety of the consumers and its employees to be top priority. To ensure that employees are free of substances that might negatively affect their ability to work safely, the Agency has adopted the following policy. All applicants and employees must follow the drug and alcohol testing procedures described below.

- a. Failing a Drug or Alcohol Test. Any employee who undergoes a drug or alcohol test under this policy, including but not limited to instances when the testing is part of any return-to-work requirement, and who tests positive for Illegal drugs or alcohol use in any detectable amounts regardless of when the drugs or alcohol were used, will be in violation of Agency policy resulting in disciplinary action, up to and including termination of employment. This includes testing positive for use of prescription medication that should have been reported to the employee's supervisor but was not.
- b. Post-Offer Testing. All job applicants who are offered any position with the Agency must pass a post-offer, pre-placement drug and/or alcohol test. Testing positive will result in revocation of the job offer, even if the employee has begun working prior to the Agency receiving the test results.
- c. Safety-Sensitive Positions. All current employees who perform any duty which could cause injury to persons or property if performed under the influence of drugs or alcohol will be subject to drug and alcohol testing under the following circumstances. Safety sensitive job positions include those driving vehicles on Agency business, operating power tools, and supervising or caring for children.
  - (1) Reasonable Suspicion Testing. Alcohol and drug testing may be ordered in cases when the Agency has reasonable suspicion (as determined in the Agency's sole discretion) to believe that the employee possesses or is under the influence of drugs and/or alcohol. This suspicion can be based on any objective symptoms, including but not limited to the employee's appearance, odor, behavior, speech, and/or the presence of drugs, alcohol or paraphernalia possibly connected with the use of an illegal drug on the employee's person or in the employee's work area, and/or an indication from a certified drug detection dog that drugs or alcohol may be present in the employee's vehicle, work area, personal belongings, or person. The Agency shall detail in writing the facts which formed the basis of the determination that reasonable suspicion existed to warrant the testing. A copy of this document shall be given to the employee upon request, and a copy shall be retained in the employee's personnel file.

- (2) Post-Accident Testing. Alcohol and drug testing will be required following any significant work-related accident or any significant violation of safety standards whether or not an injury resulted from such accident or violation. Testing will only occur if the employee has not been immediately terminated for being the cause of the accident or violating a safety rule.
- d. Voluntary Drug Testing for Non-Safety Sensitive Jobs. Those employees who are not in safety sensitive positions may be asked to submit to voluntary drug and/or alcohol testing if there is suspicion that the Agency's drug and alcohol policy has been violated. If an employee working in a non-safety sensitive job refuses to submit to voluntary drug and alcohol testing, the Agency shall use what information it then has to make a determination if the employee has violated any Agency policy against drug and alcohol use.
  - e. Testing Protocol.
    - (1) When a drug and/or alcohol test is requested by the Agency, the employee must report to a pre-approved sample collection facility immediately as directed by the Agency. The Agency will provide transportation to the sample collection facility, and afterwards to the person's place of residence, if the employee is being tested because of reasonable suspicion or post-accident testing.
    - (2) Prior to giving a sample, the employee will have the opportunity to confidentially disclose to the collection site technician the use of any prescription or nonprescription medications. The presence of legally prescribed or over-the-counter medications will not form the basis for a positive drug test.
    - (3) Refusal to submit to mandatory testing or obstructing the testing procedure in any way, including ingesting products that are designed to mask drug use, failing to report to the sample collection facility in a timely manner, failing to give viable urine samples, or tampering with such samples, is itself a violation of Agency policy. It is also against Agency policy to assist others in carrying out conduct that obstructs the testing process. Those who violate this policy are subject to discipline up to and including termination of employment as provided in the Agency's "Discipline" policy.
    - (4) The Agency uses only those sample collection and testing facilities which have certified drug testing procedures to assure proper handling of the samples and accuracy of test results.
    - (5) If an employee is being tested because of reasonable suspicion or post-accident events, or if the Agency learns that a random sample is being retested a second time, then the employee will be suspended without pay pending the results of the test. If the test results are negative and the employee has not been terminated for performance issues or violating Agency policy, then the employee will be reinstated and paid for any loss of scheduled, regular work hours.
    - (6) The Agency will not disclose alcohol/drug test results to anyone other than the employee without a written release from the employee, unless otherwise authorized or compelled to do so by law. Access to this information within the Agency is limited strictly to those who need to know. All testing results shall be kept in a secure file separate from the employee's main personnel file.
    - (7) Any illegal drug or alcohol testing requested by the Agency, including follow-up testing, will be conducted on Agency time, and at the Agency's expense. However, as allowed by law, the cost for follow-up testing as part of a rehabilitation program is the responsibility of the employee.
  - f. Medical Information Release. Every employee who is tested pursuant to the Agency's drug and alcohol use and testing policy shall be requested to execute a written authorization for release of medical information pursuant to Civil Code section 56 and the federal Health Insurance Portability and Accountability Act (HIPAA). This release allows the testing agency to disclose the results of the test to the Agency. No employee shall be

discriminated against in terms or conditions of employment due to that employee's refusal to sign an authorization for release of medical information. However, the Agency is not precluded from taking whatever action it deems appropriate based on available observations even if test results cannot be obtained.

- g. Rehabilitation. Early detection and treatment of drug abuse is important for rehabilitation. The Agency will encourage early detection and treatment for drug and alcohol abuse. Besides looking in the phone book or online, the following resources may be of assistance to an employee with a drug or alcohol problem:

Narcotics Anonymous World Services, Inc.  
P. O. Box 9999, Van Nuys, CA 91409 (Main Office)  
(818) 773-9999

Alcoholics Anonymous World Services, Inc.  
P. O. Box 459, New York, NY 10163  
(212) 870-3400

Pursuant to Labor Code section 1025, any employee who voluntarily requests admission to a drug or alcohol rehabilitation program shall be given an unpaid leave to do so for a period prescribed by the employee's doctor so long as the leave does not impose an undue hardship on the Agency. The Agency does not pay for any part of the services under any rehabilitation program, whether recommended by the Agency or not. The employee may use any available paid time off benefits during this unpaid leave. However, in no event shall the Agency be precluded from terminating or otherwise disciplining an employee if, because of the employee's current use of alcohol or drugs, the employee is unable to perform his or her duties, the employee has breached Agency rules, or the employee cannot perform his or her duties in a manner which would not endanger his or her health or safety or the health or safety of others. The Agency shall not be obligated to provide a leave under Labor Code section 1025 if it has fewer than 25 employees.

Reasonable efforts shall be made to safeguard the privacy of the employee as to the fact that he or she has enrolled in an alcohol or drug rehabilitation program.

9. Dress Code

Employees are expected to wear clothing appropriate for their duties and position. **Depending on an employee's job duties, certain jewelry may be prohibited during work hours due to safety concerns. Refer to Dress Code Policy from the Human Resources Department.**

10. Housekeeping

All employees are expected to keep their general work area in a neat, clean and business-like manner at all times. All confidential files and materials are to be kept out of public view. Files should be returned to the appropriate storage units at the end of the workday. Employees may eat snacks at their desks if such does not interfere with work. Display of personal items on desks, computers, walls and workspaces must not impair efficiency or safety, detract from the professional appearance of the office, be offensive to a reasonable person, or be illegally harassing. All shared office tools, equipment and supplies should be returned to their proper place after use. Shared workspaces should be cleaned of scraps and waste as soon as possible after use.

11. Confidentiality

- a. Definition of Confidential Business Information. Employees, by reason of their employment with the Agency, may obtain the following confidential information:
- **"Business Information"** of the Agency and third parties who are doing business with the Agency which have not been revealed to the public, such as business plans, litigation strategies, financial reports and data, profit margins, customer information, sales information, marketing information, supply sources and costs, bids, contracts, staffing plans, etc.

- **“Personal information”** of customers, including but not limited to, personal residence address, date of birth, Social Security number, driver’s license number, banking and financial information, insurance information, medical information, etc.

All of the above information is referred to in this policy as **“Confidential Business Information.”** All Confidential Business Information is useful in a highly competitive business environment, has been or will be developed by the business endeavors of the Agency or the third parties, and is the sole property of the Agency or respective third party.

- b. Non-Disclosure or Use. Employees may not disclose any Confidential Business Information, including whether a customer is receiving services from the Agency, to anyone within or outside of the Agency who is not directly involved with the services, products, or project being provided, received, or worked on by the Agency. Employees should not reveal Confidential Business Information to other co-employees who have no need to know about the Confidential Business Information. Likewise, employees are not to intentionally review confidential files or information for which they have no business reason for reviewing. An employee may not use or reveal Confidential Business Information at any time, except in carrying out the business of the Agency, even after the employee leaves the Agency’s employment. In addition to being subject to discipline from the Agency, unauthorized disclosure or use of Confidential Business Information could lead to the offending employee being personally liable for any damage the unauthorized disclosure causes.
- c. Safeguarding Confidential Information. Employees are required to take reasonable steps in safeguarding all Confidential Information. Employees are not to leave Confidential Information unattended in open view. All Confidential Information is to be returned to the appropriate file cabinets, brief cases, safes, or locked storage units when not in use, especially at the end of the workday, as directed by the employee’s supervisor and the protocol of the employee’s department.
- d. Requests for Information. If, upon a request for information, the employee is not sure about the appropriateness of revealing the information, then the employee should politely refer the request to the appropriate supervisor. Likewise, if an employee is shown information that the employee believes should not be revealed, then the employee should remind the disclosing employee of this policy, and if the conduct persists, report the conduct to a supervisor.
- e. Non-Removal of Information. Except as necessary for Agency business purposes, no one is permitted to remove from Agency premises or make copies or photos of or download onto any personal electronic data device any Confidential Information without prior Agency approval. All consumers and other Confidential Information may only be stored on Agency issued computers, phones, and other electronic devices, and Agency paper records. Employees may not keep Confidential Information on personnel electronic devices or personal paper records.
- f. Return of Information. On termination of the employment relationship, all Confidential Information and all Agency property (including, but not limited to keys, computers, printed documents, passwords, etc.) will be immediately returned to the Agency’s control or possession, and the employee will not retain any copies of such items either in hardcopy or electronic format. The employee will cooperate in showing the Agency that any and all such information has been removed from the employee’s personal electronic storage devices.
- g. Prior Employer Information. During your employment with the Agency, you will be expected not to use or disclose any trade secret or confidential information of any of your former employers or other persons to whom you might have an obligation of confidentiality. Rather, you will be expected to use only that information that is generally known and used by persons with training and experience comparable to your own, which

is common knowledge in the industry or otherwise legally in the public domain, and/or which is otherwise provided or developed by the Agency.

- h. Remedies. If an employee should violate this policy, then the employee shall be subject to discipline. Furthermore, in the event of such violation, the Agency shall be entitled to an injunction, to be issued by any competent court of equity, enjoining and restraining the employee, and each and every other person concerned therein, from the continuance of any act which violates this policy.

12. Pictures, Video And Tape Recording

Employees may not create photographs, videos, or sound recordings which violate a person's right of privacy, or which would reveal confidential, or protected health information, or would jeopardize the security systems of the Agency. Therefore, taking pictures, videos or sound recordings inside any facility of the Agency is not allowed at any time without prior approval of management. Taking pictures of consumers, whether on Agency property or elsewhere, is also prohibited except with the consent of Program Director or consumer's guardian. Employees should also be aware that it is against California Penal Code, starting with section 631, to make secret tape recordings.

13. Electronic Communication Policy

Electronic mail and other electronic communications are considered an integral part of the corporate working environment. The following types of electronic communications are the property of the Agency:

- Agency telephones, Agency paid cell phone accounts, Agency internal voicemail and the content
- Email/instant messaging accounts
- Fax machines, modems and servers
- Agency supplied computers
- Network tools such as Internet access

This policy applies to:

- All electronic resources owned or leased by the Agency, and
- All activities, whether or not the activities are conducted from Agency facilities, using any Agency paid accounts, subscriptions or other technical services such as Internet access, cell phone service, voicemail service and email/instant messaging (collectively "electronic communication systems").

All messages composed, sent or received through the electronic communication systems are and remain the property of the Agency. They are not the private property of any employee and should not be considered so. The Agency reserves and intends to exercise the right to review, audit, intercept, access, print, read and disclose all messages created, received or sent over the electronic communications systems for any purpose. Please note that even when a message is deleted, it is still possible to recreate it, therefore, ultimate privacy of messages cannot be guaranteed to anyone.

Employees are not to use a password, access a file or retrieve any stored communication without authorization. Passwords must be made known to the Agency as your system may need to be accessed by the Agency when you are absent. The reliability of passwords for maintaining confidentiality cannot be guaranteed. You must assume that any and all messages may be read by someone other than the intended or designated recipient.

Employees are prohibited from disclosing their voice or email access passwords or those of any other employee to anyone who is not an employee of the Agency. Disclosure of passwords to other employees should only occur when required by an urgent business matter as directed by management. In such cases, passwords should be changed as soon as possible after the urgent



business matter has been resolved. Passwords should never be given out over the phone, included in voice or email/instant messages, messages posted or kept within public view.

Agency owned communication systems and equipment, such as computers, Internet/Intranet service, office phones, mobile phones, voicemail systems, etc., may only be used for conducting Agency business. Personal use unrelated to Agency business is not allowed. However, employees will not be disciplined for using the Agency's communication systems to discuss terms of employment, working conditions, and Agency policies among themselves during non-working hours.

The electronic communication systems shall not be used to send (upload) or receive (download) copyrighted material, trade secrets, proprietary financial information or other confidential material without prior authorization. The Agency purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer the Agency does not have the right to reproduce such software for use on more than one computer. Employees may only use software on local area networks or on multiple machines according to the software license agreement. The Agency prohibits the illegal duplication of software and its related documentation.

All electronic communications shall comply with the Equal Employment Opportunity and Discrimination Policy, Policy Against Harassment and the Solicitation/Distribution Policy. In no circumstance are the electronic communication systems to be used to create any offensive or disruptive messages that might constitute (or indicate the condoning or encouragement of) harassment, lewd, illicit or illegal activities. Among those which are considered offensive are any messages which contain sexual implications, racial slurs, gender specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin or disability. The electronic communication systems may not be used to solicit for commercial ventures, religious or political causes, outside organizations or other non-job-related solicitations. Employees learning of any misuse of the voicemail, email, instant messaging systems or violations of this policy shall notify their Program Director.

Employees may access only messages, files or programs, whether computerized or not, that they have permission to enter. Unauthorized review, duplication, dissemination, removal, damage or alteration of files, passwords, computer systems or programs, voicemail messages or other property of the Agency, or improper use of information obtained by unauthorized means, will be grounds for disciplinary action, up to and including termination.

All electronic communication systems are to be used in a commercially reasonable fashion. No Agency-wide emails, instant messaging, voice messages or faxes are to be initiated unless a business necessity exists and the Executive Director approves.

Violation of the electronic communications policy will result in disciplinary action, up to and including immediate termination.

#### 14. Inspections

The Agency reserves the right to inspect, at any time for any reason and without prior notice, all areas and property of the Agency including computers, communication devices and systems, desks, file cabinets, storage bins, vehicles, etc., and all other equipment located on Agency property or worksites, whether or not the employee is placing personal items in the location to be searched and whether or not the employee uses a personal lock. Employees are not permitted to place any personal locks on any Agency owned storage unit, equipment, or furniture. In addition, the Agency also reserves the right to inspect personal property brought onto Agency premises or worksites including lunch boxes, purses, briefcases, computers, and personal vehicles for the purposes of investigating violations of any policy of the Agency or investigating thefts of property or for safety reasons. Employees are expected to cooperate with any inspection

#### 15. Social Media

Employees may not post, forward, or share anything on social media networks which would violate any Company policy contained in this Handbook, such as the policy regarding the prevention of harassment and discrimination, and the disclosing of confidential business information. Liability

for libel and/or slander, or other offenses, may apply if the employee purposefully or recklessly posts, forwards, or shares false statements about the Company, other co-workers, or people who do business with the Company. Employees must also avoid the appearance of speaking on behalf of the Company when posting, forwarding, or sharing material on social networks. However, nothing in this policy is intended to restrict an employee's right to engage in any communication or concerted activity protected by the National Labor Relations Act, such as discussing terms of employment and working conditions.

Employees may not use personal social media in ways that interfere with the employee being productive at work or that would use Company resources. Hence, employees may not use their Company email, Company Internet service, or Company equipment to manage or monitor personal social media. Managing personal social media or a personal webpage, or blogging, texting, reading, or posting personal messages and emails are prohibited during the periods of time the employee is to be actively working.

The Company reserves the right to view and rely on any information posted by an employee on his or her social media which can be accessed by the public or legally obtained by the Company. However, the Company does not regularly monitor the social media sites of its employees, and information posted on those sites will not take the place of the need for the employee to request leaves of absence or other employment benefits and accommodations as required by law and/or Company policy.

16. Personal Property of Employees

The Agency is not responsible for the theft or destruction of personal property of employees, including personal vehicles. Employees should take precautions to safeguard their possessions and personal belongings. Buying from, or selling personal property to a consumer is prohibited. Pets are not to be brought on Agency property unless approved by a Director.

17. Agency Property

Employees who remove Agency property from any Agency facility without consent may face disciplinary action up to termination of employment.

18. Long Distance Telephone Calls

Employees may not use Agency phones to make long distance personal calls.

19. Use of Vehicles for Agency Business

The Agency is committed to providing its employees the safest work environment possible. Therefore, employees who drive as part of their job will receive Driver Safety/Defensive Driving Training during their new-hire orientation process. Additional training will be provided annually. This Driving Safety/Defensive Driving Training Program is intended to provide employees with knowledge and guidelines to keep them safe while driving. The Agency encourages use of this information at all times when driving on Agency business.

This program applies to all employees who must drive for work purposes. Any employee who drives an Agency vehicle or personal vehicle while "on the clock" must follow the rules and regulations stated in this policy and those covered in the training sessions.

**Eligibility:** All employees who drive on Agency business must possess a valid California Driver's License while employed. If at any time you are cited for a driving violation that causes your driving status to be in question, you are to immediately contact the Human Resource Director. Failure to do so may result in your driving privileges being suspended or revoked. Furthermore, disciplinary action could also be taken, up to and including termination of employment. Below are some examples that could disqualify someone from driving Agency vehicles:

- Expired driver's license
- Suspended driver's license
- Traffic violation that raises DMV report above three points

- Failure to pay a ticket
- Reckless driving
- Driving under the influence

All employees who drive on Agency business will be registered by the Agency into the Department of Motor Vehicles "Employer Pull Notice (EPN) Program". Also, employees' motor vehicles reports will be reviewed periodically.

**Driver Contracts:** All drivers will be required to sign an agreement acknowledging their awareness and understanding of the Agency Driving Safety/Defensive Driving Training Program.

**Insurance:** Employees who drive on Agency business must remain insurable under the Agency's insurance policy at standard rates, and if you are using your personal vehicle for Agency business, you must maintain the minimum level of personal automobile insurance as is required by the Agency. Proof of insurance may be requested from time to time.

**Vehicle Safety/Condition Report:** The vehicle safety / condition report is to be completed bimonthly at each facility.

**Accidents:** If involved in an accident, regardless of the severity, you must:

- Check for injuries and call for emergency personnel if necessary.
- Have a police officer come to the scene. Request that an official report be completed for insurance purposes.
- Notify your immediate supervisor. Utilize on-call procedure if necessary.
- Use the Accident Report Form inside your glove box. The more information about the accident you can gather, the easier the claim process will be.
- It is important not to affix blame, fault, or responsibility on anyone, including yourself, while exchanging information with the other driver or law enforcement.

**Other Conditions:**

- When at all possible, Agency vehicles must be used when on Agency business.
- Each person using an Agency vehicle is to record the mileage of that vehicle.
- No animals are to be transported in Agency vehicles.
- Smoking is prohibited in Agency vehicles.
- Performing personal errands on Agency time in an Agency vehicle is prohibited.
- Employees are expected to follow all driving laws while operating Agency vehicles.
- For convenience and security, certain individuals are given the option of taking home an Agency vehicle. In all cases, a mileage log must be kept differentiating personal mileage from business. The log is to be turned in on the first of each month. Each pay period the employee is charged for personal mileage at the current IRS rate. Expense receipts for gas should be submitted as an offset to the personal mileage charge if on a personal trip. **Any damages or problems with an Agency vehicle must be reported immediately to your direct supervisor so it may be repaired. Failure to do so is considered negligence on the employee's part.**

**Reservation of Rights.** The Agency retains the right to transfer an employee to an alternative position, suspend, or terminate an employee whose driver's license is suspended or revoked, who fails to maintain personal automobile insurance coverage at the required coverage levels, or who is uninsurable under the Agency's policy at standard rates.

20. Transporting a Consumer Out of County

Any travel out of the county where a consumer is housed must be cleared through the supervisor of the facility housing the consumer. Failure to do so may result in disciplinary action.

21. Transportation of Consumers

While on duty, employees are not to transport consumers in their personal vehicles unless specifically authorized to do so by a supervisor.

22. Travel Expenses

The per diem rate for employees when attending out of town workshops, conferences or meetings is as follows:

<b>Breakfast</b>	\$10.00
<b>Parking</b>	\$20 - \$50.00 per day
<b>Lunch</b>	\$20.00
<b>Lodging</b>	\$190.00
<b>Dinner</b>	\$45.00

If you have any questions please check with your supervisor before incurring any expenses. You must obtain and turn in all receipts for business and travel expenses. If your actual expenses exceed the per diem, please inform your supervisor so that proper reimbursement can be made as required by law.

23. Discipline Policy

All Agency policies and procedures are important, and employees are expected to follow all of them. Failure to abide by any Agency policy or procedure can subject the employee to discipline. In most cases, if an employee has a minor performance issue, his or her supervisor will give some form of coaching so that the employee will have an opportunity to improve. However, discipline is given according to the nature of the offense, taking into account the employee's work record, repeated violations of the same or different offenses, and any other mitigating or aggravating circumstances. Therefore, discipline may take one or more of the following forms: verbal or written warning, suspension without pay, temporary or permanent reduction in wage rate or hours of work, demotion in responsibilities or duties, or any other appropriate form of discipline, up to and including termination of employment. Although one or more disciplinary actions may be imposed, no minimum number, formal order, or system of disciplinary actions are required prior to termination of employment. In most cases, employees will be permitted to explain the circumstances surrounding a violation of a standard of conduct before any discipline is given. All disciplinary actions shall be noted in the employee's personnel file and may be used to determine an employee's worthiness for raises, promotions, transfers, bonuses, leave requests, continued employment and any other employment benefit conditioned on employee performance.

**It should be remembered that employment is "at will," meaning that either the employee or the Agency may terminate the employment relationship at any time, with or without prior cause or advance notice.**

24. Consumer/Employee Contact During Non-Work Hours

Employees on probationary status will not be allowed to have contact with consumers during non-work hours. All other employees must have supervisory approval prior to having any such off duty contact.

Employees who wish to transport consumers in non-Agency vehicles must receive approval from their Supervisor in advance. Proof of insurance at a particular level is required.

Employees who wish to initiate contact, visits, etc. with consumers during non-work hours must not be discriminatory against other consumers in that facility. Special contact (visits) must be offered with fair and objective criteria to **all** consumers who fall within those parameters (all consumers in green zone, top points, etc.).

Employees who wish to take a consumer for a *day* visit must secure the approval of the consumer's facility supervisor *or* the responsible agency Social Worker. Employees who wish to take a consumer for an *overnight* visit must secure the approval of the consumer's facility supervisor, the

responsible agency Social Worker **and the consumer's county social worker and/or probation officer.**

When consumers are approved for overnight visits, the responsible employee will follow Agency policies and house rules. Consumers should not be left unsupervised during waking hours. Consumers should not be allowed to sleep in the same room with other children or non-employees.

Employees approved for consumer contact during non-work hours will be responsible to secure and maintain all necessary paperwork (i.e. medical authorization, out-of-county travel form, copy of Medi-Cal or insurance card, etc.). Employees with approval will also be responsible to secure, manage and administer any prescribed medication for the consumer in a manner compatible with Agency standards.

## **C. WORKING CONDITIONS**

### **1. Work Hours & Days**

The work hours of employees shall be set so the needs of the Agency are met and may be altered as the needs of the Agency change.

### **2. Punctuality & Attendance**

Employees are expected to report to work as scheduled and remain at work for their entire scheduled shift unless they have received authorization to leave. Regular attendance and punctuality are essential to the efficient operation of this Agency. Employees are expected to be ready to begin and end work according to their established work schedules. Arriving late or leaving early in connection with scheduled work time, breaks or meal periods is not permissible. Repeated instances of tardiness, leaving work early or excessive unapproved, non-legally mandated absences are grounds for corrective action, up to and including termination.

If you are unable to report to work on a particular day, you must contact your supervisor as soon as you know you are unable to report to work. In all cases of absence or tardiness, employees must provide their supervisor with an honest reason or explanation, although specific medical information need not be provided. Employees must also inform their supervisor of the expected duration of any absence. Unless there are extenuating circumstances, you must call in at least one hour prior to the start of your scheduled workday if you are unable to report to work.

Excessive absenteeism or being tardy will not be tolerated. Each situation of excessive absenteeism or tardiness shall be evaluated on a case-by-case basis. However, even one unexcused absence may be considered excessive depending upon the circumstances. Excessive absenteeism can result in disciplinary action up to and including termination.

In addition to any other discipline that may follow for breaching the attendance policies, failure to show for work without calling in for more than three consecutive days will result in the Agency determining that you have abandoned your employment and have voluntarily quit, unless the absence and failure to call in was out of the control of the employee and the position has not been filled. Please note if you fail to report for work without any notification to your supervisor for even one day, you can be subject to disciplinary action up to and including termination.

Absenteeism or tardiness associated with a legally protected leave of absence will not be used for disciplinary purposes.

### **3. Employee Identification Badge**

The Agency will provide employees with an identification badge. The purpose is to provide a consistent method of identification while conducting business within the community. While on shift and performing job duties outside the facility, employees will adhere to the following:

- The ID must be worn visibly between the shoulders and waist on a lanyard or clip.
- The ID must not be defaced with pins, stickers, decals, etc.
- The employee shall not allow any other individual to use the ID.

In the event that an employee forgets their ID, a supervisor must be notified at the start of the work shift. The supervisor will then issue a temporary ID card.

If an ID is lost, stolen or damaged, the employee's supervisor must be notified as soon as possible. The employee will be responsible for the replacement cost of the ID (\$3.00) if the employee is found by the Agency to be grossly negligent in caring for the badge.

Failure to adhere to the ID policy shall lead to discipline and possible termination. An employee must surrender their ID at time of separation and/or a supervisor's request.

4. Recording Work Time & Absences

The Agency utilizes TimeForce, a web based time and attendance system. All hourly employees are required to clock in/out on a biometric time clock that is located at each residential care facility, school site or office by doing the following:

- a. Input assigned employee identification number, push enter.
- b. Place right index finger into the required area for finger scan.
- c. Punch the In or Out button, push enter to accept punch.

At the conclusion of each pay period, employees must review and certify their timecard that may be accessed through the Agency's website by taking the following steps:

- a. Go to [www.creative-alternatives.org](http://www.creative-alternatives.org)
- b. Click on "Corporate" and follow the drop-down tab to select "Employee Services".
- c. Click on "TimeForce (Employee Self-Service)".
- d. Enter User Name, Password and Agency Code.
- e. Check for accuracy and certify that time is correct.

It is the employee's responsibility to notify their supervisor of any absences and request corrections if needed throughout the pay period, but no later than the last day of the pay period. Working off the clock is not allowed.

5. Trading Schedules

Unauthorized trading of scheduled shifts between child care workers is prohibited.

6. Overtime

When business conditions require, employees may be needed to work overtime. When this occurs, employees' supervisors will make every effort to provide timely advance notice. Such a request for overtime is considered to be mandatory. Employees' supervisors must approve all overtime prior to the employees working overtime. Overtime will be paid in accordance with applicable state and federal law.

7. Pay Periods & Pay Days

Employees are paid on or before the 10<sup>th</sup> and 25<sup>th</sup> of each month (depending if that date falls on a Saturday or Sunday during a certain pay period) per payroll schedule posted at all work sites. If the 10<sup>th</sup> falls on a weekend or holiday that the office is closed, you will be paid the day before. If the 25<sup>th</sup> falls on a Saturday you will be paid the day before. If it falls on a Sunday you will be paid on the following workday.

8. Breaks

- a. Meal Breaks. Your 30-minute meal period will be determined by your supervisor. You must begin your meal period by the end of the 5<sup>th</sup> hour of work. A second meal period will be provided if you work more than 10 hours in a day. Meal periods are unpaid. The employee will be required to punch out using TimeForce at the start of their approved meal period and punch back in after completing their meal period. Employees are to take their authorized meal periods each workday.

While on meal breaks, employees are free from all Agency duties and may leave Agency premises.

- b. On-Duty Meal Breaks. If the nature of an employee's job prevents the employee from being relieved of all duties during the employee's meal break because the employee has to supervise or service consumers during the meal break, then the employee and the Agency may enter into a written agreement that the employee will work an on-duty meal break for which the employee will be paid.
- c. Rest Breaks. Employees who work three and one-half hours or more in a day will be given the opportunity to take a paid 10-minute rest break for every four hours (or major fraction thereof) worked. Hence, an employee who works eight hours in a day would receive two rest breaks. The rest break should be taken, as close as practicable, in the middle of each work period before and after the meal break. Rest breaks are set by the employee's supervisor. Employees may not leave Agency facilities during rest breaks.
- d. No Combining Breaks. Employees may not combine rest and meal breaks in order to get a longer break. Nor may an employee miss or shorten a rest or meal break in order to start work late or leave work early.
- e. Missed Breaks. Although the law may allow an employee to voluntarily waive a rest or meal break, the Agency desires and expects that the employee will take the rest and meal breaks. However, if an employee's workload causes him or her to involuntarily miss a rest or meal break, then the employee must inform the Agency that the break was involuntarily missed.
- f. Exempt Employees. The Agency encourages exempt employees to take rest and duty free meal periods as required by law and as described in this policy.

#### 9. Pay Deductions

Deductions from paychecks, such as State Disability Insurance (SDI) and income taxes are withheld as required by law. With the employee's authorization, deductions may also be made for items such as credit union contributions, medical and dental insurance, annuities or pension plans, or contributions to the Grace Bishop Memorial fund. Any change to employee deductions must be received in the Accounting Office by the first of the month in which the change is to take place.

#### 10. Solicitation/Distribution

Working time is for work. Therefore, employees may not solicit or distribute any materials to anyone (including other employees, consumers and vendors) during the time the employee is to be working. Nor may employees solicit or distribute any materials to another employee during the time the other employee is supposed to be working. The solicitation or distribution of materials by employees to anyone (including other employees, consumers and vendors) is prohibited in all working areas of Agency property at all times. Solicitation and distribution during non-work time is only allowed in non-working areas of the Agency, meaning the break room and parking lot.

To the extent authorized by law, the Agency prohibits non-employees from soliciting employees, consumers or vendors while the non-employee is on Agency property; and likewise, from distributing literature of any kind while on Agency property.

No employee is to write upon, deface, or place stickers on Agency issued protective equipment, tools, vehicles, or other Agency owned property without the prior authorization of management.

#### 11. Outside Employment / Self-Employment

Outside employment is prohibited in situations which may result in a conflict of interest, or which may adversely affect or interfere with the employee's job performance with the Agency, or which may be in competition with the Agency. If any employee works outside the Agency, he or she will still be required to meet all standards of performance applicable to the employee's job with the Agency, including being alert and attentive while working, and being available to work such times and days, including overtime, as may be required by the Agency from time to time. Employees may

not conduct activities for another job while on the Agency's property, on the Agency's time, or using the Agency's facilities, supplies, and/or equipment. If an employee has any question as to whether outside employment would violate this policy, he or she may contact their Program Director. **(Approval of outside employment will be required if there is question about whether the outside employment is a conflict of interest and/or would interfere with the employee's job performance with the Agency.)**

12. Cell Phone/Texting Policy

**At work, cell phones should be turned off and only used when the employee is on break or if required by their job.** Under no circumstances are employees to place or receive cell phone calls or texts while operating an Agency vehicle. If your job requires that you keep your cell phone on while driving, you must immediately find a safe place to park before receiving or making a call or texting.

13. Non-Employees on Agency Premises

People not employed by the Agency shall not be on Agency premises unless approved in advance by management.

14. Grievance Procedure – Current Employees Only

The Agency has established a grievance procedure to allow employees an opportunity to voice any concerns they may have. The purpose of this policy is to provide an avenue for the identification and solution of differences between an employee and the Agency regarding wages, hours, working conditions or disciplinary matters. The following steps are provided to all employees for the settlement of a grievance:

- Step 1:** An employee should first discuss any problem or grievance verbally with their immediate supervisor.
- Step 2:** If a grievance is not settled by this process, an employee should verbally consult with their Department Director within five calendar days of the meeting with the supervisor.
- Step 3:** If a grievance is still not settled, an employee may file a written grievance with the Human Resource Director within five calendar days. The Human Resource Director will hear the grievance and provide the employee a response within seven calendar days unless it is determined that, under the circumstances, additional time is required.
- Step 4:** If a grievance is still not settled, an employee may file a written grievance with the Executive Director within five calendar days. The Executive Director will hear the grievance and provide the employee a response within five calendar days unless a determination is made that additional time is required. The Executive Director's decision is final. An employee may withdraw the grievance any time during the process.

15. Safety & Workplace Violence

The Agency policy is "zero tolerance" for actual or threatened violence against coworkers, visitors or any other person who is either on our premises or have contact with employees in the course of their duties. Security and safety in the workplace is every employee's responsibility.

All employees, consumers and visitors to our agency should be treated with courtesy and respect at all times. Employees must refrain from fighting, horseplay or other conduct that may be dangerous to others. Firearms, weapons and other dangerous or hazardous devices or substances are prohibited from the premises.

All suspicious individuals or activities should be reported as soon as possible to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your workstation, act reasonably. In situations where an employee becomes aware of an imminent act of violence, threat of imminent violence or actual violence, emergency assistance must be sought immediately. In such situation, the employee should immediately contact their Program Director and if appropriate, contact law enforcement by dialing 911. When reporting a threat of violence, be as specific and detailed as possible.

This Agency encourages employees to bring their disputes or differences with other employees



to the attention of their supervisor or Program Director before the situation escalates into potential violence.

Every verbal or physical threat of violence must be treated seriously and reported immediately to the employee's supervisor and the Program Director. The Program Director will be responsible for consulting with the HR Director and witnesses. This may include, in appropriate cases, consultation with the supervisor of the employee who made the threat, the threatened employee and any witnesses. Where a violation of this policy is found, the Program Director will take appropriate corrective action up to termination.

Full cooperation by all employees is necessary for the Agency to accomplish its goal of a thorough investigation and maximizing the security and safety of its employees.

16. Insurance – Retirees

The Agency will offer our medical group coverage to those eligible retirees and their dependents under the following conditions:

- Coverage is not available through spouse's employment.
- Retiree must be at least 60 years of age.
- Retiree must have a minimum of ten years employment with the Agency.
- Employee must be participating in the Agency' medical group coverage at the time of separation.
- If, at the time of separation, the retiree's spouse is enrolled in the Agency' medical plan and no other coverage is available through another employer, they may also be included in the coverage.
- The retiree is responsible for paying the entire premium. The Plan Administrator sets the level of any retiree contributions. The Plan Administrator reserves the right to change the level of retiree contributions.
- Dental and vision coverage is not offered to retirees except under COBRA guidelines.
- Coverage is available only until the retiree is eligible for Medicare at age 65.

17. Rehire

An employee who has resigned and returns to work for the Agency within 60 days will not be required to complete new hire intake paperwork. Rehired employees must re-qualify for holiday pay and vacation accrual. If the employee has not been gone longer than one year from the agency, prior unused accrued sick time will be reinstated. Also, if employee has returned within 90 days and employee was previously on company's insurance, employee will be eligible to come back onto the plan.

18. Resignations

In the event an employee resigns, all written notices should be submitted to the employee's Program Director. All management should submit letters of resignation to the Executive Director. Resignation letters should state the reason for leaving and indicate the last working day. All employees, upon giving notice to voluntarily quit, shall make an appointment with the Human Resource Department for an exit interview. The Agency reserves the right to accept a resignation (notice) and recognize the termination date as any date it chooses between the date the resignation is submitted and the date designated by the employee as the last day of employment.

19. Final Paycheck

Employees will receive their final paycheck within the time required by law. The final paycheck for employees who resign with at least 72 hours advance notice will be provided on their last day of work. Employees who resign without providing at least 72 hours advance notice, however, will receive their final paycheck within 72 hours of their resignation. Employees who are terminated

involuntarily will be provided their final paycheck on their last day of work. Each employee must return Agency property, such as keys, ID card, tools and equipment at the time the final paycheck is provided.

#### **D. EMPLOYEE BENEFITS AND LEAVES OF ABSENCES**

The Agency currently provides the following benefits to certain eligible employees. Some benefit programs require contributions from employees. Please refer to the Agency's "Benefits and Leaves Handbook" for more information on the eligibility requirements and benefit rules.

- Paid Vacation
- Paid Holidays
- Paid Sick Leave
- Dental Insurance
- Health Insurance
- Life Insurance
- Vision Insurance
- Retirement 403(b) Plan
- Pension 401(a) Plan

The Agency provides leaves of absences as required by law. In addition, the Agency provides a certain number of paid days off for certain leaves. Please refer to the Agency's "Benefits and Leaves Handbook" for more information on the eligibility requirements and rules for the following leaves of absence:

- Alcohol or Drug Rehabilitation Leave
- Bereavement Leave
- Family Medical Leave
- Jury Duty Leave
- Military Leave
- Pregnancy Disability Leave
- Other leaves as listed in the "Benefits and Leaves Handbook"

You must provide as much reasonable advance notice as possible of the need to take a leave of absence. You must submit a vacation request at least 30 days in advance. You must complete a leave and vacation request form for all leaves of absences. If the form could not be completed in advance, it must be completed as soon as possible after the leave starts. Proper verification for the need for the leave (including a doctor's note where applicable) must be provided as specified in the Agency's "Benefits and Leaves Handbook".

#### **E. ADOPTION OF EMPLOYEE HANDBOOK**

Creative Alternatives hereby adopts the policies contained in this Employee Handbook. Please contact your supervisor or the Human Resource Department if you have any questions about any provision in this Handbook.