

# EMPLOYEE HANDBOOK 2016-2017



## TABLE OF CONTENTS

<b>FOREWORD.....</b>	<b>5</b>
<b>SECTION I - Introduction.....</b>	<b>6</b>
1.1 Who Are We? .....	6
1.2 This Employee Handbook.....	6
1.3 Policy Changes.....	6
1.4 No Guarantee of Employment .....	6
1.5 At-Will Employment .....	6
1.6 Dispute Arbitration .....	7
<b>SECTION II - Employment Policies .....</b>	<b>7</b>
2.1 Employee Classification Categories .....	7
2.2 Confidentiality .....	8
2.3 Conflicts of Interest.....	9
2.4 Employment of Relatives and Personal Relationships .....	9
2.5 Employee Files.....	10
2.6 Background and Reference Checks .....	11
2.7 Healthcare Information .....	11
2.8 Employment Eligibility.....	11
2.9 Political Views .....	11
2.10 Termination and Change of Employment Status .....	11
2.11 Return of ECRCHS Property .....	12
2.12 Rehire .....	13
2.13 Labor Unions .....	13
<b>SECTION III - Payroll Practices.....</b>	<b>13</b>
3.1 Payment of Wages .....	13
3.2 Overtime Pay .....	13
3.3 Deductions .....	14
3.4 Faithful Performance .....	14
3.5 Outside Work .....	14
3.6 Expense Reimbursements .....	15
3.7 Meal Breaks .....	15
3.8 Rest Breaks .....	15
3.9 Lactation Breaks .....	16
3.10 Time Reporting.....	16
3.11 Attendance .....	16
3.12 Performance Reviews and Pay Increases.....	16

3.13	Payroll Policies .....	17
<b>SECTION IV - Standards of Conduct .....</b>		<b>17</b>
4.1	Equal Employment Opportunity .....	17
4.2	Americans with Disabilities Act .....	17
4.3	Anti-harassment Policy .....	18
4.4	Harassment and Discrimination Complaint Procedure.....	19
4.5	Standards of Conduct and Discipline.....	20
4.6	Internal Promotions and Transfers.....	22
4.7	Dress Code .....	22
4.8	Safety .....	22
4.9	Workplace Bullying .....	22
4.10	Workplace Violence.....	23
4.11	Drug-Free Workplace .....	23
4.12	Searches .....	25
4.13	Smoke-Free Workplace .....	25
4.14	Computer and Electronic Communication Policy .....	25
4.15	Social Media .....	26
4.16	Personal Phone Calls and Cell Phone Use .....	27
4.17	ECRCHS Equipment and Property .....	27
4.18	Solicitations in the Workplace .....	27
<b>SECTION V - Employee Benefits.....</b>		<b>27</b>
5.1	Benefits Generally .....	27
5.2	STRS/PERS .....	28
5.3	Medical and Dental Insurance .....	28
5.4	COBRA.....	28
5.5	Worker's Compensation .....	28
5.6	Disability Insurance .....	29
5.7	Social Security .....	29
5.8	Unemployment Insurance .....	29
5.9	Flexible Spending Account.....	29
5.10	Tuition Reimbursement .....	29
5.11	Retiree Benefits.....	30
<b>SECTION VI - Time Off, Leaves of Absence, and Work Calendars.....</b>		<b>30</b>
6.1	Work Calendar .....	30
6.2	Requesting Leave.....	31
6.3	Vacation and Sick Leave .....	32
6.4	Holiday Time Off.....	33

6.5	Family and Medical Leave Act.....	34
6.6	Military Family Leave .....	37
6.7	State Family and Medical Leave.....	38
6.8	Pregnancy Disability Leave .....	38
6.9	Military Leave.....	39
6.10	Worker's Compensation .....	39
6.11	Bereavement Leave.....	40
6.12	Jury Duty.....	40
6.13	Voting Leave.....	40
6.14	Parental Leave for School Functions .....	40
<b>EMPLOYEE ACKNOWLEDGMENTS .....</b>		<b>42</b>

## FOREWORD

Dear Valued Employee:

Congratulations and welcome to El Camino Real Charter High School. Whether you have recently joined our team or have worked with us for some time, we are excited to work with you. Your performance will be an integral part of El Camino Real Charter High School's future success. In order to help you perform at your full potential and create a safe and enjoyable work environment we are providing you this Employee Handbook to inform you of the many important aspects of your employment and guide you along the way.

There are few things to keep in mind when reading this Employee Handbook. This document is not a comprehensive compilation of all ECRCHS policies and procedures and does not cover all possible circumstances and exceptions that may arise. Many of the policies summarized in this Employee Handbook are covered in more detail in other official documentation. Consult such documentation for additional information regarding specific policies. Please address any specific questions regarding the interpretation or applicability of ECRCHS policies and procedures to Human Resources or such designated ECRCHS officer or manager. Note that the terms of the official ECRCHS insurance and benefits policies supersede any terms to the contrary stated herein.

This Employee Handbook is not an employment contract, and nothing in this Employee Handbook gives you any right, express or implied, to continued employment. Furthermore, all terms, conditions, policies, and procedures as stated in this document are subject to change, and nothing stated herein is guaranteed remain a fixed term or condition of your employment.

As El Camino Real Charter High School's employee you have an obligation to keep the information provided to you in this Employee Handbook confidential. Do not discuss the contents of this document with persons who are not employees, officers, or otherwise privy to this information through an affiliation with El Camino Real Charter High School.

Please take time to thoroughly review this Employee Handbook, noting how each section relates to your employment. Pass along any questions or concerns you may have to your immediate supervisor. We look forward to a harmonious and mutually fruitful relationship with you and are confident you will find your experience with us dually rewarding.

Lastly, please note that ECRCHS recognizes all sanctioned labor unions and their role in representing the interests of ECRCHS' unionized employees. This Employee Handbook does not impair or otherwise alter any terms or conditions of the collective bargaining agreements held by such unions. When a policy in this handbook contradicts terms and conditions set out in the collective bargaining agreement, the collective bargaining agreement shall take precedence for applicable employees only. Again, welcome!

## **SECTION I - Introduction**

### **1.1 Who Are We?**

The mission of El Camino Real Charter High School is to educate our diverse student body by developing students' talents and skills so they will succeed in a changing world, value and respect themselves and others, and make a positive contribution to our global society.

### **1.2 This Employee Handbook**

This Employee Handbook summarizes some of El Camino Real Charter High School's (hereinafter "ECRCHS") key expectations and employment policies. As such, it cannot provide guidance for every possible circumstance that may arise during employment and is not intended as an exhaustive resource for all ECRCHS policies. Employees that desire elaboration on specific policies should refer to official policy documentation or consult a human resources manager. This Employee Handbook replaces all prior employee handbooks, employment policies, and ECRCHS rules and practices, express or implied, whether written or oral. In addition, this Employee Handbook is subject to the provisions of official ECRCHS policy documents, including insurance and benefits policies, plan documents, and applicable law. All ECRCHS employees are required to abide by the terms of this Employee Handbook as a condition of employment. The terms of individual employees' employment contracts may control over this Employee Handbook where applicable.

### **1.3 Policy Changes**

As circumstances warrant, ECRCHS may, in its sole discretion, deviate from the terms stated herein as it sees fit. ECRCHS has the express right to amend, modify, revoke, and add to the terms of this Employee Handbook as well as other official ECRCHS policy documentation. The terms of this Employee Handbook may only be altered through official ECRCHS written policy notices. No terms of this Employee Handbook may be altered via oral statements or other representations. ECRCHS' interpretation of the terms stated herein is absolute. Employees that need clarification as to ECRCHS' policy on a specific matter should consult a human resources manager or such designated ECRCHS officer or manager. Each employee is responsible for remaining informed of policy changes.

### **1.4 No Guarantee of Employment**

Nothing in this Employee Handbook creates a binding employment contract between ECRCHS and its employees or provides a guarantee of continued employment for any amount of time. At-will employment status may only be altered through an express, signed, written agreement between ECRCHS and an employee to that specific and intended effect.

### **1.5 At-Will Employment**

Unless expressly prohibited by statute, all employees without a written employment agreement to the contrary are employed on an "at-will" basis. As has always been the case at ECRCHS, either ECRCHS or the at-will employee may conclude the employment relationship with or without advance notice at any time and for any reason, and no term in this Employee Handbook will alter or restrict the right of ECRCHS or an at-will employee to end the employment relationship accordingly. Nothing in this Employee Handbook impairs ECRCHS' right to make changes in employment status, including without limitation promotions and demotions, reassignments, transfers, and wage and benefit changes. ECRCHS may only enter into an employment relationship that is not on an at-will basis through a written employment agreement signed by the Executive Director, or an ECRCHS officer or manager authorized with such capacity by the Executive Director. In most

cases and when possible, ECRCHS will work closely with team members with the objective of coaching through and improving performance issues, alleviating teamwork challenges, or otherwise helping to improve other work-related circumstances that may be cause for disciplinary action, up to and including termination.

#### 1.6 Dispute Arbitration

In return for ECRCHS' promise to do the same, your continued employment, and other benefits conferred through the employment relationship, you the employee (hereinafter "**you**," "**your**") promise to submit to binding arbitration of all claims, disputes, or controversies with the ECRCHS and its officers, directors, and employees arising out of or relating to your employment relationship with ECRCHS, including disputes related to your wages and benefits, your termination, intellectual property rights, confidentiality, and any breach of this agreement, to be decided by an independent, mutually agreed upon arbitrator and any ECRCHS arbitration policy or agreement.

## SECTION II - Employment Policies

#### 2.1 Employee Classification Categories

Under state and federal wage and hour laws, including the Fair Labor Standards Act ("**FLSA**"), all ECRCHS employees are either classified as exempt or nonexempt.

**Exempt Employees** - Employees exempted from the minimum wage and overtime provisions of the FLSA by holding positions that satisfy the criteria under the act. These employees are generally executives, managers, professionals, administrators, and technical staff who receive salaries.

**Nonexempt Employees** - Employees who are NOT exempt under the criteria of the FLSA minimum wage and overtime provisions. These employees are typically paid on an hourly basis.

In addition, the following mutually exclusive classifications apply to both exempt and nonexempt employees and help determine an employee's employment status and eligibility for employee benefits, but in no way guarantee continued employment for any amount of time:

**Regular Full-Time Employees** - Employees are considered full-time employees if they are normally scheduled to work at least 30 hours per week. These employees are generally eligible to receive ECRCHS benefits, if any, subject to the terms and conditions of each benefit plan. Please note this includes those staff members that may only work 182 days per calendar year.

**Regular Part-Time Employees** - Employees who are NOT normally scheduled to work at least 30 hours per week during the regular school year or who only irregularly work 30 or more hours per week. These employees are NOT generally eligible to receive ECRCHS benefits.

**Temporary Employees** - Full-time or part-time employees hired for a limited duration generally for three months or less. These employees are typically interim replacements or hired for work on a specific project. Temporary employee work duration may be extended upon written permission; however, status as a temporary employee may only be changed by a written agreement signed by authorized ECRCHS personnel. Temporary employees are employed on an at-will basis unless expressly stated otherwise in a written employment



agreement with ECRCHS. As at-will employees, temporary employees may be terminated prior to the end of the initially planned work duration for any or no reason, with or without notice. Temporary employees are generally not eligible for ECRCHS benefits unless expressly stated otherwise in a written employment agreement or ECRCHS policy.

Employees not notified of their particular classification upon hire should inquire to a human resources manager. Note that independent contractors and consultants are self-employed individuals working with ECRCHS and not ECRCHS employees. As such, they are not entitled to receive ECRCHS benefits unless expressly provided in a written agreement between such individuals and ECRCHS. Furthermore, these individuals will have control over the manner of completing assigned tasks, while ECRCHS has control over assigning the tasks that independent contractors and consultants complete and defining the specific outcomes sought.

## 2.2 Confidentiality

ECRCHS requires that employees keep strictly confidential certain information related to ECRCHS and those with which ECRCHS conducts business. Employees are prohibited from disclosing "**Confidential Information**", as defined below, to any external parties without prior ECRCHS authorization or to other ECRCHS employees, independent contractors, or consultants that do not have a legitimate business reason to know such information. External parties are any person or entity besides ECRCHS' employees, representatives, and authorized agents. Employees must maintain confidentiality in all locations, all modes of communication, and at all times, continuing indefinitely after termination of their employment relationship with ECRCHS. Employees are responsible for knowing what information should be treated as Confidential Information and should consult their supervisor for clarification if in doubt.

**Confidential Information** - Includes information that relates to ECRCHS, its operations, or technology that is generally not known to the public and includes, without limitation, the following: trade secrets, business plans, business strategies, bids, marketing plans, financial information, costs, pricing, employee compensation, attorney communications, projections, and investments. Confidential Information also includes information you receive from others that ECRCHS has an obligation to treat as confidential, including without limitation information from ECRCHS' vendors, suppliers, and current and prospective customers and clients.

You can help ECRCHS safeguard its Confidential Information by adhering to the following guidelines:

- Do not discuss Confidential Information in public places.
- When discussing Confidential Information, or matters that are potentially Confidential Information, be aware of who is around you and consider whether they have a specific need to know such.
- Do not take hard copies of Confidential Information off ECRCHS premises unless absolutely necessary. If you do, be sure to keep such information in a safe and secure place.
- Keep electronically-stored Confidential Information password protected, and store hard copies out of sight in secure locations.
- Shred or tear up hard copies of Confidential Information before disposing in the trash.



- Do not share or disclose information in any way that could be construed as or appear to be insider trading.

### 2.3 Conflicts of Interest

Employees are required to avoid conflicts of interest. This means employees must avoid activities, relationships, and situations that may cause them to put their personal interests ahead of ECRCHS'. It is important that employees act in the best interests of ECRCHS at all times, and for this reason, employees must take measures to avoid even the appearance of having conflicts of interest. You must disclose any actual or potential conflicts of interest to a supervisor, including actual or potential conflicts of interest held by another employee that such employee fails to disclose. In general, you can avoid conflicts by not using or appearing to use ECRCHS' Confidential Information, property, or business opportunities for your own personal gain.

The following are examples of situations which may create, or appear to create, a conflict of interest:

- Situations where you may have a personal financial interest in transactions or business activities of ECRCHS or ECRCHS' competitors, clients, customers, or suppliers.
- Situations where, although you do not have a personal financial interest, you may nonetheless obtain some other personal gain or advantage resulting from transactions or business activities of ECRCHS or ECRCHS' competitors, clients, customers, or suppliers.
- Situations where you consult for or otherwise have a separate business relationship with a ECRCHS competitor, client, customer, or supplier outside of your normal employment role for ECRCHS.
- Accepting sizeable benefits, including gifts, services, entertainment, or favors, from an ECRCHS competitor, client, customer, supplier, government entity, or other organization in connection with your relationship with ECRCHS outside of your regular employment benefits from ECRCHS. Please use your discretion and good judgment when deciding between sensible benefits and those benefits that are excessive and/or inappropriate.
- Situations where you are responsible for supervising your own family members or persons of close relation to you, whether such persons are other employees or have a different business relationship with ECRCHS, for instance as contractors, consultants, clients, customers, or suppliers.

You are required to consult a supervisor if you are unsure about whether a situation creates or appears to create the appearance of a conflict of interest. When a conflict of interest is found to exist, or appears to exist, you must work with a the manager supervising the relevant business activities to remove yourself from the situation as much as possible, including creating an effective screening plan, if necessary.

### 2.4 Employment of Relatives and Personal Relationships

Nepotism and favoritism may jeopardize ECRCHS operations and success. Therefore, employees are prohibited from supervising or reporting to their relatives or persons with whom they have close personal relationships outside of their employment with ECRCHS, except where such relationships are disclosed to and approved by senior member of the Business Office. **"Relatives"** include spouses, children, adopted children, domestic partners, parents, siblings, grandparents, uncles, aunts, cousins, nieces, nephews, step relatives, brother- and sister-in-law, mother- and father-in-law, and relatives of domestic partners. **"Close personal relationships"**

includes relationships with persons with whom you share a household, date, or have had personal and close friendships for an extended period of time outside of your employment with ECRCHS. Typically, informal acquaintances are not considered close personal relationships.

In order to safeguard ECRCHS interests, you must disclose any relatives or close personal relationships that exist or may exist with other ECRCHS employees, contractors, consultants, clients, customers, or suppliers. You should also disclose this fact if, during your employment, you become a relative or in a close personal relationship with another employee, contractor, consultant, client, customer, or supplier, for instance, through marriage or dating.

The Business Office may approve your working with relatives or persons holding close personal relationships where such relationships do not create substantial conflicts of interest threatening the wellbeing of ECRCHS operations or activities, for instance, by creating potential supervisory, morale, safety, fairness, or public relations problems. Where possible, ECRCHS will strive to neutralize such conflicts of interests without impairing the benefits you receive from ECRCHS; however, ECRCHS reserves the right to take any action necessary to remove conflicts of interest that threaten ECRCHS interests.

## 2.5 Employee Files

ECRCHS maintains confidential employee records and files according to law. Supervisors and managers may only have access to an employee's file with a legitimate business need to know and as permitted by state law. Unless otherwise required by state law, current and former employees may generally be granted access to their files upon providing reasonable notice.

All employee files must be reviewed under supervision of the records keeper during regular business hours inside of the office or department where they are normally stored and may not be taken off ECRCHS property. You may not tamper or remove any part of your employee file; however, you may make copies of any information you have provided to ECRCHS that have your signature affixed, as permitted by state law.

Should you dispute any item in your file, you are permitted to make a signed and dated written statement of your dispute that will become part of your file as well.

ECRCHS will grant government agents and entities limited access to employee files when and as required by law.

An employee file is comprised of documents and information relation to each employee's relationship with ECRCHS, including among other items the employment application, employment history verification documents, resumes, background checks, emergency contact information, contracts of employment, tax forms, payroll and benefits information, and performance reviews, if any of these should exist and according to ECRCHS policy.

You are required to notify the fiscal analyst/specialist, as applicable, if any information previously provided to ECRCHS should change, including information provided on an employment application or form, insurance form, or tax form. Misrepresenting information in your employee file, or failing to correct a known mistake in your file, is grounds for discipline, possibly including immediate termination.

At ECRCHS' sole discretion, you may provide a written and signed release for ECRCHS to disclose information in your employee file to an outside entity requesting access.

## 2.6 Background and Reference Checks

ECRCHS may conduct various background and reference checks on potential or current employees. The information collected will become part of the employee's file and may include verification of information provided during the hiring process, resume, employment verification, criminal record, driving records, and credit report, depending upon the type of position sought. Any employment offer or offer for promotion or reassignment to another position made by ECRCHS is contingent on verification as to the accuracy of the information provided by the potential or current employee.

As background and reference checks are part of each employee's file, such information is kept confidential and may only be reviewed by those involved with hiring and personnel decision processes or ECRCHS managers having a legitimate business need to know.

Should you be denied employment based on information obtained from a background or reference check, then ECRCHS will provide you with a copy of such report(s) and allow you an opportunity to dispute such information.

Background and reference checks may be conducted on current employees in order to assess them for continued employment, promotion, or reassignment, as permitted by state and federal law.

## 2.7 Healthcare Information

Information related to an employee's healthcare enrollment or plan will be managed according to ECRCHS' policy for conformance with the Health Insurance Portability and Accountability Act (HIPPA), as applicable. ECRCHS does not regularly maintain records of its employees' private healthcare information, and any such information voluntarily shared with ECRCHS by an employee will be kept confidential.

## 2.8 Employment Eligibility

In compliance with federal law, all new employees must complete the U.S. Citizenship and Immigration Services (USCIS) Form I-9 no later than the first day of hire in order to verify identity and employment authorization. ECRCHS will verify proper completion of Form I-9. You will verify your identity and eligibility by providing documentation as specified on the last page of the form. ECRCHS will not file Form I-9 with USCIS, but will retain and store the completed Form I-9 either for three years after the date of hire or for one year after employment is terminated, whichever is later.

## 2.9 Political Views

ECRCHS will not discriminate against employees based on their engaging in legal political activities or their affiliation with a particular political view or group. However, ECRCHS encourages employees to focus this expression exclusively *outside* of their role at ECRCHS. All employees have a responsibility to ensure that the political views they communicate and political activities engaged in are seen as separate from ECRCHS and their role as a ECRCHS employee.

## 2.10 Termination and Change of Employment Status

A change in your employment status may occur for different reasons, including termination by ECRCHS, resignation, abandonment, reassignment, or retirement. Should a change in employment status occur, wages will

only accrue up to your effective date of separation with ECRCHS, unless contrary to a written employment contract or state law.

- **Termination by ECRCHS** - Unless expressly prohibited by statute, all employees without a written employment agreement to the contrary are employed on an "at-will" basis. This means that ECRCHS may conclude the employment relationship with or without advance notice at any time and for any reason.
- **Resignation** - If you are an at-will employee, you may choose to conclude the employment relationship at any time and for any reason. If you are considering resignation, you are encouraged to consult your supervisor in order to discuss whether other options are available to accommodate your needs. If you do decide to resign, ECRCHS asks that you provide at least two weeks' advance written notice of your departure. Employees who fail to provide the full requested advance notice may be subject to forfeiture of accrued benefits including vacation, paid time off, or other benefits at ECRCHS' discretion and according to state law. In addition, such employees who fail to provide the full requested advance notice may be deemed ineligible for future rehire, at the discretion of ECRCHS. At ECRCHS' sole discretion and business needs under the circumstances, ECRCHS may choose to require your immediate departure and provide you with two weeks' pay instead of your being present during the notice period. Should ECRCHS so require, you agree to complete an exit interview or memo prior to departure.
- **Abandonment** - Abandonment occurs where an employee fails to be present during scheduled work hours for three or more consecutive days without prior approval for the absence. If you are considering abandonment, you are encouraged to consult your supervisor in order to discuss whether other options are available to accommodate your needs.
- **Reassignment** - Based on ECRCHS needs, your employment status may occasionally change through ECRCHS reassigning you to a different shift, department, or location, unless you have a written employment contract to the contrary. ECRCHS may choose to take into consideration your requests concerning reassignment. Should ECRCHS so require, you agree to complete an exit interview or memo prior to departure.
- **Retirement** - Employees seeking to retire must provide at least four weeks' advance written notice to a human resources manager. This will allow ECRCHS sufficient time to finalize any payroll and benefits issues, determine and prepare for any hiring needs, and wrap up all other outstanding employment matters related to the planned retirement. Should ECRCHS so require, you agree to complete an exit interview or memo prior to departure.

#### 2.11 Return of ECRCHS Property

Employees must return all ECRCHS property in their possession upon ending employment with ECRCHS. Unless otherwise notified, ECRCHS property includes ID cards, uniforms, cell phones, laptops, electronics, office supplies, and all other tangible items in your possession that ECRCHS owns. You may be provided with a voluntary option of purchasing property which you have used while employed with ECRCHS on an "as is" basis. Upon formal approval from the Business Office, you will be provided with the market cost of specific property and required to pay for the said property in full prior to exchanging ownership of the property. ECRCHS is not responsible for any previous or future damage or maintenance needs of purchased equipment.

ECRCHS may deduct from the final paycheck the value of all unreturned ECRCHS property, in accordance with state law.

#### 2.12 Rehire

To be rehired, former employees must have separated employment in good standing with ECRCHS. Employees lose good standing when the reason for separation is based on a policy violation. Former employees in good standing are still required to submit to ECRCHS' regular hiring process and screening, including, at ECRCHS' discretion, submitting an employment application and completing any required exams. Hiring managers seeking to hire former employees must submit a request for review and approval from a human resources manager prior to hiring. Except where expressly stated to the contrary in a written employment agreement, former employees that are rehired will begin accruing benefits at the same rate and in the same manner as new employees, and tenure for all purposes will be calculated starting from the date of rehire.

#### 2.13 Labor Unions

ECRCHS recognizes all sanctioned labor unions and their role in representing the interests of ECRCHS' unionized employees. This Employee Handbook does not impair or otherwise alter any terms or conditions of the collective bargaining agreements held by such unions.

### **SECTION III - Payroll Practices**

#### 3.1 Payment of Wages

Salaried employees are paid monthly for their regular wages due. Paydays will fall on the last working day of each month. Employees will be paid on the last business day prior to any payday that happens to fall on a weekend or holiday. All other owed miscellaneous payments that fall outside of predictable regular wages, including but not limited to, bonus payments, stipends, expense reimbursements, and retro-payments will be paid on the 15<sup>th</sup> of the month following the actual month of occurrence.

Hourly employees are paid semi-monthly for their regular wages due. Paydays will fall on the 1st and 15th days of each month. Employees will be paid on the last business day prior to any payday that happens to fall on a weekend or holiday.

Employees will be paid by either check or direct deposit on their scheduled paydays, in accordance with payroll policy and as permitted by California state law. Checks will be either hand-delivered or mailed to employees. Please refrain from leaving paychecks in unsecure areas. If a paycheck is lost or stolen, you must notify a payroll manager at once. Employees will receive any direct deposit of wages in a savings or checking account at the financial institution of their choosing. You must submit a new Form W-4 to a human resources manager if your marital status or the number of exemptions you claim changes.

#### 3.2 Overtime Pay

Employees classified as nonexempt will be paid overtime according to the FLSA and state law. Your supervisor must approve all overtime in advance. You are expected to comply with requests to work overtime during especially busy times and according to ECRCHS needs.



California state law sets the standard work week at 40 hours. Hours worked in addition to the standard work week will accrue overtime pay. You will receive overtime pay of time and one-half your normal pay rate when you work more than 8 hours in a day, 40 hours in a week, and for the first 8 hours of the seventh day worked in a week. You will receive double pay for any hours worked in excess of 12 hours in a single day or in excess of 8 hours on the seventh day of the workweek. The workweek is calculated beginning at 12:00 a.m. on Sunday morning and ending at 11:59 p.m. on Saturday night but may be changed according to ECRCHS discretion. Only actual hours worked will be counted for overtime pay. Meal breaks and time off for holidays, vacation leave, personal leave, sick leave, and other leaves of absence will not be used to calculate overtime.

### 3.3 Deductions

Deductions from your pay will be made according to federal and California state law. This may include deductions for Federal and State Income Tax Withholding, Social Security, Medicare, Disability, garnishments pursuant to valid court orders, and other deductions pursuant to law. If you need to change your federal or state income tax withholding, please consult a human resources manager. Furthermore, should you elect to make employee contributions under a ECRCHS benefits plan offered to you, your voluntary contributions will also be deducted from your pay according to the benefits plan as well as federal and state law.

### 3.4 Faithful Performance

All employees are expected to promote ECRCHS' business interests at all times and to devote their full time and attention during working hours to faithfully and efficiently performing their assigned duties to the fullest extent possible within their individual means and talents.

### 3.5 Outside Work

Employees may hold other jobs or engage in work outside of their role with ECRCHS so long as such outside work does not have a negative impact on fulfilling their responsibilities to ECRCHS. Furthermore, any outside work must not conflict or compete with ECRCHS interests or be conducted during an employee's scheduled work time. Employees engaging in outside work that require 10 hours or more of attendance during the regular Monday-Friday work week must notify their supervisor or manager so that ECRCHS can determine if such work presents a problem or a conflict with ECRCHS interests.

No employee may engage in any outside work for services that ECRCHS would normally expect to perform. Employees are prohibited from using Confidential Information or ECRCHS tools, equipment, or other property for outside work.

Employees may not use outside work as an excuse for failing to perform their responsibilities to ECRCHS, for poor job performance, or for failing to be present during scheduled work hours. Therefore, Employees should refrain from taking on any outside work that may demand too much of their time, energy, or attention. ECRCHS may ask you to stop or decrease your involvement in any outside work that become a detriment to job performance. Employees are prohibited from using any allotted sick time for leaves of absence to engage in outside work, including leave classified under the Family and Medical Leave Act.

Outside work includes any work outside of your obligations to ECRCHS for which you are compensated, monetarily or otherwise, including self-employment. Outside work also includes service on a board or commission for a public entity or governing body, whether or not you are paid or otherwise compensated for such work.

### 3.6 Expense Reimbursements

ECRCHS reimburses employees' reasonable expenses incurred while conducting ECRCHS business. All purchases made by an employee must be accompanied by an original or electronic receipt. When receipts are lost, employees must make every effort to retrieve a copy of the receipt or provide a document with comparable detail. There are a few exceptions for which credit card receipts or cancelled checks will be considered sufficient, as itemized descriptions of these expenses would likely not show details of personal use (i.e. taxi fares on conference days and parking fees incurred the day an employee attended workshops or other work events). For non-student related meals, detailed receipts are a requirement. Employees are allowed to tip up to 18% of the subtotal cost, rounded up to the nearest dollar when gratuity is customary. Any incremental excess is the responsibility of the employee.

Employees may only travel on ECRCHS business when authorized and should verify which travel expenses are eligible for reimbursement prior to making travel arrangements. While traveling, employees must keep a detailed report of their business activities and the expenses they incur, including supporting documentation. Employees must submit their expense reports within 180 days of their return from travel, but no later than June 30<sup>th</sup> of each calendar year. . Please use discretion while traveling to keep your expenses at a minimum and to avoid inappropriate expenses. You may not be reimbursed for expenses that are excessive or improper under the circumstances.

Employees will be reimbursed for expenditures within fifteen days of presentation of appropriate documentation.

Nonexempt employees will be paid for travel while on ECRCHS business according to federal and state law. Exempt employees will be paid their normal salary while traveling for ECRCHS.

### 3.7 Meal Breaks

Employees receive meal breaks in accordance with California state law. Meal breaks are an important time for you to rest and refuel. Taking them will help boost your health and productivity. You are entitled to an unpaid 60-minute meal break after every 5 hours of consecutive work. However, if your work shift will be completed in 6 hours or less, you and ECRCHS may mutually agree to waive your meal break. Likewise, if your total shift is 12 hours or less, you and ECRCHS may mutually agree to waive your second meal break so long as you did not already waive your first meal break.

### 3.8 Rest Breaks

Employees receive rest breaks in accordance with California state law. Rest breaks will help you maintain a consistent level of energy and output throughout the day. Under California state law, you are entitled to a paid 10-minute rest break for each 4 hours worked or major fraction thereof as is practicable, in the middle of each work period. However, you are not required to receive a rest period where your total work shift is less than 3 1/2 hours. ECRCHS may permit rest breaks in excess of the minimum amount required by law.

Supervisors may choose to stagger rest breaks as needed to manage operations. Rest breaks may not be accumulated or combined with other break periods into longer rest breaks, and employees may not use rest breaks to cover their late arrival or early departure from their shifts.



### 3.9 Lactation Breaks

Federal law requires an employee with a nursing child to receive a reasonable amount of break time to express breast milk for her child for up to one year after a child's birth at any time when the employee needs to do so. You will receive pay when taking breaks for such purposes. ECRCHS will provide a private, safe, and sanitary place other than a bathroom or toilet stall to express milk.

### 3.10 Time Reporting

Nonexempt employees are required to keep accurate and complete time records of daily hours worked through the timekeeping system provided by ECRCHS. Employees must not count any meal breaks or off-duty time toward hours worked. It is prohibited to falsify or alter time records, including those of a co-worker, without permission from a supervisor, and doing so may result in discipline or termination.

Time worked is recorded for payroll purposes by rounding to the nearest 15-minute interval. One workday consists of 24 hours beginning at 12:00am and ending at 11:59pm. Each work week begins on Sunday at 12:00am and ends on Saturday at 11:59pm.

### 3.11 Attendance

ECRCHS' success relies on employees arriving on time and regularly attending work. You must notify your supervisor in advance of your scheduled starting time if you will not be able to attend work that day for any reason or will be arriving late. Failure to notify your supervisor in advance will result in an unexcused absence, which is serious misconduct. ECRCHS may consider your job abandoned and your employment status voluntarily resigned for any unexcused absence lasting 3 or more consecutive days you are scheduled to work. You must also receive prior supervisor approval should you need to leave work early for any reason. Employees who display a pattern of excessive absences or tardiness may be disciplined despite not having used all of their accrued leave.

### 3.12 Performance Reviews and Pay Increases

A formal performance review will be conducted every twelve months. This will provide an opportunity to review your past performance in order to recognize your strengths, target weaknesses and areas for improvement, and identify specific goals going forward. Any written performance reviews will become part of the employee file.

Employees receiving a performance review will not necessarily receive an increase in pay. Pay increases are based on several factors, including overall department and ECRCHS annual budgets, and will not always directly reflect an employee's performance. Besides formal performance reviews, employees are encouraged to regularly have informal discussions with their supervisors about their strengths, weaknesses, and goals, in order to monitor their performance. Pay increases may be implemented at other times besides during performance reviews but must always be preapproved by a human resources or payroll manager to ensure that the requested increase aligns with ECRCHS policy and is in ECRCHS' best interest.

Periodic pay bonuses are not guaranteed to employees and are at the discretion of management. If paid by ECRCHS, these will be based on your individual performance and ECRCHS budget availability. Bonuses are meant to incentivize employees to exceed expectations and constantly perform to the best of their abilities. This will help ensure that ECRCHS stays competitive in its market.

### 3.13 Payroll Policies

ECRCHS reserves the right to change payroll policies and practices, including those stated above, after providing prior written notice to employees and in accordance with state law.

## **SECTION IV - Standards of Conduct**

### 4.1 Equal Employment Opportunity

ECRCHS provides equal employment opportunities (EEO) in all our employment practices to all employees and applicants for employment without regard to race, color, religion, national origin, gender, age, sexual orientation, gender identity, disability, genetic information, marital status, military status, or any other category protected by federal, state, or local laws. This includes prohibiting unlawful discrimination against those associated with or perceived to belong to a protected class, whether or not an employee actually falls into such class. ECRCHS' EEO practices are upheld in every location that it operates and in all aspects of the employment relationship, including hiring, recruiting, placement, transfer, promotion, compensation, discipline, termination, layoff, recall, training, and leaves of absence.

EEO violations must be taken seriously, and all employees must make every effort to uphold and support ECRCHS' EEO policy. This includes reporting all instances of discrimination or harassment to a ECRCHS manager. It is ECRCHS' policy to promptly investigate any reported instance in a thorough manner. ECRCHS forbids any retaliation against those who report or investigate discrimination or harassment. Employees with protected characteristics under EEO law, such as those with disabilities or seeking accommodation of their religious practices, should notify ECRCHS well in advance of their need for accommodation. ECRCHS will take reasonable measures to accommodate such employees' needs.

### 4.2 Americans with Disabilities Act

ECRCHS does not discriminate against qualified employees with disabilities in any aspect of their employment and provides reasonable accommodations to such individuals as required by law so that they may perform the essential job duties of the position. ECRCHS is fully committed to upholding the Americans with Disabilities Act (ADA) and any amendments or laws related thereto. The ADA requires employers with 15 or more employees to provide qualified individuals with disabilities an equal opportunity to benefit from the full range of employment-related opportunities available to others. In compliance with the ADA, ECRCHS does not discriminate against qualified individuals in recruitment, hiring, promotions, training, pay, social activities, and other privileges of employment. ECRCHS also does not ask prohibited questions related to an applicant's disability prior to making a job offer.

ECRCHS provides reasonable accommodations for known physical or mental limitations of qualified individuals that bring their needs to ECRCHS' attention, unless it would cause ECRCHS undue hardship. If you are currently disabled or become disabled while employed, you should notify a human resources manager to discuss any questions you may have and to request disability leave or accommodations that will enable you to perform the essential functions of your job. ECRCHS reserves the right to require that you provide certification from your healthcare provider of your disability and your need for accommodation. If disability leave is necessary, ECRCHS will work with you to determine how to best accommodate your needs while also balancing ECRCHS' needs.

### 4.3 Anti-harassment Policy

ECRCHS aims to create a work environment free of harassment wherein employees treat each other with respect and courtesy. Therefore, ECRCHS prohibits its employees from engaging in unlawful harassment against individuals on the basis of race, color, creed, national origin, religion, gender, sexual orientation, pregnancy, genetic information, age, physical or mental disability, veteran status, marital status, or any other protected classification under federal, state, or local law. Conduct considered harassment is defined below. This policy applies in all work settings, whether or not occurring on ECRCHS property, and to all aspects of the employment relationship, including hiring, recruiting, placement, transfer, promotion, compensation, discipline, termination, layoff, recall, training, and leaves of absence. It also applies to all applicants for hire and employees, whether the conduct is directed at a fellow employee or to an outside party, such as an independent contractor, vendor, supplier, customer, or any other party that conducts business with ECRCHS. Furthermore, ECRCHS aims to protect its employees from workplace harassment by nonemployees and will take appropriate steps to remedy any such harassment.

Employees violating this policy are subject to discipline, including possible termination. Instances of harassment are serious matters, and all employees must make every effort to uphold and support ECRCHS' anti-harassment policy. This includes reporting all instances of harassment to a ECRCHS manager. It is ECRCHS' policy to promptly investigate any reported instance in a thorough manner. ECRCHS forbids any retaliation against those who report or investigate harassment.

#### ***Sexual Harassment Defined***

Sexual harassment constitutes discrimination and is illegal under federal, state, and local laws. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature, when, for example a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, or sexual deficiencies; leering or whistling; repeated uninvited physical contact or touching, such as patting, pinching, or grabbing another's body; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal, written, or visual conduct of a sexual nature regardless of the rank, position, gender, or sexual orientation of those involved. Sexual harassment may occur through transmission using the ECRCHS' electronic communications system or through other online conduct. Sex-based harassment, that is, harassment not involving sexual activity or language (e.g., male manager yells only at female employees and not males), may also constitute discrimination if it is severe or pervasive and directed at employees because of their sex.

#### ***Harassment Defined***

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is defined as verbal, written, or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law or that of his/her relatives, friends, or associates, and that a) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; b) has the purpose or effect of unreasonably interfering with an individual's work performance; or c) otherwise adversely affects an individual's employment opportunities.

Harassment includes, but is not limited to, epithets, slurs, or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is circulated in a work setting, whether by being posted on ECRCHS premises or communicated via e-mail, phone, text messages, online forums, or other means.

#### 4.4 Harassment and Discrimination Complaint Procedure

In order to maintain a safe and enjoyable work environment, it is imperative that any employee who believes that he or she has been the victim or witness of harassment or discrimination, as prohibited by this policy or law, should immediately report such behavior to a supervisor. Discrimination or harassment should be reported whether engaged in by an employee, independent contractor, vendor, supplier, customer, or any other party that conducts business with ECRCHS.

Many times individuals are not even aware that their behavior is harmful to others. If they feel comfortable doing so, victims and witnesses of harassment or discrimination have the option to first seek to remedy the situation informally by notifying the offending party that his or her actions are not welcome and are believed to constitute a violation of ECRCHS policy. If warranted by the situation, this type of open and frank discussion can help resolve problems before they escalate to the point of irreparably harming working relationships. However, victims and witnesses that do not feel comfortable trying to resolve the problem verbally should immediately report the offending behavior to a supervisor.

Upon receiving a report of harassment or discrimination, ECRCHS will promptly complete an investigation to determine the merits of the allegations, discover the nature and extent of the improper behavior, and, if necessary, determine the proper corrective action to take, which may include termination. ECRCHS may take any legal steps it believes are necessary in making its investigation, which may include, without limitation, reviewing electronic communications and conducting interviews of any individuals who may have information relevant to the allegations. ECRCHS will make every effort to keep the investigation as confidential as possible under the circumstances while still being as thorough in its efforts as is necessary to do its due diligence. All employees are required to cooperate and be forthcoming in assisting with ECRCHS' investigations, and any employee possessing information that may be helpful should notify a human resources manager.

Employees should not refrain from reporting harassment or discrimination or cooperating in investigations for fear of reprisal. Retaliation against those who report or cooperate in investigations is strictly prohibited in any form. Freedom to report and cooperate in investigations is an essential component of enforcing ECRCHS' anti-harassment and discrimination policies. Therefore, employees that report or cooperate in investigations must not receive any ill treatment or disadvantage due to their participation in helping enforce ECRCHS policy. Employees that are victims or witnesses of retaliation are encouraged to report retaliation to supervisor. Reports of retaliation will be investigated, and corrective action will be taken, according to the same harassment and

discrimination procedures outlined above. Similarly, intentionally false or malicious reports of harassment, discrimination, or retaliation that ECRCHS becomes aware of will be investigated, and corrective action will be taken, according to the procedures.

Victims and alleged offenders that still do not agree with the final resolution of a complaint may seek legal remedy by contacting the state or federal agency responsible for enforcing such matters.

#### 4.5 Standards of Conduct and Discipline

All employees are responsible for knowing and abiding by ECRCHS rules and policies. ECRCHS prides itself on its ability to meet high standards of ethical and personal conduct throughout its operations. Therefore, you are expected to maintain the highest ethical standards and perform your duties in good faith and to the best of your abilities at all times when engaged in ECRCHS business.

Where warranted under the circumstances, ECRCHS will seek to use progressive discipline to correct, improve upon, and prevent future recurrences of conduct falling below our standards. At ECRCHS' discretion, progressive discipline may proceed along the following line: verbal warning, written warning, conduct evaluation period, suspension with or without pay, demotion, reassignment, and termination. A conduct evaluation period, if instituted for an employee, will be a discretionary set period in which the employee will receive counseling and monitoring by a supervisor with the aim of targeting possible causes and correcting the poor performance. Depending upon the employee's performance during the conduct evaluation period, further discipline or corrective action may occur at the end of the period, including termination.

ECRCHS reserves the right to combine, skip, or reorder any steps in the process depending upon the nature of the offenses and the circumstances. Note that this means that ECRCHS has the right to immediately terminate an employee without warning or the use of progressive discipline should the circumstances call for such action. When determining the appropriate discipline for a given instance ECRCHS may consider, at its discretion, any of the following factors, without limitation: the employee's prior history of poor conduct with ECRCHS or prior employers, the employee's work record and level of commitment to ECRCHS goals, the number of repeated instances of the particular offense, the amount of counseling and/or training received in order to prevent such offenses, the impact the offense has on ECRCHS' performance or perception in the marketplace, and the level of egregiousness and purposeful intention to violate ECRCHS policy. Note that supervisors and others who fail to report violations or who withhold relevant information concerning a policy violation will be disciplined as is warranted under the circumstances.

At ECRCHS' discretion, employees may be disciplined or terminated for violating any ECRCHS policy or rule. Misconduct can take many forms, and it is impossible for us to provide you with a comprehensive list of prohibited behaviors. Therefore, the list below is only illustrative and is intended to give you notice of some of ECRCHS' general expectations concerning standards of conduct; ECRCHS may always discipline or terminate employees for engaging in any conduct it deems inappropriate. Employees are expected to use good judgment in all their actions and to consult their supervisors or a human resources manager if there is any doubt as to whether their intended conduct falls below ECRCHS standards.

Examples of misconduct that may result in discipline or termination include, but are not limited to, the following:

- Unsatisfactory job performance, including poor quality or quantity of work.
- Engaging in insubordination or disobedience to the legitimate orders of a supervisor.
- Repeatedly arriving tardy or starting work late.
- Repeated unexcused absences.
- Falsifying time records or failure to accurately record time worked, including time records for another employee.
- Dishonest behavior.
- Illegal discrimination or harassment.
- Disorderly conduct, such as violence or threats of violence or blackmail.
- Violating ECRCHS procedures or instructions.
- Failure to abide by health or safety regulations.
- Intentionally falsifying ECRCHS documents, including ECRCHS records and documents provided by the employee during the hiring process.
- Excessive use of obscene, profane, or abusive language.
- Misusing ECRCHS property, including using property without authorization; using ECRCHS property improperly; or damaging, destroying, or stealing property.
- Possession or use of weapons or other dangerous items or materials on ECRCHS property.
- Possession or use of illegal drugs, alcohol, or controlled substances without a valid prescription on ECRCHS property or while engaged in ECRCHS business.
- Failure to disclose conflicts of interests.
- Unauthorized use or disclosure of ECRCHS' confidential information.
- Conviction of a crime that indicates you are unfit to work for ECRCHS or represent a potential threat to ECRCHS personnel or operations.
- Violating applicable laws or regulations in performing your duties.
- Violating any other ECRCHS policy or rule.

### ***Giving and Accepting Gifts***

You may not give or accept gifts, services, entertainment, or favors, from a ECRCHS competitor, client, customer, supplier, government entity, or other organization in connection with your relationship with ECRCHS



outside of your regular employment benefits from ECRCHS. However, you may receive gifts that are lawful, customary, of nominal value up to maximum value of \$500, and authorized in advance. For example, you may accept meals and refreshments of nominal value given in connection with business activities. When in doubt, consult a supervisor, and notify a member of management if you do receive a gift of more than nominal value.

#### 4.6 Internal Promotions and Transfers

ECRCHS may choose to initiate promotions or transfers of employees between different positions and locations in order to meet ECRCHS' various business needs. Employees that feel that they are well qualified are also encouraged to apply for job vacancies that become available. However, you must notify your supervisor if you apply for a position. ECRCHS prefers to promote from within unless it decides that hiring outside the organization is advisable. Employee candidates may be subject to the same hiring interviews, tests, and other processes as outside applicants. At all times ECRCHS retains discretion to hire outside candidates and make exceptions to this promotions and transfers policy.

#### 4.7 Dress Code

Employees are expected to maintain a clean, orderly, and well-groomed appearance. Specific dress standards will vary depending on the position and responsibilities of each employee. Ask your supervisor if you are unsure as to what is appropriate for an occasion. Employees displaying improper dress or appearance will be notified. Repeated inappropriate appearance is grounds for discipline. Management will determine what is considered "appropriate" dress and appearance.

#### 4.8 Safety

Each employee is tasked with helping maintain a safe work environment and complying with all safety and health laws and regulations. Employees must report all injuries, accidents, illnesses, safety hazards, and health concerns that they experience or observe to the Business Office or another supervisor. Failure to abide by ECRCHS safety policies or to report unsafe conditions may result in discipline.

The Occupational Safety and Health Act (OSHA) is a federal law requiring that we maintain records of all work-related accidents and illnesses. You are required to submit an incident report to Human Resources for all accidents, illnesses, or unsafe working conditions that an employee suffers or witnesses while on the job, no matter how small. The Business Office may prescribe a standardized incident report form for you to use. Failure to complete an incident report may result in discipline or prevent your ability to receive worker's compensation and other benefits.

Contact a supervisor if you or another co-worker is injured on the job. If necessary, contact emergency medical assistance.

#### ***Fire Safety***

Employees are required to know and observe OSHA regulations, including helping prevent fires and maintain safe practices for avoiding fires in the workplace. Do not block access to any fire exits, doorways, windows, or fire extinguishers. Please keep all flammable materials stored in covered metal containers.

#### 4.9 Workplace Bullying

ECRCHS employees are to be treated with courtesy and respect at all times. Bullying through repeated inappropriate abuse of another will not be tolerated in the workplace, whether physical, verbal, or otherwise.



Examples of bullying include pushing, physical assault, threats, insults, ridiculing, humiliating, and slandering. If you are a victim or witness of bullying, report it to a supervisor immediately. Communications regarding bullying and any resulting investigations will be kept as confidential as possible under the circumstances. Retaliation against those who report instances of bullying is prohibited. Violations of this policy will result in discipline and possible termination.

#### 4.10 Workplace Violence

ECRCHS does not tolerate violence or dangerous behavior of any kind in the workplace, whether through physical abuse, threats, intimidation, coercion, stalking, or otherwise. Please report all incidents of direct or indirect violence or dangerous behavior to a supervisor as soon as possible. Reporting incidents and concerns early can help prevent a situation from escalating and becoming even more dangerous. Those who report workplace violence may not be disciplined or retaliated against. Never attempt to handle a potentially dangerous situation yourself.

Reports of violence or dangerous behavior will be promptly investigated. Identities of those involved will be kept as confidential as is possible under the circumstances. Those suspected of violence or dangerous behavior may be suspended during the investigation, with or without pay, in order to maintain safety in the workplace. If found guilty of violence or other dangerous behavior, including threats of violence, you may be disciplined and terminated at ECRCHS' discretion.

#### 4.11 Drug-Free Workplace

ECRCHS' drug and alcohol policy applies to all employees and applicants for hire and is designed to identify and correct instances of substance abuse in the workplace. The Executive Director is responsible for implementing and enforcing this policy.

Drug and alcohol abuse are serious threats to ECRCHS operations and success, not to mention employee health and safety. In order to provide a safe and productive workplace, employees are prohibited from consuming, possessing, selling, or purchasing illegal drugs at any time on ECRCHS property or while engaged in ECRCHS business. Likewise, employees may not consume alcohol at any time on ECRCHS property or while engaged in ECRCHS business, except for reasonable and moderate alcohol consumption during ECRCHS business and social events. Additionally, employees may not have any detectable amount of alcohol or illegal drugs present in their bodily systems at work. The prohibitions in this policy apply whether employees are at a work facility, operating a ECRCHS vehicle, or conducting off-site work.

A drug is considered illegal if it is illegal to possess or obtain or is legal to possess but has been obtained illegally, such as possessing prescription drugs without a valid prescription. This policy does not prohibit employees from lawfully possessing and using prescribed drugs. However, employees with valid prescription drugs are prohibited from abusing such drugs by consuming them in excess of the prescribed amounts or from consuming prescribed drugs that impair their ability to safely perform their duties. ECRCHS reserves the right to require employees taking prescribed drugs to produce proof that they possess valid prescriptions. Consult a doctor if you are unsure as to the potential effects of any prescribed drugs you take. You are responsible for notifying your supervisor if any prescribed drugs you take may impair your ability to work safely or perform your duties effectively.

Any violation of this policy can result in disciplinary action and possible termination, even for an employee's first offense. We encourage you to seek help if you have developed an addiction or dependence on drugs or alcohol. ECRCHS will make reasonable efforts to accommodate employees who voluntarily seek help, whether through counseling, rehabilitation, or another type of assistance program, before committing a violation of this policy. As warranted under the circumstances, such employees may be allowed to use paid time off, referred to treatment programs, placed on leaves of absence, or otherwise accommodated as required by law. Before returning to their prior work status, such employees may be required to provide proof that they have successfully completed their treatment program and to submit to testing to ensure they can perform their duties safely.

### ***Drug Testing***

In order to maintain a safe and productive workplace, ECRCHS may conduct drug or alcohol testing of any employee where circumstances or job responsibilities justify such testing. Regardless of job responsibilities, employees may be required to submit to drug or alcohol testing in the following circumstances:

- When applying for a position and before receiving a job offer.
- When reasonably suspected based on observations by a supervisor of being under the influence of illegal drugs or alcohol during work.
- When reasonably suspected based on observations by a supervisor of possessing, selling, or distributing illegal drugs during work.
- After violating a safety policy or rule or being involved in a serious accident that causes damage to anything on ECRCHS property, including that employee or another employee.

Employees will receive their normal pay for time spent undergoing testing, but may be suspended pending the results of the test, with or without pay. Should the results prove negative, employees suspended without pay are entitled to receive back pay.

Employees testing positive or refusing to submit to testing under any of the circumstances stated in this policy are subject to discipline and possible termination. In determining discipline, one factor to consider is whether the employee voluntarily agrees to enter a rehabilitation program, drug or alcohol counseling, or another treatment program. Such employees that test positive and are not discharged may also be required to submit to additional testing at various intervals for up to two years after testing positive. Information related to drug and alcohol tests, addictions, and dependencies, including medical information, will be kept strictly confidential to the extent required by law and separate from the normal employee file.

Supervisors must consult a human resources manager before requiring an employee to submit to testing when the employee is reasonably suspected of being under the influence of illegal drugs or alcohol or possessing, selling, or distributing illegal drugs during work. Applicants testing positive will be disqualified from consideration for all job vacancies. Supervisors or management may contact law enforcement where appropriate when they reasonably suspect criminal activity.

#### 4.12 Searches

ECRCHS reserves the right to conduct searches and inspections of ECRCHS property and any items on ECRCHS premises, including personal items owned by employees brought on the premises such as bags, vehicles, and other containers. ECRCHS may search or inspect any part of its premises or property, including items provided to employees for their use, such as lockers, desks, cabinets, and drawers. Searches for illegal drugs, alcohol, paraphernalia, and other items possessed illegally may be conducted at any time, without notice. Any illegal items confiscated will be turned over to the appropriate law enforcement agency. Employees that fail to fully cooperate in all searches or inspections are subject to discipline.

#### 4.13 Smoke-Free Workplace

Except in designated smoking areas and in conformance with state law, ECRCHS prohibits smoking on all ECRCHS premises, including inside and outside on all areas on ECRCHS premises, during off-site ECRCHS meetings and events, and inside ECRCHS vehicles. This policy applies to all employees, contractors, visitors, and other persons that are present on ECRCHS premises or any other place where smoking is prohibited by this policy. "Smoking" is defined as the "act of lighting, smoking or carrying a lighted or smoldering cigar, cigarette or pipe of any kind."

#### 4.14 Computer and Electronic Communication Policy

All employees must use computers and other forms of electronic communication in an ethical and professional manner at all times. This policy is designed to guide you in your use of computers and other electronic communication devices on behalf of ECRCHS, including all electronic communication devices owned or leased by ECRCHS, used or accessed on ECRCHS premises, used for or on behalf of ECRCHS, or used to create content identifying or associated with ECRCHS' business operations. Consult a supervisor or a human resources manager if you have questions or concerns related to this policy.

An "electronic communication" is any digitally- or electronically-stored or transferred information using an electronic device, and includes use of computers, email, internet, telephones, fax machines, and any other electronic device. All electronic communications and information you may create on ECRCHS premises or otherwise on behalf of ECRCHS are the sole property of ECRCHS, not you, and should only be created or used for ECRCHS' best interests and never for personal use. This includes all digital files, software, and hardware you may create. You have no right to privacy in your electronic communications created on behalf of ECRCHS or using ECRCHS property.

ECRCHS has the right to override your personal passwords in order to gain access to digitally stored information owned by ECRCHS. ECRCHS may also keep a record of the passwords you use to gain access to ECRCHS' electronic communications. Take care to not transmit or store your own sensitive personal information using or on ECRCHS property. ECRCHS routinely monitors your use of its electronic devices. We may access all ECRCHS-owned electronic communications, including emails, internet posts, text messages, voicemails, blogs, and "tweets." You will be subject to discipline if found to be using or creating ECRCHS-owned electronic communications or devices in an inappropriate or illegal manner.

Employees may only access ECRCHS' electronic communications and devices that they have been granted access to. This means you may not access electronic communications restricted to management, other employees, or third parties without prior authorization.

Employees must use ECRCHS' electronic communications and devices in strict compliance with ECRCHS' confidentiality policy described herein. Take care not to disclose confidential information to inappropriate persons or without authorization via ECRCHS' electronic communications or devices, especially when sending emails to outside parties. ECRCHS may use its electronic communications and devices according to the needs of the business and applicable law.

ECRCHS' electronic communications and devices may not be used to create or display anything that might disparage or negatively impact ECRCHS' public image or reputation or that would otherwise be contrary to ECRCHS' best interests. In addition, employees using ECRCHS' electronic communications and devices are prohibited from the following: engaging in discriminatory, harassing, obscene, or illegal conduct; engaging in copyright, trademark, or other intellectual property infringement; accessing electronic communications that an employee is restricted or prohibited from accessing, or otherwise violating ECRCHS policy.

Employee may only use ECRCHS' electronic communications or devices for business purposes, not personal use. This means accessing internet websites not for business purposes or accessing personal email during work is prohibited. Additionally, you may not install personal software on ECRCHS electronic devices or systems. You may only use your personal electronic devices while on break. Note that illegally duplicating ECRCHS software may result in copyright charges against you and ECRCHS.

You must also take care to not use ECRCHS' electronic communications or devices in any way that disrupts the ability of others to use them. Be wary of suspicious emails, emails from unknown parties, and pop-ups and downloads from sites that are not trusted. Contact a manager if you become aware of any virus on a ECRCHS device or think you may have downloaded a virus accidentally.

#### 4.15 Social Media

Utilization of social media is a powerful way to market ECRCHS' business, influence ECRCHS' reputation, and engage with the community and public at large. While we encourage your support of ECRCHS through your use of social media, please use sound judgement when deciding whether or not a post or social commentary is in the best interest of the school.

Social media refers to any social interaction via the internet or similar platforms, such as YouTube, Facebook, Twitter, LinkedIn, Instagram, blogs, forums, and other online communities or sites accessible to the public or outside parties. When using social media please conduct yourself in a professional and courteous manner at all times and respect the views of others, as your statements reflect on ECRCHS' reputation and public image. Take care to distinguish any personal opinions you may have from ECRCHS', for instance, by inserting "The opinions I have included here are my own and do not necessarily represent the opinions of El Camino Real Charter High School."

Employees are prohibited from creating content on social media that could be considered discriminating, harassing, or obscene, or that may damage ECRCHS' reputation or public image. Employees are prohibited from posting photos of students without the approval of the students' parents/guardians. Employees also may not use social media for personal use during work. "Followers," "friends," and other contacts gained through ECRCHS social media accounts are ECRCHS' sole property. ECRCHS may monitor your use of social media and may ask you to delete or change any ECRCHS-related content found to be inappropriate or not in ECRCHS' best interest.

#### 4.16 Personal Phone Calls and Cell Phone Use

Making personal phone calls or using your cell phone during work can be disruptive to others and interferes with employee productivity. Therefore, employees should not make personal phone calls or use their cell phones during work except during breaks, emergencies, or on rare occasion to handle pressing personal matters. ECRCHS retains the right to outright prohibit all personal calls and cell phone use, except during emergencies, and supervisors may prohibit personal calls for individual employees that abuse the privilege.

Keep your cell phones silenced or on low volume at all times during work so that you do not disturb others. When making personal calls, keep your voice at a low volume and move away from others if possible.

Any employee that receives a ECRCHS-issued cell phone must not use it to make personal calls. ECRCHS-issued cell phones will remain ECRCHS' exclusive property and must be returned at the end of your employment.

#### 4.17 ECRCHS Equipment and Property

Any equipment that ECRCHS issues to employees will remain ECRCHS' sole property and must be returned promptly at the end of employment. ECRCHS-issued equipment may include cell phones, laptops, vehicles, and other items. You are responsible for performing regular maintenance, follow all operating instructions and safety guidelines, and not damaging or destroying any ECRCHS equipment or property you receive or use during the course of your employment. Please notify your supervisor immediately if you discover any ECRCHS equipment or property that is damaged, defective, hazardous, or in need of repair. Ask your supervisor if you have questions or concerns regarding proper operation or maintenance of ECRCHS equipment or property.

Employees that handle ECRCHS equipment or property improperly, negligently, or in an unsafe manner may be disciplined, and employees may be required to reimburse ECRCHS for damages they cause directly or indirectly to ECRCHS property.

#### 4.18 Solicitations in the Workplace

Soliciting for causes and distributing non work-related materials in the workplace may cause disruptions and interfere with productivity. Employees and nonemployees are prohibited from solicitation and distributing or posting literature or other materials in the workplace without prior authorization. This includes things such as requesting donations and funds, selling products or services, gathering signatures, promoting organizations, posting on bulletin boards, sending non-work-related emails, and posting solicitations on ECRCHS online spaces. ECRCHS may make limited exceptions to this policy for charitable activities, community organizations, or ECRCHS-sponsored events and organizations.

### **SECTION V - Employee Benefits**

#### 5.1 Benefits Generally

In addition to benefits required by state and federal law, employees may become entitled to a range of benefits offered by ECRCHS. ECRCHS reserves the right to alter, supplement, amend, or end employee benefits at any time. Official benefits plans and documentation contain many terms and conditions. The policy below is only intended to outline general guidelines and procedures ECRCHS follows with regard to its benefits. However, specific benefits are governed by ECRCHS plan documents and other official benefit documentation, which is



controlling over this policy, and any statement in the below policy that contradicts or does not align with official benefit documentation shall be considered void. Therefore, be sure to consult official documentation specific to benefits and/or a supervisor if you have any related questions or concerns.

Your eligibility for benefits that ECRCHS may offer is contingent on many factors including employee status and performance as well as ECRCHS performance and profitability. Speak to your supervisor or the Business Office if you are unsure as to which benefits you are or may become eligible to receive.

## 5.2 STRS/PERS

### Certificated Employees: STRS

All full-time, certificated employees at ECRCHS will participate in the State Teachers' Retirement System ("STRS"). Full time is defined, for certificated employees, as working six (6) hours per day. Employees will contribute the required employee percentage, and ECRCHS will contribute the employer's portion. All withholdings from employees and from ECRCHS will be forwarded to the STRS fund as required. Employees will accumulate service credit years in the same manner as all other members of STRS. STRS contributions will be reported through LACOE.

### Classified Employees: PERS

All full-time, classified employees at ECRCHS will continue to participate in the Public Employees' Retirement System ("PERS"). Full time is defined, for classified employees, as six (6) months of continuous full-time employment, or the first pay period after 125 days of employment or 1000 hours during a 12-month period. Employees and ECRCHS will contribute the required rate as designated by PERS. All withholdings will be forwarded to the PERS fund as required. Employees will accumulate service credit years in the same manner as all other members of PERS. Social Security payments will be contributed for all qualifying PERS members.

### Other Employees

If eligible and economically feasible, ECRCHS will continue to participate in the Public Agency Retirement System ("PARS") for non-PERS/STRS eligible part-time employees.

## 5.3 Medical and Dental Insurance

You may become eligible to receive medical and dental insurance. This benefit is governed by its official benefit documentation plan and is the same as those benefits offered to the teaching staff. Contact the Business Office to review the plan should you have any questions or concerns regarding eligibility or coverage.

## 5.4 COBRA

According to the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1986, if you are enrolled in a ECRCHS group health insurance plan you may qualify for continued coverage when your employment with ECRCHS ends. State law may offer you additional protections. ECRCHS will provide you with written notification whether or not you will receive continued cover prior to your departure. Contact the Business Office should you have any questions or concerns regarding COBRA.

## 5.5 Worker's Compensation

Worker's compensation laws are designed to provide support for employees that suffer work-related injuries or illnesses. ECRCHS carries worker's compensation insurance for all employees. Worker's compensation generally covers necessary medical, surgical, and hospital expenses in addition to lost wages and disability payments. If you suffer a work-related injury or illness, no matter how small, seek medical assistance at once

and notify a supervisor who will assist you in completing a report. This will ensure that you receive any worker's compensation to which you are entitled.

#### 5.6 Disability Insurance

Employees may become eligible to qualify for disability insurance. This provides employees with supplementary income in the event that they suffer an illness or accident resulting in a disability that prevents them from performing their job. Contact the Business Office should you have any questions or concerns regarding the plan.

California state law requires employers to provide and post information about State Disability Insurance (SDI), including the following notices: Notice to Employees: Unemployment Insurance/Disability Insurance Benefits (DE 1857A), State Disability Insurance Provisions (DE 2515), and Paid Family Leave Insurance Program (DE 2511).

#### 5.7 Social Security

Both you and ECRCHS contribute to the federal government's Social Security Program. This program is designed to provide you benefits when you retire, become disabled, or are unemployed. Contact the Business Office should you have any questions or concerns regarding your social security contributions.

#### 5.8 Unemployment Insurance

ECRCHS pays taxes toward unemployment insurance in accordance with federal and state law. This provides you with supplemental income should you become unemployed through no fault of your own and also meet certain other eligibility requirements. Contact the Business Office should you have any questions or concerns regarding unemployment insurance.

#### 5.9 Flexible Spending Account

Eligible employees who wish to do so may set up flexible spending accounts (FSAs). These are accounts regulated under IRS Code Section 125 that allow employees to withhold a portion of their salary on a pre-tax basis to cover the costs of medical, dental, and vision insurance; qualifying insurance premiums; copayments; out-of-pocket insurance expenses; dependent care expenses, such as daycare; and other expenses.

If enrolled, you will be able to specify the amount you wish to deduct from your salary to contribute to your FSA. Until further notice, you are able to withhold an annual maximum of up to \$2,550 for yourself and any dependent to cover eligible medical costs. You will forfeit any unused funds remaining in your FSA at the end of the plan year. Contact the Business Office to review the official benefit documentation plan or should you have any questions or concerns regarding eligibility.

#### 5.10 Tuition Reimbursement

The tuition reimbursement program aims to encourage staff to gain new workplace skills. In order to be eligible for tuition reimbursement, all classes must be pre-approved for reimbursement prior to a reimbursement submission and ideally prior to enrollment if the intention is to receive reimbursement for the cost of an educational program, courses, or classes. Tuition will be subsidized at the following rates for staff who do not receive additional compensation tied to units when s/he takes approved courses in education, business, or technology.



- 100% for up to one class per quarter (for a total of four courses per year) at UCLA Extension. Employee may request reimbursement for up to two classes in any one quarter during a calendar year. As ECRA has a special agreement with UCLA Extension, ECRA pays for these classes directly and there is no employee reimbursement required.
- \$700/class for non-UCLA Extension courses with a \$1,400 cap for any one academic period and a \$2,800 cap per calendar year. Employees must submit an expense report with supporting documentation (e.g. tuition bill).

All classes must be taken for a grade or pass/fail. A grade must be provided at the end of the course. A failing grade, or the failure to report a grade, will prevent the employee from taking another subsidized class for 12 months.

#### 5.11 Retiree Benefits

ECRCHS is committed to maintaining a retiree health benefits program (understanding that some possible modifications may need to occur to the requirements regarding the eligibility of future employees depending on the funding model and size of the school, as well as actuarial projections). To that end, ECRCHS has already committed to setting aside 1.2 million per year to an irrevocable trust to ensure future coverage of retiree health benefits similar to or better than contemporaneous benefits offered by LAUSD to its retirees during the same period. For a full description of benefits available to you and eligibility criteria, please contact the Business Office

## **SECTION VI - Time Off, Leaves of Absence, and Work Calendars**

### 6.1 Work Calendar

Please refer to the calendar below which delineates work day allotments for all employee categories, referred to within the calendar as A, B, C, E, or E+ “basis”. If you are unsure or unclear of which employment basis categorization relates to your employment, please contact your supervisor or Business Office to request clarity.

	Days	C Basis	A Basis	B Basis	E Basis	E+15 Basis
<b>Work Days</b>		182	237	198.8	210	223
School Days	180	X	X	X	X	X
PD Days	2	X	X	X	X	X
Summer School	28		X		X	X
Summer School (60% Regular Day)	16.8			X		
Pre-Start (8 days in August)	8		X			X
Spring Break	5		X			X
Winter Break	10		X			
School Holidays (Does not include employee holidays)	4		X			
<b>Employee Holidays</b>		11	12	12	12	12
New Year's Eve		X	X	X	X	X
New Year's		X	X	X	X	X
MLK		X	X	X	X	X
President's		X	X	X	X	X
Memorial		X	X	X	X	X
Independence			X	X	X	X
Labor		X	X	X	X	X
Veterans		X	X	X	X	X
Thanksgiving		X	X	X	X	X
Thanksgiving (Friday)		X	X	X	X	X
Christmas Eve		X	X	X	X	X
Christmas		X	X	X	X	X
<b>Work Days w/estimated Vacation (11 Days)</b>		204	260	221.8	233	246

## 6.2 Requesting Leave

ECRCHS' operations rely on having a dependable and consistent workforce. However, we understand that circumstances will sometimes require employees to take time off work. Eligible employees are entitled to various types of leave that are either mandated by law or offered by ECRCHS on a discretionary basis. Unless a specific type of leave in this policy provides a different notice time or otherwise required by law, employees must provide at least **10 days' advance notice** prior to taking planned leave. If the need for leave is unforeseeable, you must give notice as soon as possible under the circumstances.

Employees must properly submit all requests for leave within the notice period required and receive authorization prior to taking the time off work. Unless required to authorize the leave by law, ECRCHS will grant leave requests based upon ECRCHS needs and ECRCHS' ability to absorb the missed work. ECRCHS reserves the right to penalize, demote, transfer, or reassign employees that take extended leaves of absence, unless prohibited by law. Unless otherwise noted or required by law, regular full- and part-time employees that receive paid time off will be paid at their normal base pay rate for the hours absent. If you are unsure as to which types of leave you are eligible to receive, consult the Business Office.

### 6.3 Vacation and Sick Leave

Vacation leave will be paid at an employee's base pay rate multiplied by the number of hours the employee would have worked if not absent. Unused vacation leave remaining at the end of the year will be carried over to the following year. For salaried staff, vacation is triggered when you not working due to vacation for more than four hours in a working day. For hourly staff, vacation is triggered for each hour you are not working due to vacation within the working day. You are allowed to accrue and roll over up to 3 months of accrued yet unused vacation. All classified staff, with the exception of administration, can request a vacation cash out during the week of June 1<sup>st</sup>, September 1<sup>st</sup>, and December 1<sup>st</sup>. Please note that a vacation cash out is limited to cashing out the greater of 5 vacation days or 50% of accrued yet unused vacation days.

In the event that a holiday occurs during an employee's scheduled vacation leave, that day will be paid as holiday time off instead of vacation leave. Upon proper notice and request, ECRCHS may approve employee requests for unpaid vacation leave. ECRCHS will try to accommodate requests for vacation leave when possible, but ECRCHS has the right to disapprove any requests that may interfere with or negatively impact its operations. Employees will be paid for any accrued unused vacation leave remaining upon termination.

Full-time employees that work 12 months per year receive 13 sick days each year. Any full-time employee that work less than 12 months per year and any part-time employee will receive .05 sick hours per paid regular work hour, including vacations and holidays (not including overtime). Any additional sick time taken outside of this annual allotment will be compensated at half pay, up to a maximum of 100 sick days including the original allotment. An example below is listed to clarify ECRCHS' sick leave policy

- Example: Sarah is a full time employee that works 12 months a year. She is allotted 13 sick days per year but takes 110 sick days during the year due to unforeseen illness. Per ECRCHS' sick leave policy, Sarah will receive full payment for the first 13 sick days, 50% of total payment for the next 87 sick days, and no payment for the remaining 10 sick days.

Any unused but available sick time at the end of the year is converted into PERS service credits upon retirement. A fresh bank of sick leave will be provided to all eligible employees at the beginning of each new work year. Sick leave will be paid at an employee's base pay rate multiplied by the number of hours the employee would have worked if not absent.

Supervisors may require written documentation verifying the purpose of the sick leave when an employee uses three or more consecutive days of sick leave. In the event that a holiday occurs during an employee's sick leave, that day will be paid as holiday time off instead of sick leave. You may request paid sick days either in writing or verbally. Upon proper notice and request, ECRCHS may approve employee requests for unpaid sick leave. ECRCHS will try to accommodate requests for sick leave when possible, but ECRCHS has the right to disapprove any requests that may interfere with or negatively impact its operations.

ECRCHS does not pay employees for any accrued unused sick leave remaining upon termination. Sick leave may not be used to supplement income due to unexplained tardiness. You may take paid leave for yourself or for a family member for the diagnosis, care, or treatment of an existing health condition or preventive care or for specified purposes if you are a victim of domestic violence, sexual assault, or stalking.

Please see below for a table which delineates available annual vacation and sick time accruals.

Years of Employment	Vacation LAUSD (Days)	Vacation Accrual (Based on Total Hours)	Vacation Accrual (Based on Regular Hours Worked)		C Basis Estimate (Days)	B Basis Estimate (Days)	E Basis Estimate (Days)	A Basis Estimate (Days)
0 to 4	10	0.038462	0.042194		8	9	9	10
5 to 15	15	0.057692	0.063291		12	13	14	15
16	16	0.061539	0.067511		13	14	14	16
17	17	0.065385	0.07173		13	14	15	17
18	18	0.069231	0.075949		14	15	16	18
19	19	0.073008	0.080169		15	16	17	19
20+	20	0.076923	0.084388		16	17	18	20
Executive	24	0.091954	0.101266		19	20	22	24

  

	Sick LAUSD (Days)	Sick Accrual (Based on Total Hours)	Sick Accrual (Based on Regular Hours Worked)		C Basis Estimate (Days)	B Basis Estimate (Days)	E Basis Estimate (Days)	A Basis Estimate (Days)
All	13	0.05	0.054852		10	11	12	13

#### 6.4 Holiday Time Off

Most employees, with the exception of those employees categorized as C Basis, enjoy 12 paid holidays per year. Employees categorized as C Basis enjoy 11 paid holidays per year.

- New Year's Day
- Martin Luther King Jr. Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving Day
- Christmas Day
- Two other holidays at the discretion of ECRCHS (Only one day at the discretion of ECRCHS for employees categorized as C Basis)

Eligible employees will receive pay for time off during these holidays calculated at each employee's base pay rate multiplied by the number of hours the employee would have worked if not absent. ECRCHS may require you to work on observed paid holidays, as needed. Eligible non-exempt employees that are approved to work on ECRCHS' observed paid holidays will be paid at their normal base pay rate for hours worked in addition to receiving holiday pay. ECRCHS will provide employees with prior notice of the dates designated for the floating holidays. ECRCHS will observe any holidays that may fall on a weekend on the closest business day either preceding or following such holiday. When possible, ECRCHS will attempt to make reasonable accommodations for employees that request time off to observe other religious holidays, including possibly allowing substitution of vacation leave or unpaid personal leave.

## 6.5 Family and Medical Leave Act

In compliance with the federal Family and Medical Leave Act (FMLA) and U.S. Department of Labor (DOL) guidelines, ECRCHS provides employees with all required notices concerning their rights under the FMLA. Below is a general description of the FMLA rights provided under federal law. This policy affords employees with all rights required under applicable state and federal law regarding family and medical leave. State law may provide employees with additional family and medical leave rights not provided under federal law, and relevant information concerning any such rights is included below and otherwise provided by ECRCHS in accordance with state law. Please contact the Business Office should you have any questions or concerns regarding family or medical leave.

The FMLA provides eligible employees with up to 12 weeks of unpaid, job-protected leave per year for the following reasons:

- For the birth and care of the newborn child of an employee;
- For placement with the employee of a child for adoption or foster care;
- To care for an immediate family member (spouse, child, or parent) with a serious health condition; or
- To take medical leave when the employee is unable to work because of a serious health condition.

Leave to care for a newborn child or for a newly placed child must conclude within 12 months after the birth or placement.

Where ECRCHS employs both spouses, FMLA leave is limited to a combined total of 12 work weeks of family leave for the following reasons:

- Birth and care of a child;
- For the placement of a child for adoption or foster care, and to care for the newly placed child; and
- To care for an employee's parent who has a serious health condition.

### ***Eligibility***

Employees are eligible for FMLA leave if they have worked for ECRCHS at least 12 months or 52 weeks in total, at least 1,250 hours over the prior 12 months, AND work at a location where ECRCHS employs 50 or more employees within 75 miles of that work site. The 12 months or 52 weeks of work required need not be in one consecutive period. Leave taken due to pregnancy complications may be counted against the 12 weeks of family and medical leave. Group health benefits, if provided by ECRCHS, will be maintained during leave. Hours worked for purposes of eligibility will be calculated according to the rules dictated by the FLSA. Distance from the work site is calculated according to the available transportation by the most direct route.

### ***Requesting FMLA Leave***

Employees must make verbal or written requests for FMLA leave to the Business Office. ECRCHS will provide employees with the DOL Notice of Eligibility and Rights and Responsibilities within five business days of

receiving a request. Where the need for the leave is foreseeable, employees are required to request FMLA leave at least 30 days prior to taking the leave. If the need for leave is not foreseeable, employees must give notice as soon as is reasonably practical after becoming aware of the need for FMLA leave, not to exceed three business days. ECRCHS will provide employees a written response to their FMLA requests within five business days of receiving the medical certification form (described below).

### ***Serious Health Condition***

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves one of the following:

- Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or
- Any period of incapacity requiring absence of more than three calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider; or
- Any period of incapacity due to pregnancy, or for prenatal care; or
- Any period of incapacity (or treatment therefore) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.); or
- Any period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.); or
- Any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).

### ***Intermittent and Reduced Leave***

The FMLA permits employees to take leave on an intermittent basis or to work a reduced schedule under certain circumstances. Only the amount of leave actually taken while on intermittent/reduced schedule leave may be charged as FMLA leave.

Employees needing intermittent/reduced schedule leave for foreseeable medical treatment must work with their supervisors to schedule the leave so as not to unduly disrupt the ECRCHS' operations, subject to the approval of ECRCHS' health care provider. In such cases, ECRCHS may transfer the employee temporarily to an alternative job with equivalent pay and benefits that accommodate recurring periods of leave better than the employee's regular job.

### ***Substitution of Paid Leave***

Employees may choose to use, or ECRCHS may require the employee to use, accrued paid leave to cover some or all of the FMLA leave taken. Employees may choose, or ECRCHS may require, the substitution of accrued paid vacation or personal leave for any of the situations covered by FMLA. The substitution of accrued sick or family leave is limited by ECRCHS policies governing the use of such leave.

### ***Medical Certification***

ECRCHS may require that the need for leave for a serious health condition of the employee or the employee's immediate family member be supported by a certification issued by a healthcare provider. ECRCHS must allow the employee at least 15 calendar days to obtain the medical certification.

### ***Maintenance of Health Benefits***

ECRCHS is required to maintain group health insurance coverage, including family coverage, for an employee on FMLA leave on the same terms as if the employee continued to work.

Where appropriate, arrangements will need to be made for employees taking unpaid FMLA leave to pay their share of health insurance premiums. For example, if the group health plan involves co-payments by ECRCHS and the employee, an employee on unpaid FMLA leave must make arrangements to pay his or her normal portion of the insurance premiums to maintain insurance coverage, as must ECRCHS. Such payments may be made under any arrangement voluntarily agreed to by ECRCHS and the employee.

ECRCHS obligation to maintain health benefits under FMLA stops if and when an employee informs ECRCHS of his or her intent not to return to work at the end of the leave period, or if the employee fails to return to work when the FMLA leave entitlement is exhausted. ECRCHS' obligation also stops if the employee's premium payment is more than 30 days late and ECRCHS has given the employee written notice at least 15 days in advance advising that coverage will cease if payment is not received.

In some circumstances, ECRCHS may recover premiums it paid to maintain health insurance coverage for an employee who fails to return to work from FMLA leave.

### ***Other Benefits***

Certain types of earned benefits, such as seniority or paid leave, need not continue to accrue during periods of unpaid FMLA leave provided that such benefits do not accrue for employees on other types of unpaid leave. For other benefits, such as elected life insurance coverage, ECRCHS and the employee may make arrangements to continue benefits during periods of unpaid FMLA leave. ECRCHS may elect to continue such benefits to ensure that the employee will be eligible to be restored to the same benefits upon returning to work. At the conclusion of the leave, ECRCHS may recover only the employee's share of premiums it paid to maintain other "non-health" benefits during unpaid FMLA leave.

### ***Job Restoration***

Upon return from FMLA leave, an employee must be restored to his or her original job, or to an "equivalent" job, which means virtually identical to the original job in terms of pay, benefits, and other employment terms and conditions.



In addition, an employee's use of FMLA leave cannot result in the loss of any employment benefit that the employee earned or was entitled to before using (but not necessarily during) FMLA leave.

### ***"Key" Employee Exception***

Under limited circumstances where restoration to employment will cause "substantial and grievous economic injury" to its operations, ECRCHS may refuse to reinstate certain highly-paid, salaried "key" employees. In order to do so, ECRCHS must notify the employee in writing of his or her status as a "key" employee (as defined by FMLA), the reasons for denying job restoration, and provide the employee with a reasonable opportunity to return to work after so notifying the employee.

### **6.6 Military Family Leave**

The military family leave provisions of the Family and Medical Leave Act (FMLA) entitle eligible employees of covered employers to take FMLA leave for any "qualifying exigency" arising from the foreign deployment of the employee's spouse, son, daughter, or parent with the Armed Forces, or to care for a service member with a serious injury or illness if the employee is the service member's spouse, son, daughter, parent, or next of kin.

### ***Qualifying Exigency Leave***

A covered employer must grant an eligible employee up to 12 workweeks of unpaid, job-protected leave during any 12-month period for qualifying exigencies that arise when the employee's spouse, son, daughter, or parent is on covered active duty or has been notified of an impending call or order to covered active duty.

Covered active duty means:

- For members of the Regular Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country; or
- For members of the Reserve components of the Armed Forces (members of the National Guard and Reserves), duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in support of a contingency operation.

Deployment to a foreign country includes deployment to international waters. Qualifying exigencies for which an employee may take FMLA leave include making alternative child care arrangements for a child of the deployed military member, attending certain military ceremonies and briefings, or making financial or legal arrangements to address the military member's absence.

### ***Military Caregiver Leave***

A covered employer must grant an eligible employee up to a total of 26 workweeks of unpaid, job-protected leave during a "single 12-month period" to care for a covered service member with a serious injury or illness. The employee must be the spouse, son, daughter, parent, or next of kin of the covered service member. A covered service member is either:

- a current member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness, or

- a veteran of the Armed Forces (including the National Guard or Reserves) discharged within the five-year period before the family member first takes military caregiver leave to care for the veteran and who is undergoing medical treatment, recuperation, or therapy for a qualifying serious injury or illness. A veteran who was dishonorably discharged does not meet the FMLA definition of a covered service member.

For a current service member, a serious injury or illness is one that may render the service member medically unfit to perform his or her military duties. For a veteran, a serious injury or illness is one that rendered the veteran medically unfit to perform his or her military duties, or an injury or illness that qualifies the veteran for certain benefits from the Department of Veterans Affairs or substantially impairs the veteran's ability to work. For veterans, it includes injuries or illnesses that were incurred or aggravated during military service but that did not manifest until after the veteran left active duty.

#### 6.7 State Family and Medical Leave

Under California state law, employees may have additional family and medical leave rights. The information provided here is meant to give you a general description of your rights.

The California Paid Family Leave insurance program provides up to six weeks of paid leave to care for a seriously ill child, spouse, parent, or registered domestic partner, or to bond with a new child. Employees may also receive benefits for up to 52 weeks to care for their own disability. The benefit amount is approximately 55% of an employee's weekly wage.

The California Family Rights Act (CFRA) also provides employees with rights in addition to those provided under the FMLA. ECRCHS will provide employees with all information regarding the CFRA, as required by law. Please contact the Business Office should you have any questions or concerns regarding family or medical leave.

#### 6.8 Pregnancy Disability Leave

This policy is in compliance with the Fair Employment and Housing Act (FEHA) and the CFRA. As such, ECRCHS provides information about pregnancy leave rights to employees and posts this information in a conspicuous place where employees tend to gather.

In addition to family and medical leave required under state and federal law, California law entitles employees to up to four months of pregnancy disability leave (PDL) to women who are disabled due to pregnancy, childbirth, or a related medical condition. If ECRCHS provides greater than four months' leave for other types of temporary disability, then you will receive the same amount of PDL. PDL may be used before or after birth any time you are physically unable to work because of your pregnancy or a condition related to your pregnancy. Employees are required to request PDL at least 30 days prior to taking the leave and to notify ECRCHS of the estimated duration of the PDL. If 30 days' notice is not possible because of a change in circumstances or a medical emergency, you must give notice as soon as is reasonably practical.

To use PDL you must provide a medical certification of disability. You must also provide a medical certification of fitness prior to returning to work. Failure to provide required medical certifications might result in a delay or denial of your requests. The Business Office will provide you with the required medical certification forms.

After using PDL, ECRCHS guarantees that you may return to the same position, and you may request this guarantee in writing. Employees on PDL that decide to end their PDL early will be reinstated within two business days of the notice to return. In the event that your former position is no longer available, such as due to a layoff or facility closure, ECRCHS must offer you a position that is comparable in terms of pay, location, job content, and promotional opportunities, unless ECRCHS can prove that no comparable position exists.

PDL is only available when a woman is actually disabled, including time off for prenatal care, severe morning sickness, doctor-ordered bed rest, childbirth, recovery from childbirth, or any related medical condition. You will receive reasonable accommodation in the event that you are disabled as a result of a condition related to pregnancy, childbirth, or associated medical conditions and request for accommodations upon the advice of your healthcare provider. For instance, upon the advice of your physician, you may request transfer to a less strenuous or hazardous position for the duration of your pregnancy.

You are entitled to take PDL in addition to any leave you may be entitled to through CFRA. For example, you could take four months' pregnancy disability leave for a disability, and 12 weeks' CFRA leave to bond with your baby; to bond with an adopted child; or to care for a parent, spouse, or child with a serious health condition. Note that CFRA leave may also be taken for your own serious health condition. The first 12 weeks of PDL will be counted against leave required under the federal FMLA for eligible employees.

For more information, see DFEH-188 "California Family Rights Act" or consult the Business Office.

#### 6.9 Military Leave

ECRCHS strives to provide job security and prevent discrimination against employees engaged in military service. Eligible employees that are members of the Uniformed Services of the United States are entitled to military leave to participate in active or inactive duty, training, or fitness examinations, including but not limited to those in the Armed Forces, the Army National Guard, the Air Force National Guard, state militias, or reservists. Military leave is granted according to state and federal law for employees that satisfy the pertinent legal requirements. You may be entitled to continued health insurance or paid or unpaid leave for a period of time during leave. You must provide your supervisor with as much advance notice as possible before taking military leave and return to work within the timeframe prescribed by law after your service ends.

In accordance with state and federal law, it is against ECRCHS policy to discriminate against an employee or applicant for employment on the basis of that person's membership or other service to the Uniformed Services of the United States, including denying such person employment, reemployment, promotion, compensation, or other benefit. No such person may be retaliated against for exercising his or her rights as a military service member under law or ECRCHS policy. Contact a Supervisor immediately if you believe you have been the subject of discrimination, retaliation, or harassment on the basis of your military membership. Also, contact the Business Office to request detailed information regarding your eligibility for military leave or for other related inquiries.

#### 6.10 Worker's Compensation

If you are unable to work due to a work-related injury or illness, you may be eligible for worker's compensation leave and benefits in accordance with state law. Your worker's compensation leave may run concurrently with the first 12 weeks of your FMLA leave. Contact the Business Office to request detailed information regarding your eligibility for worker's compensation leave or for other related inquiries or concerns.

#### 6.11 Bereavement Leave

Eligible employees are entitled to up to 3 days' paid leave to attend the funeral or otherwise deal with the death of an immediate family member. "Immediate family members" include an employee's spouse, civil partner, child (biological, adopted, foster, stepchild, or otherwise), parent, sibling, grandparent, grandchild, same-sex domestic partner, or same-sex domestic partner's parent or child. Additionally, eligible employees are entitled to up to 1 day paid leave to attend the funeral or otherwise deal with the death of a relative who is not an immediate member, including an aunt, uncle, nephew, niece, brother-in-law, sister-in-law, or parent-in-law. Bereavement leave will be paid at an employee's base pay rate multiplied by the number of hours that the employee would have worked if not absent. You should notify your supervisor immediately if you wish to take bereavement leave. Bereavement leave will normally be granted unless there are unusual business needs or staffing requirements. An employee may, with his or her supervisor's approval, use any available vacation for additional time off as necessary. ECRCHS may request verification of the facts surrounding the requested leave.

#### 6.12 Jury Duty

Employees are obligated to perform jury service at the request of local courts. If you receive a questionnaire or summons for jury duty, discuss it with your supervisor to determine what arrangements can be made to avoid excessive work disruptions. Full-pay is allowed while on jury service if you are a regular employee. You must repay ECRCHS an amount equal to the compensation you received as a juror, exclusive of mileage, for any dates that you received pay as an employee. Jury duty time off will be paid at an employee's base pay rate multiplied by the number of hours the employee would have worked if not absent. If an employee receives health insurance benefits, such benefit will normally be maintained during jury duty.

Employees must present their jury summons notice as soon as possible so that ECRCHS may make arrangements to cover their shift. Employees must promptly report to work whenever their jury duty schedule does not conflict with their work schedule. ECRCHS may allow employees called for jury duty to use accrued PTO or other leave upon request. Time off for jury duty should be reported and appropriately logged in each employee's time records. Notify your supervisor that you have been selected for jury duty as soon as possible.

Under California state law, employees are entitled to unpaid time off for jury duty. Employees must provide a reasonable amount of advance notice that they will need to take time off for jury duty. Employees may use any vacation leave, personal leave, or compensatory leave, if any, while serving. Employers that terminate or penalize employees for jury duty are liable for a misdemeanor.

#### 6.13 Voting Leave

ECRCHS encourages employees to fulfill their civic duty to vote in elections. If possible, employees must vote outside of work hours either before or after their scheduled shifts. When this is not possible due to scheduling conflicts, employees will receive up to 2 hours of paid leave to vote. Voting leave will be paid at an employee's base pay rate multiplied by the number of hours the employee would have worked if not absent. Unless the time off to vote occurs at the end of the work shift, employees must return to work promptly after voting. Time off to vote should be reported and appropriately logged in each employee's time records.

#### 6.14 Parental Leave for School Functions

Under California state law, eligible employee-parents are entitled to up to 40 hours per year, but no more than 8 hours per month, of unpaid leave to participate in their children's school or licensed daycare functions upon proper notice and request. Employees may use any accrued vacation, personal, or other paid or unpaid time off

they may have. You are required to promptly return to work upon the completion of the school function. ECRCHS may require documented proof of the activity. We respectfully request that you give at least 3 days' notice of your intention to take parental leave for specific school functions.

## EMPLOYEE ACKNOWLEDGMENTS

I, the undersigned employee, understand and acknowledge the following:

**That I have received a copy of this Employee Handbook and that it is my responsibility to read and be aware of, and comply with, ALL policies contained in it and any official notices that supersede it, including, but not limited to, policies on confidentiality, health, safety, anti-harassment, discrimination, and drugs and alcohol.**

That this Employee Handbook contains important ECRCHS policies that directly affect many aspects of my employment. It is essential that I have a full understanding of these policies, and I will consult the Business Office if I do not have a full understanding of any policy herein or if I have any questions or concerns related to these policies.

That, unless expressly stated to the contrary in a written employment agreement between myself and ECRCHS, **this is an at-will employment relationship, and as such, both myself and ECRCHS may terminate this agreement at any time, with or without cause or notice, as permitted by law.** Nothing in this Employee Handbook is intended to modify my at-will employment relationship with ECRCHS.

**That this is not a contract of employment or a guarantee of a continued employment relationship for any period of time.**

That this Employee Handbook and the policies contained herein modifies, supersedes, and revokes any and all prior policies, procedures, practices, and oral or written representations to the contrary or that are otherwise inconsistent with its terms.

That ECRCHS reserves the right to change, remove, or add to the policies herein at any time by providing official notices to me or posted in a conspicuous place in my work setting designated for such purposes. Any such official notices will modify, supersede, and revoke any existing notices that are inconsistent with them. Furthermore, ECRCHS reserves the right to change its implementation, interpretation, or application of the policies and procedures herein at any time.

That in the event that any of the terms or provisions of this Employee Handbook, including this Employee Acknowledgment, are declared invalid or unenforceable by any court of competent jurisdiction or any federal or state entity having proper jurisdiction over the subject matter herein, the remaining terms and provisions that are not effected thereby shall remain in full force and effect and employees will be afforded all rights required by law. Furthermore, in such event, ECRCHS will provide employees with substitute terms and provisions for those declared invalid once it becomes aware of their invalidity.

I sign in acknowledgment of, and agreement with, the above provisions.

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

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

**TO BE PLACED IN EMPLOYEE FILE**