



## FRESNO AREA WORKFORCE INVESTMENT CORPORATION

**SPECIAL MEETING  
Board of Directors Meeting  
August 9, 2017 @ 3:00 p.m.**

**Fresno Regional Workforce Development Board  
2125 Kern Street, #207  
Fresno, CA 93721**

**REMINDER: PLEASE TURN OFF CELL PHONES OR PUT ON VIBRATE**

ROLL CALL

AGENDA CHANGES: REMOVAL OF ITEMS OR EMERGENCY ADDITIONS

ABSTENTIONS/RECUSALS/DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

BOARD CHAIR/STAFF COMMENTS

PUBLIC COMMENTS

Item	Description	Presented By	Enclosure	Action	Page #
1.	Approval of the April 19, 2017, Meeting Minutes	Konczal	Yes	Approve	3
2.	Items Referred by the Fresno Regional Workforce Development Board or Its Committees	Konczal	Yes	Information	6
3.	Fresno Area Workforce Investment Corporation Personnel Manual Revisions	Konczal	Yes	Accept	7
4.	Referral of Agenda Items to the Fresno Regional Workforce Development Board and/or Its Committees	Bauer	Yes	Direct	71
5.	Information Sharing	All	No	Discussion	--
6.	October 18, 2017, Agenda Items	Konczal	No	Discussion	--
7.	Meeting Feedback	Konczal	No	Information	--

### ACCOMMODATIONS FOR PERSONS WITH DISABILITIES

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**FRESNO AREA WORKFORCE INVESTMENT CORPORATION  
BOARD OF DIRECTORS  
2017 ATTENDANCE REPORT**

	<b>Canceled</b>		<b>Canceled</b>	<b>Special</b>	
	<b>1/18/2017</b>	<b>4/19/2017</b>	<b>7/19/2017</b>	<b>8/9/2017</b>	<b>10/18/2017</b>
Baines	XX	A	XX		
Bauer	XX	P	XX		
Borgeas	XX	P	XX		
Montalbano	XX	P	XX		
Olson	XX	--	--		--
Riojas	XX	P	XX		
Zabrycki	XX	A	XX		

A = Absent

P = Present

-- = Not a Committee member at time of meeting

\* = Special Meeting

# FRESNO AREA WORKFORCE INVESTMENT CORPORATION

AGENDA ITEM:	1
MEETING DATE:	August 9, 2017
ACTION:	APPROVE

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**TO:** Board of Directors  
**FROM:** Blake Konczal, Chief Executive Officer  
**SUBJECT:** Approval of the April 19, 2017, Meeting Minutes

**RECOMMENDATION:**

Approve the minutes of the April 19, 2017, meeting.

**ATTACHMENT:**

April 19, 2017, Board of Directors Meeting Minutes



# FRESNO AREA WORKFORCE INVESTMENT CORPORATION

Board of Directors  
April 19, 2017

## SUMMARY MINUTES

The meeting was called to order at 4:05 p.m.

ROLL CALL: PRESENT – Andreas Borgeas, Paul Bauer, Dennis Montalbano, Chuck Riojas, and Legal Counsel Ken Price

ABSENT – Oliver Baines and Lydia Zabrycki

AGENDA CHANGES: None

ABSTENTIONS: None

BOARD CHAIR/  
STAFF COMMENTS: Chair Bauer announced that Vice Chair Aric Olson had resigned from the Fresno Regional Workforce Development Board.

PUBLIC COMMENTS: None

Item	Description/Action Taken
1.	<p><b><u>Approval of July 20, 2016, Meeting Minutes</u></b></p> <p>Blake Konczal, Chief Executive Officer, Fresno Area Workforce Investment Corporation (FAWIC), presented the July 20, 2016, meeting minutes for approval.</p> <p><b>RIOJAS/MONTALBANO – APPROVED THE MINUTES OF THE JULY 20, 2016, MEETING. (UNANIMOUS)</b></p>
2.	<p><b><u>Items Referred by the Fresno Regional Workforce Development Board or Its Committees</u></b></p> <p>There were no items referred by the Fresno Regional Workforce Development Board or its Committees.</p>
3.	<p><b><u>Financial Statements and Supplemental Data for Fiscal Year Ending June 30, 2016</u></b></p> <p>Mr. Konczal reminded the FAWIC Board that as an organization receiving more than \$750,000, FAWIC is required to have a single audit performed annually. He stated that the FAWIC's annual audit was performed by Moore Grider and Company and that there were no findings. He presented the report for the Board's acceptance.</p> <p><b>MONTALBANO/RIOJAS – ACCEPTED THE FINANCIAL STATEMENTS AND SUPPLEMENTAL DATA FOR FISCAL YEAR ENDING JUNE 30, 2016. (UNANIMOUS)</b></p>



Item	Description/Action Taken
4.	<p><b><u>Referral of Agenda Items to the Fresno Regional Workforce Development Board and/or Its Committees</u></b></p> <p>Director Montalbano recommended that Item #3 Financial Statements and Supplemental Data for Fiscal Year Ending June 30, 2016, be referred to the Fresno Regional Workforce Development Board.</p>
5.	<p><b><u>Information Sharing</u></b></p> <p>None.</p>
6.	<p><b><u>July 19, 2017, Agenda Items</u></b></p> <p>None.</p>
7.	<p><b><u>Meeting Feedback</u></b></p> <p>None.</p>

The meeting was adjourned at 4:11 p.m.

# FRESNO AREA WORKFORCE INVESTMENT CORPORATION

AGENDA ITEM:	2
MEETING DATE:	August 9, 2017
ACTION:	INFORMATION

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**TO:** Board of Directors

**FROM:** Blake Konczal, Chief Executive Officer

**SUBJECT:** Items Referred by the Fresno Regional Workforce Development Board or Its Committees

## **INFORMATION:**

The purpose of this item is to transmit summaries and/or allow discussion of agenda items that have been referred to the Fresno Area Workforce Investment Corporation (FAWIC) Board by the Fresno Regional Workforce Development Board or its committees.

## **ATTACHMENT:**

There were no items referred to the FAWIC Board.

# FRESNO AREA WORKFORCE INVESTMENT CORPORATION

AGENDA ITEM:	3
MEETING DATE:	August 9, 2017
ACTION:	APPROVE

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**TO:** Board of Directors

**FROM:** Blake Konczal, Chief Executive Officer

**SUBJECT:** Fresno Area Workforce Investment Corporation Personnel Manual Revisions

## **RECOMMENDATION:**

Approve the revised Fresno Area Workforce Investment Corporation (FAWIC) Personnel Manual.

## **REASON FOR RECOMMENDATION:**

FAWIC staff, with Sierra HR Partners and Baker, Manock & Jensen, updated the FAWIC Personnel Manual with new legal requirements. FAWIC staff has also updated the Manual to clarify certain policies. Substantive changes made include:

### **Policy 103, Zero Tolerance for Unlawful Harassment**

Modified according to updated regulations regarding the Fair Employment and Housing Act (FEHA) which outlined specific requirements for employer policies, including:

- Listing all protected groups under the FEHA;
- Allowing employees to report to someone other than a direct supervisor;
- Instructing supervisors to report all complaints;
- Stating that all complaints will be followed by a fair, complete, and timely investigation;
- Stating that the employer will maintain confidentiality to the extent possible;
- Stating that remedial action will be taken if any misconduct is found;
- Stating that employees will not be retaliated against for complaining or participating in an investigation; and
- Stating that supervisors, co-workers, and third-parties are prohibited from engaging in unlawful behavior under the FEHA.

### **Policy 206, Meal and Rest Periods**

Modified according to a 2016 court decision which states that combining multiple rest periods into one longer break may only be done in unusual or exceptional circumstances.

### **Policy 301, Drug and Alcohol Abuse**

Modified in response to California's Proposition 64 which permits the recreational use of marijuana. Employees are informed that this change in the law does not alter FAWIC's policies prohibiting drug or alcohol abuse.

### **Policy 303, Dependability**

The previous policy, titled, "Punctuality and Attendance" was modified to set standards of overall dependability, including punctuality and attendance.

**Policy 406, Smoking Policies**

Modified according to ABX2-7 which expands the prohibitions against smoking in the workplace.

**Policy 502, Paid Sick Leave**

Combines the past State Mandated Sick Leave Policy and FAWIC Sick Leave Policy into one benefit and policy. Modified to include language that time off without pay, in lieu of using accrued time off, is generally prohibited.

**ATTACHMENT:**

FAWIC Personnel Manual



# PERSONNEL MANUAL

Effective: July 1, 2017

## *Our Vision*

*To lead a result-oriented, performance-driven, fully integrated service delivery system that helps businesses meet their workforce needs by providing outplacement, recruiting and training services.*

*To deliver WIOA services with **business** viewed as our primary customer and foster economic and workforce development in Fresno County as the most effective way of providing jobs, a healthy tax base and prosperity for all.*

**If anything contained in this Handbook is found to be unenforceable, the remaining policies and rules shall remain in full effect.**

2125 Kern Street, Suite 208  
Fresno, California 93721-2648

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## **WELCOME TO THE FRESNO AREA WORKFORCE INVESTMENT CORPORATION**

Welcome to the Fresno Area Workforce Investment Corporation (FAWIC)! On behalf of your colleagues, we welcome you to the FAWIC and wish you every success here.

Thank you for accepting our offer of employment. We are proud of our successes and believe that one of the reasons for our strong reputation is a team of well-qualified staff that have a passion for the work they do. We hope that you will find the FAWIC a place where you can be challenged, openly communicate with your co-workers, and contribute to our continued success. We are glad to have you as a part of our team.

The FAWIC is a non-profit, public benefit corporation. The public purposes of this corporation are to secure more jobs for the unemployed and working poor, attract greater employer participation in all aspects of the local employment and training activities, and ensure that the Workforce Innovation and Opportunity Act of 2014 (WIOA) is implemented in response to the needs of area employers.

The FAWIC contracts with community-based organizations, providers of service, and local education entities to provide job preparation, vocational training, and job placement services to the unemployed and eligible adults and youth through a One-Stop delivery system and a year-round Youth Services program. Our contractors also provide employment services, at no cost, to Fresno County employers.

This Personnel Manual cannot anticipate or address all issues, and is not a contract. It establishes a personnel system that:

- ☐ Encourages employee efficiency and rewards merit in a fair and equitable manner;
- ☐ Describes some of the expectations of our employees and outlines the policies, programs, and benefits available to eligible employees; and
- ☐ Provides all employees with clear, written policies governing the personnel management activities of the agency.

We expect each employee to read this Personnel Manual carefully, as it is a valuable reference for understanding their job and our policies. Employees should familiarize themselves with the contents of their Personnel Manual as soon as possible since it will answer many questions about employment with us.

If you should have any questions, please do not hesitate to ask your manager, or contact the Human Resources Department. We hope that your experience here will be challenging, enjoyable, and rewarding.



**Blake G. Konczal**  
**Executive Director**

## **Chapter 1 - INTRODUCTORY POLICIES**

### **Policy 100**

#### **Statement of At-Will Employment Status**

As with most companies in California, employment with the FAWIC is at-will. This means that employment may be terminated, with or without cause and with or without notice, at any time by employees or the organization. FAWIC also retains the right to demote, transfer, change job duties, and change compensation of any employee, at any time, with or without notice, and with or without cause, at its sole discretion. Nothing in this Personnel Manual, or in any document or statement, shall limit employment at-will. No manager or employee of the organization has any authority to enter into an agreement for employment for any specified period of time or to make an agreement for employment other than at-will. Only the Executive Director of the organization has the authority to make any such agreement, and then, only in writing.

### **Policy 101**

#### **Integration Clause and the Right to Revise**

This Personnel Manual contains the employment policies and practices of the organization in effect at the time of publication. All previously issued manuals and any inconsistent policy statements or memoranda are superseded. This Personnel Manual replaces the prior FAWIC Personnel Manual, Issue Date July 20, 2016. In the event of a conflict between this Personnel Manual and any pre-dated FAWIC memoranda and/or administrative policies relating to terms and/or conditions of employment, this Personnel Manual shall control. To avoid confusion, please discard any old Personnel Manuals and amendments. In order to implement the Personnel Manual and effectively manage agency functions, the Executive Director will establish administrative procedures. Administrative procedures will be issued to the staff from the Executive Director by memorandum. No oral statements or representations can in any way change or alter the provisions of this Personnel Manual.

No Personnel Manual can anticipate every circumstance or question about policies. As our organization continues to develop and change, the Executive Director or the Board reserves the right, should the need arise, to revise, supplement, or rescind any policies or portions of the Personnel Manual as it deems appropriate. This Personnel Manual sets forth the entire agreement between employees and the organization as to the duration of employment and the circumstances under which employment may be terminated. Nothing in this Personnel Manual, or in any other personnel document, including benefit plan descriptions, creates or is intended to create a promise or representation of continued employment for any employee.

### **Policy 102**

#### **Non-Discrimination, Equal Employment Opportunity and Affirmative Action**

The FAWIC strives to comply with all applicable laws prohibiting discrimination, and we consider ourselves to be an equal opportunity employer and make employment decisions on the basis of merit.

We want to have the best available person in every job. Organization policy prohibits unlawful discrimination based on race, color, creed, sex (including gender, gender identity and gender

expression), religion, marital status, age, national origin (including possessing a valid driver's license issued under Vehicle Code § 12801.9), ancestry, physical or mental disability, medical condition, genetic information or characteristics, sexual orientation, or any other consideration made unlawful by federal, state or local laws. All such discrimination is unlawful.

FAWIC understands that its employees may, at times, need to participate in public assistance programs. We are sympathetic to anyone in time of need. FAWIC will not discriminate or retaliate against an employee who enrolls in a public assistance program. Nor will we refuse to hire a person because of enrollment in a public assistance program. FAWIC will not disclose to anyone, unless permitted by law, that an employee receives or is applying for public benefits.

This commitment applies to all persons involved in the operations of the organization and prohibits unlawful discrimination by any employee of the organization, including managers and co-workers, and any third person. It is understood that all employees and prospective employees must have the legal authorization to work in the United States.

In the event there is a conflict between a person's religious belief or observance, religious dress or grooming practice and any employment requirement, FAWIC will explore available reasonable alternative means of accommodating that religious belief or observance, including the possibility of excusing an employee from duties that conflict with those duties to be performed at another time or by another person. Religious belief or observance includes observance of a Sabbath or other religious holy day, and reasonable time to travel to and from a religious observance. FAWIC will provide an accommodation unless it is an undue hardship, which means that the action requires significant difficulty or expense in light of the nature and cost of the accommodation, financial resources of FAWIC, the number of persons employed at the workplace, the effect on expenses or resources or the impact of the accommodations on operations. An accommodation for an employee's religious dress practice or religious grooming practice will never take the form of segregating the employee from other employees or the public. FAWIC will not retaliate or discriminate against a person for requesting a religious accommodation.

FAWIC will make reasonable accommodations to comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability. These accommodations will be made for the known physical or mental disability of an applicant or an employee, unless undue hardship would result.

Any applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact his/her immediate supervisor and the Deputy Director of Human Resources, or designee, and request such an accommodation. The individual with the disability should specify what accommodation he or she needs to perform the job. We then will engage in a good faith interactive process with the employee to determine what, if any, effective accommodating can be made. The interactive discussion may consist of multiple communications, including ongoing efforts to accommodate a disability, the identification of vacant positions which the employee may be qualified to perform, and consideration of the employee's ideas for potential accommodations. In considering possible accommodations, FAWIC cannot eliminate essential functions of a position in an effort to place the employee in a particular position. This assessment may also require a physician's statement attesting to the employee's condition and/or need for accommodation. We will identify possible accommodations, if any, that will help eliminate the limitation. If the accommodation is reasonable and will not impose an undue hardship, we will

make the accommodation. When appropriate, FAWIC also will conduct an investigation to identify the barriers that make it difficult for an applicant or employee to have an equal opportunity to perform his or her job.

FAWIC is unable to provide an employee with an indefinite leave of absence as an accommodation. Indefinite leaves of absence typically arise when a health care professional cannot provide a reasonable time frame for an employee's return to work. An indefinite leave of absence may also arise when a health care professional provides FAWIC with multiple excuses from work for a specific period of time, but fails to provide a reasonable return date.

If an employee believes they have been subjected to any form of unlawful discrimination, they should notify their Unit Manager or Deputy Director, the Deputy Director of Human Resources, or the Executive Director. The complaint should be specific, and should include the names of the individuals involved, and the names of any witnesses. We will immediately undertake an effective, thorough, and objective investigation, and attempt to resolve the situation. If we determine that unlawful discrimination has occurred, effective remedial action will be taken commensurate with the severity of the offense. Appropriate action also will be taken to deter any future discrimination. We will not retaliate against an employee for filing a complaint, and will not knowingly permit retaliation by management, employees, or co-workers.

An employee may exercise his/her rights under the Labor Code or any local ordinance without suffering unfair immigration-related practices. This includes the filing of a complaint or informing FAWIC of an alleged violation of the Labor Code or local ordinance, provided the complaint or disclosure is made in good-faith, seeking information whether FAWIC is in compliance, or informing another person of his/her rights under the Labor Code or local ordinance. An unfair immigration-related practice means the following action taken with a retaliatory purpose: Requesting more or different documents than required under federal law to show eligibility for employment; refusing to honor documents that on their face appear genuine; using E-Verify to check employment authorization status at a time or in a manner not required under federal law; threatening to file or filing a false police report or a false report or complaint with any state or federal agency; threatening to contact immigration authorities.

Moreover, FAWIC will not take adverse action against an employee, including reporting or threatening to report the employee or family member to a federal, state or local agency based on the employee's suspected citizenship or immigration status, because (s)he exercises a right under the Labor Code, the Government Code, or the Civil Code.

### **Policy 103**

#### **Prohibition of Unlawful Harassment**

We intend to provide a work environment that is pleasant, professional, and free from intimidation, hostility or other offenses that might interfere with work performance. Harassment of any sort towards our employees, independent contractors or interns - verbal, physical, or visual - will not be tolerated, particularly against employees in protected classes. These classes include, but are not necessarily limited to race, color, religion (including religious dress or grooming), sex (including gender, gender identity and expression, pregnancy, childbirth or related medical conditions and breastfeeding (or medical conditions related to breastfeeding)), age, sexual orientation, national origin (including possessing a valid driver's license issued under Vehicle Code § 12801.9),

ancestry, disability, medical condition, marital status, familial status, military or veteran status, or any other protected status defined by law.

While the legal standards and consequences of sexual harassment are still evolving, our policy remains clear and rests on the fundamental precept that each employee must treat all others with respect, dignity and professionalism. Deviation from that standard will not be tolerated. Whether or not the offending employee meant to give offense, or believed his or her comments or conduct were welcomed, is not significant. Rather, our policy is violated when other employees, whether recipients or mere observers, are in fact offended by comments or conduct which are prohibited.

Our workplace is not limited to our organization facilities, but may also include provider and vendor facilities, as well as anywhere a business-related function, Board or Committee meeting or social function sponsored by the organization is taking place.

FAWIC does not allow anyone, including any supervisor, co-worker, vendor, client or customer to engage in verbal, physical or visual harassment of employees. This policy applies to applicants for employment and independent contractors working with the company. Any applicant or independent contractor who feels that (s)he has been subjected to harassment in violation of this policy should immediately report this violation to the Deputy Director of Human Resources.

#### **What Is Harassment?**

Workplace harassment can take many forms. It may be, but is not limited to, words, signs, offensive jokes, cartoons, pictures, posters, e-mail jokes or statements, pranks, intimidation, physical assaults or contact, or violence. Harassment is not necessarily sexual in nature. It may also take the form of other vocal activity including derogatory statements not directed to the targeted individual but taking place within their hearing. Other prohibited conduct includes written material such as notes, photographs, cartoons, articles of a harassing or offensive nature, and taking retaliatory action against an employee for discussing or making a harassment complaint.

FAWIC prohibits the use of any electronic media (e.g., computers, e-mail, and voice mail) in ways that are discriminatory, harassing or obscene, or for any other purpose that is illegal or against company policy. Misuse of electronic media in violation of this policy is not limited to the display or transmission of sexually explicit or otherwise harassing images, jokes, messages, cartoons, or any other use that may be construed as harassing, discriminating, or retaliating against another employee based on any protective classification.

**ALL HARASSING BEHAVIOR IS CONSIDERED MISCONDUCT AND MAY SUBJECT AN EMPLOYEE TO DISCIPLINARY ACTION UP TO AND INCLUDING IMMEDIATE TERMINATION.**

#### **What Is Sexual Harassment?**

It is important to note that sexual harassment crosses age and gender boundaries and cannot be stereotyped. Sexual harassment may also consist of behavior with varying degrees of severity.

Generally, two categories of sexual harassment exist. The first, "quid pro quo," may be defined as an exchange of sexual favors for improvement in working conditions and/or compensation. The second category, "hostile, intimidating, offensive working environment," can be described as a situation in which unwelcome sexual advances, requests for sexual favors, or other verbal or physical contact of a sexual nature when such conduct creates an intimidating or offensive

environment. Examples of conduct that could create a hostile, intimidating, and offensive working environment includes, but is not limited to, displaying pictures, cartoons, symbols, or apparatus found to be offensive and which exist in the workspace of an employee. Sexually harassing conduct need not be motivated by sexual desire.

**Reporting:** Any employee believing he or she is a victim of harassing behavior in the workplace should promptly notify their Unit Manager or Unit Deputy Director, the Deputy Director of Human Resources, or the Executive Director. They should report the facts of the incident or incidents and the names of the individual(s) involved. Employees who observe, hear, or learn of any harassment are asked to report such harassment to their Unit Manager or Deputy Director, the Deputy Director of Human Resources, or the Executive Director. Managers must immediately report any incidents of harassment to their supervisor and the Deputy Director of Human Resources, irrespective of the manner in which such harassment comes to their attention. Failure to report such harassment may lead to disciplinary action against the manager.

FAWIC will take prompt action in the event of a complaint. All complaints of unlawful discrimination or harassment will be followed by a fair and timely investigation by appropriate personnel. We will gather facts related to all parties involved and reach well-reasoned conclusions based on the evidence collected. Investigations will normally be documented and will be closed in a timely manner.

We encourage employees to use the appropriate procedure for notifying FAWIC of a concern or complaint. Notifying the appropriate representative allows the company to investigate and resolve a complaint. An employee who does not use appropriate procedures, but instead gossips to co-workers may make the situation worse. In addition, the person gossiping may be subject to a lawsuit by the person who is the subject of the gossip. Company representatives will also exercise discretion and maintain confidentiality to the extent possible, disclosing information to those persons only who have a legitimate need to know the information. Although FAWIC encourages employees not to gossip, employees can speak to each other about working conditions.

Special privacy safeguards will be applied in handling harassment complaints. We will retain confidential documentation, to the extent possible to not hamper the investigation, of all allegations and investigations and will take appropriate corrective action including disciplinary action when justified to remedy any violation of this policy. Retaliation for the reporting of harassing behavior is contrary to law and shall not be condoned. However, unfounded allegations of harassment determined to not have been made in good faith may subject the complaining party to disciplinary action, including termination.

Remedial action will be taken if misconduct is found. Action taken will be designed to ensure that the victim is restored to his/her position and that the inappropriate behavior will not be repeated. Action taken for misconduct could include a warning, job discipline, suspension, termination of employment, termination of a contract or other measure depending on the circumstances of the situation and the person's relationship with the organization.

**Retaliation Prohibited:** We prohibit any employee from retaliating in any way against anyone who has raised any concern about harassment or discrimination against another individual. We will investigate any complaint of harassment, discrimination, or retaliation and will take immediate and

appropriate disciplinary action if such action has been found within the workplace. Nor will FAWIC retaliate or discriminate against a person for requesting a religious accommodation.

**Policy 104**  
**Genetic Information Nondiscrimination Act (GINA)**

FAWIC will not ask employees for any genetic information with respect to employment. However, in responding to FAWIC's request for medical certification for a leave of absence or an accommodation an employee or their healthcare provider may inadvertently provide genetic information about an employee. With this in mind, FAWIC provides employees with the following information:

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting, or requiring, genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

**Policy 105**  
**Reporting Compliance Irregularities**

At FAWIC, we are committed to maintain high professional and ethical standards. We expect all employees to comply with all applicable laws. If an employee has any concern or question regarding any policy or practice of the company, we encourage them to speak with the Deputy Director of Human Resources. In addition, if they have reason to believe that FAWIC has violated a state or federal statute, or violated or failed to comply with a local, state or federal rule, regulation, or ordinance, they may file a report with the Attorney General's office without fear of retaliation. The poster, located in the break room, describes employees' rights and provides the telephone number of the reporting hotline. The company will not retaliate against any employee, or the employee's family member, because that person has disclosed information to a government or law enforcement agency, to a person with authority over the employee, or to another employee who has the authority to investigate, discover, or correct the violation or noncompliance, or for providing information to or testifying before a public body conducting an investigation, hearing, or inquiry, provided the employee had reasonable cause to believe the information disclosed a violation of law. Disclosing information need not be part of the employee's job. Nor is it required that the disclosure relate to FAWIC's business operations.

**Policy 106**  
**Organization and Administration**

The selection of the Executive Director is the responsibility of the Fresno Regional Workforce Development Board (FRWDB) Executive Committee, which also serves as the Board of the



FAWIC. Annually, or as necessary, the Executive Director shall submit to the FAWIC an organizational structure for review.

The Executive Director shall have the authority and responsibility to administer the organization and to make changes or modifications to the organization, personnel policies, compensation and benefits. Subject to the exceptions outlined herein, the Executive Director is the final authority on all personnel matters including, but not limited to, selection, training, direction, assignment, discharge, fiscal, compensation, promotion, demotion, lay-off and discipline of the FAWIC employees. The Executive Director may delegate daily administration of the personnel function.

Likewise, the Executive Committee has the same authority for personnel issues relating to the Executive Director. (Reference to Executive Director in this Personnel Manual also applies to his or her designee).

## **Chapter 2 - EMPLOYMENT POLICIES AND PRACTICES**

### **Policy 200 How Employees Are Selected**

FAWIC carefully selects its employees through written applications, personal interviews and reference checks. Prior to becoming an employee of the FAWIC, a job-related background check may have been conducted. A comprehensive background check may consist of prior employment verification, professional reference checks, criminal history and education confirmation. As appropriate based on the position description, a credit, and/or driving record history may have also been obtained. A driving record will be obtained for positions which require driving a motor vehicle in the course and scope of performing the job. A credit report will be conducted for persons applying for the following positions only:

- A managerial position;
- A position for which the law requires that a consumer credit report to be obtained;
- A position that involves regular access to the bank or credit card account information, social security number, and date of birth for any person (except for routine credit card solicitations or applications);
- A position that requires the employee to be named signatory on company bank or credit card accounts;
- A position that authorizes the employee to transfer money on behalf of FAWIC;
- A position for which the person is authorized to enter into financial contracts on behalf of FAWIC;
- A position that involves access to confidential, proprietary or trade secret information; and
- A position that involves regular access to cash totaling \$10,000 or more during a workday.

Before conducting a consumer credit check, FAWIC or its credit reporting agency will provide written notice to candidates indicating the specific basis for conducting the credit report. The notice will include a box that can be marked to obtain a copy of the report. FAWIC will advise candidates if they are denied the position based in part or wholly on the credit report. FAWIC will also provide to the name and address of the credit reporting agency.

Additionally, with an employee's approval, FAWIC may conduct a background screening any time after they have been employed to determine eligibility for promotion, reassignment or retention. This selection process helps us find and employ people who are concerned with their own personal success and our success; people who want to do a job well; people who can carry on their work with skill and ability; and people who can work well with our team.

### **Policy 201 What We Expect From Employees**

We need employees' help in making each working day enjoyable and rewarding. Our primary assignment is to know our responsibilities and perform them in a manner that helps our team and

our organization reach established goals. To that end, we expect all employees to be highly competent in the functional and technical skills needed to excel in their job.

Second, employees are expected to cooperate with management and their fellow employees and to maintain a good team attitude. How employees interact with fellow staff and external customers, and how they accept direction, can affect their success, as well as the unit's success. In turn, the performance of one unit can impact the entire service we offer.

Third, employees are expected to report obstacles or concerns and adapt, when necessary, to overcome barriers that block achievement of FAWIC's mission or goals. Consequently, whatever an employee's position, they have an important assignment: Perform every task to the very best of their ability.

Most importantly, we expect all employees to act with honesty and integrity and represent FAWIC with the highest level of professionalism.

**We are all here for the same purpose: To do what is best for the corporation... what is best for our team... and what is best for our customers.**

**Individual success will *never* be as critical as the success of our organization. But if our organization is successful, every individual will be successful.**

We believe in direct access to management and we are dedicated to being an organization where an employee can approach their manager, or any member of management, to discuss any problem or question. We expect employees to voice their opinions and contribute suggestions to improve the quality of the FAWIC. The result will be better performance for the organization overall, and personal satisfaction for staff. This Personnel Manual offers insight on how to perform positively and to the best of their ability to meet and exceed the FAWIC's expectations.

## **Policy 202**

### **What Employees Can Expect From Us**

We have established the following employee relations' policies to communicate the level of service that our organization will provide to our staff. We will strive to:

1. Select people on the basis of skill, training, ability, attitude, and character without discrimination regarding age, sex (including gender and gender identity), color, race, creed, sexual orientation, national origin (including possessing a valid driver's license issued under Vehicle Code § 12801.9), religion, marital status, disability that does not prohibit performance of essential job functions, or any other protected classification.
2. Review wages, employee benefits and working conditions with the objective of providing maximum benefits in these areas, consistent with sound business practices.
3. Develop competent people who understand and meet our objectives, and who accept with open minds, necessary change and the ideas, suggestions and constructive criticisms of fellow employees.
4. Assure employees an opportunity to discuss any problems with the appropriate management representatives of the FAWIC.

5. Respect individual rights, and treat all employees with courtesy and consideration.
6. Promote employees on merit and their ability to function as a team player.
7. Keep all employees informed of the progress of the FAWIC as well as the organization's overall aims and objectives.
8. Do all these things in a spirit of friendliness and cooperation so that the FAWIC will continue to be known as "a great place to work!"

### **Policy 203** **Job Duties**

Management will provide employees with a job description and explain job responsibilities and the expected performance standards. Due to the nature of our fast-paced, streamlined organization, duties may change. Employees may be asked, with or without notice, to alter or change job responsibilities, receive additional job responsibilities, work on special projects, or to assist with other work necessary or important to the operation of the unit or the organization. Staff's cooperation and assistance in performing such additional work is necessary so we, as an organization, are successful.

### **Policy 204** **Classification of Employees**

Participation in the organization's related benefits programs may be affected by employment status or classification. (See Chapter 5 on Benefits.) Employees will be informed when they are hired whether they are considered an exempt or non-exempt employee. Should a transfer between classifications occur, the date of the transfer will be used for benefits eligibility purposes. All employees, whether exempt, non-exempt, full-time, part-time or special project, are employed at-will.

1. EXEMPT employees are paid a fixed salary. They may have to work hours beyond their normal schedules, as work demands require, and do not receive overtime compensation.
2. A NON-EXEMPT status applies to all other regular employees. Non-exempt employees are paid a salary based on a defined 40 hour workweek or paid on an hourly basis, and are covered by overtime regulations under state and federal law and receive extra pay for overtime work (as described in Personnel Policy 209).
3. FULL-TIME employees are generally scheduled to work on a regular basis for at least 40 hours per defined workweek. Currently FAWIC is operating under a 9/80 Alternative Workweek Schedule as defined and implemented in full compliance with federal and state law. Full-time employees may be EXEMPT or NON-EXEMPT. They may be eligible for all FAWIC provided benefits, so long as they meet applicable requirements, such as length of service.
4. PART-TIME employees work on a regular basis for fewer than 40 hours per defined workweek. The Executive Director or the Deputy Director of Human Resources may authorize part-time positions when there is a need for less than a full-time position. Part-time positions may be either regular part-time or "as needed". Part-time employees may

be eligible to participate in some benefit programs on a pro rata basis (i.e. matching social security contributions, short-term disability, and worker's compensation).

5. SPECIAL PROJECT EMPLOYEES are hired to meet a seasonal or a special project need that is limited in duration or they may be participants in a WIOA training program. Special project employees are paid at an hourly rate. The term of employment as a special project employee generally is limited to eight (8) months in duration (or any other limitation imposed by the WIOA training program). The term may be extended beyond the eight (8) months when a definite need is demonstrated. Special project employees may be released from employment at any time, regardless of the length of time in the special project classification. Special project employees are not eligible for any benefits as described in this Personnel Manual unless approved by the Executive Director.
6. INDEPENDENT CONTRACTORS AND CONSULTANTS are non-employees who are paid on a fee-for-service basis to perform certain specified services. Contractors and consultants are not eligible for any benefits listed in this Personnel Manual.
7. INTERIM EMPLOYEES are employees, either newly hired or re-classified, that are in a position temporarily until such time that the Executive Director, or designee, determines who will occupy this position. Interim positions have the accountability, authority and responsibility as designated by their position title and duties.

A position classification for an employee is determined at the time of employment based on the position requirements. Anniversary dates with the organization are established from date of hire.

### **Policy 205** **Work Schedules**

Our normal business hours are 7:30 a.m. - 5:30 p.m., Monday through Friday. All employees are expected to be ready to perform their work at the start of their scheduled shifts. The defined workweek begins at 11:30 a.m. Monday and ends the following Monday at 11:29 a.m.

All employees, whether exempt or non-exempt, are required to work their regular schedule, barring excused absences, and must be available for meetings at which their attendance is required, even if they occur outside the time the employee normally starts or ends work. Since exempt employees work outside the context of regularly scheduled business hours, they may need to work hours in addition to normal business hours, and their end time may be later than 5:30 p.m. In all cases, if there is a change in work hours, it must be discussed and approved by management. It is imperative that each employee inform his/her manager whenever (s)he is absent or attending an off-site meeting. Any employee who is off-site on a day (s)he is scheduled to work must provide his/her manager with a contact location and/or a telephone number where they may be reached.

Non-management employees may not work without a manager being on duty at either the main office (2125 Kern Street) or Business Services Center (BSC) office, or at Manchester. We strive to have a manager at a work site where staff is performing work. However, on the rare occasion a manager is not present, staff will be alerted as to which manager is on site at a different location should an emergency arise. Currently FAWIC is operating under a 9/80 Alternative Workweek Schedule as defined and implemented in full compliance with federal and state law. Upon hire, staff will be informed of which team schedule they will be assigned to. Annually, the Executive

Director will review the next fiscal year schedule and determine if a change in this schedule is necessary due to operational impact. Please consider this when making advance travel plans.

### **Policy 206**

#### **Meal and Rest Periods**

California law requires that all non-exempt employees be given at least a 30-minute unpaid and uninterrupted meal period each day, and that this break begins within the first five (5) hours of the workday. Employees are not required to remain on the premises during their meal period. Accordingly, taking a duty-free lunch period of at least 30 minutes is *MANDATORY*. Non-exempt employees receive one unpaid lunch break each day, to be taken within five (5) hours of reporting for work. If FAWIC concurs, employees may waive the meal period if their total work period is no more than six (6) hours in the workday. An on-duty meal period will be permitted only when the nature of the work prevents an employee from being relieved of all duty and when the employee and FAWIC agree in writing. The agreement will state that the employee can, in writing, revoke the agreement at any time.

Non-exempt employees are provided one unscheduled 15-minute rest period for every four (4) hours of work or major portion thereof. Breaks should be taken approximately in the middle of this four (4)-hour time period. Breaks cannot be taken at the beginning of the day to delay a start time or at the end of the day to take an earlier leave time, nor will employees be permitted to aggregate rest periods and take them all at once. If workload prevents an employee from taking at least a ten (10)-minute break in the morning and/or the afternoon, they are to advise their Unit Manager so that arrangements can be made to allow them to do so. Employees are expected to observe their assigned working hours and the time allowed for meal and rest periods. In addition to rest breaks, an employee may use the restroom or get water as needed.

### **Policy 207**

#### **Timekeeping Requirements**

All employees are required to record hours worked on a computerized timesheet (ETS). FAWIC will pay employees for all hours actually worked. All non-exempt employees must record their own time at the start and at the end of each workday, time taken for lunch, time taken for breaks, and overtime. Do not work off the clock. The hours recorded in ETS must also reflect the time in and time out as reported on an individual non-exempt employee's tracking log. Timesheets should be submitted to the Unit Manager for review and signature no later than the day after the end of the pay period. Non-exempt employees who do not have any accrued vacation and sick leave, personal holiday, or comp-time hours will be docked for any hours missed outside of the normally scheduled work hours. The hours missed will be deducted from the paycheck following that pay period.

If an employee fails to turn in time records, FAWIC may not be aware of all hours worked since the company may not have a record of it. Moreover, FAWIC cannot monitor all employees and determine when they are working and whether they have clocked in. As a result, the employee's paycheck may not be accurate. FAWIC is committed to paying its employees for all hours worked. However, it is an employee's responsibility to clock in and to accurately maintain their time sheets.

**Policy 208**  
**Payment of Wages**

Paydays are the 15<sup>th</sup> and last day of each month. Payment on the 15<sup>th</sup> will be for hours worked from the 1<sup>st</sup> through the 15<sup>th</sup> of that month. Payment on the last day of the month will be for hours worked from the 16<sup>th</sup> through the last day of the month. If a regular payday falls on a weekend or holiday, employees will be paid on the last day of work before the regularly scheduled payday. Overtime worked may be paid on the paycheck following the pay period in which it was earned. If there is an error on the check, please report it immediately to Payroll. No employee will suffer adverse action because he/she expressed or made a written or oral inquiry or complaint regarding wages. For employee convenience, we offer direct deposit. Forms may be obtained from Payroll.

**Policy 209**  
**Overtime and Make-up Time Provisions**

As necessary, non-exempt employees may be required to work overtime. For purposes of determining which hours constitute overtime, only actual hours worked in a given workday or workweek will be counted. We will attempt to distribute overtime fairly, based on operational needs, and accommodate individual schedules. For non-exempt employees, a manager must pre-authorize all overtime worked, and no work should be done at the employee's home. We provide compensation for all overtime hours worked; however, working unauthorized overtime may result in discipline up to and including termination. Overtime will be paid to non-exempt employees in accordance with state and federal law as follows:

- All hours worked in excess of eight (8) hours (nine (9), if normally scheduled) in one workday or 40 hours in one workweek, or for the first eight (8) hours (nine (9), if normally scheduled) on the seventh (7<sup>th</sup>) consecutive day of work in one workweek, will be treated as overtime.
- One and one-half (1½) times the regular rate of pay for hours worked in excess of 40 for the workweek, or in excess of eight (8) hours (nine (9), if normally scheduled) and not more than 12 hours for the workday, and for the first eight (8) hours (nine (9), if normally scheduled) on the seventh (7<sup>th</sup>) consecutive day of work in one workweek.
- Two (2) times the regular rate of pay for hours worked in excess of 12 in one workday and/or in excess of eight (8) hours (nine (9), if normally scheduled) on the seventh (7<sup>th</sup>) consecutive workday in the same workweek.

Exempt employees may have to work hours beyond their normal schedules, as work demands require, and do not receive overtime compensation. Deputy Directors may use discretion in approving time off for exempt employees who work hours outside of their normal schedule.

**Call-In Pay:** Occasionally, a non-exempt employee may learn that they need to come to a work site due to an emergency on a day other than his/her normal work schedule. In that instance, the employee will notify their supervisor to inform them of the necessity (at a minimum leave a voice message). The employee will receive a minimum of two (2) hours of pay to include reasonable travel time and mileage reimbursement to and from their point of origin to the work site. Overtime will be paid as appropriate. Employees should ensure that they meet Policy 223, "Fitness for Duty" standards before agreeing to come in. Call-In time is voluntary.

**On-Call Time Pay:** Occasionally, a non-exempt employee may be contacted by their supervisor, or informed of a problem that needs to be fixed immediately such as a power outage, and it is on a day other than his/her normal work schedule. To resolve the issue, they may be requested to perform general work they can do without coming to a work site, such as answering a question. In that instance, the employee will notify their supervisor to inform them of the necessity (at a minimum leave a voice message). The employee will receive a minimum of 15 minutes of pay. Staff is not expected to limit their normal personal time activities to respond to these general requests, i.e. stay in a certain geographical area for the weekend. Overtime will be paid as appropriate. On-Call time is voluntary.

**Make-Up Time:** At a manager's discretion, the use of make-up time may be allowed when a non-exempt employee needs to take time off to tend to personal obligations. Employees may take time off and then make up the time later in the same work week, or may work extra hours earlier in the workweek to make up for time that will be taken off later in the workweek. **Make-up time worked will not be paid at an overtime rate. All make-up time must be worked in the same workweek as the time taken off. Employees may not work more than eleven (11) hours in one (1) workday, or 40 hours in one (1) workweek as a result of making up lost time.**

To request make-up time, employees must submit a signed, written request to the Unit Manager in advance. Requests will be considered for approval based on legitimate business needs at the time that the request is submitted. Make-up time requests must be submitted at least 24 hours before an employee takes the requested time off, or work the make-up time, whichever is first. If an employee takes time off and is unable to work the scheduled make-up time, the hours missed will normally be unpaid. However, if possible, the Unit Manager may arrange with the employee another day within the same workweek to make up the time, based on scheduling and unit needs. If the employee works the make-up time before they plan to take it off, they must take that time off, even if they no longer need the time off for any reason. An employee's use of make-up time is completely voluntary. FAWIC does not encourage, discourage, or solicit the use of make-up time.

#### **Policy 210** **Wage Garnishments**

We encourage all employees to meet their financial obligations without involving the organization. However, we will adhere to legally imposed wage assignments and garnishments, and will not modify the terms of those legal arrangements unless ordered to by a court. No adverse employment action will be taken against an employee because of a wage assignment or garnishment.

#### **Policy 211** **Personnel and Payroll Records**

The Human Resources Department, or designee, is responsible for maintenance of all personnel related records and will maintain a secure file of all employee personnel records at the BSC at 7475 N. Palm Avenue, Suite 105 in Fresno. These records contain private and confidential documents pertaining to the employment and background of all the employees. These records may be viewed by only those authorized by the Human Resources Department or the Executive Director.



FAWIC will keep at the main office, at 2125 Kern Street, Suite 208, all payroll records showing hours worked daily and wages paid to employees. These records will be kept for at least three (3) years. Employees may also keep a personal record of hours worked. If an employee's record differs from the information FAWIC provides on the paycheck, contact the Human Resources Department or Fiscal immediately. Employees may review the contents of their own personnel record as allowed by law.

Payroll records shall be maintained for a period of at least three (3) years. Other personnel documents may be maintained up to seven (7) years after termination of employment, unless a longer retention period is required. Disclosure of personnel information to outside sources will be limited. However, we will cooperate with requests from authorized law enforcement or local, state or federal agencies conducting official investigations and as otherwise legally required.

Items such as job descriptions, the Personnel Manual and related forms, and salary ranges are sent to our Board for approval and, therefore, are a matter of public record. However, information about an employee that may be subject to Privacy Laws is shared only on a need-to know basis or as allowed or required by law.

#### **Policy 212**

#### **Employment Verification and References**

Routine requests from third parties for employment verification should be directed to the Human Resources Department. We do not respond to verbal requests for current employee information or past employee references. However, be aware that for operational and public information purposes, outside parties have the availability to call in and ask if an employee is currently employed with us, his/her title, and responsibilities.

Upon receipt of a written request for verification of employment that has been signed and authorized by the employee, information that will be released may include wage history, dates of employment, position held, and classification of employment. It is our policy not to provide performance history or any other information outside the parameters as specified above. **Do not**, under any circumstances, respond to any requests for information regarding another employee unless it is part of assigned job responsibilities. Please forward any verification requests to the Human Resources Department.

#### **Policy 213**

#### **Open Communication Policy**

In the spirit of working together as a team, we encourage employees to discuss any issue they may have with a co-worker directly with that person. We hope that, as professionals, a resolution can be reached at this stage. Since it is counterproductive to a harmonious workplace for employees to create or repeat office rumors or office gossip, we encourage employees to first consult their manager immediately with any questions, seek out all of the facts, share only what they know firsthand, be truthful about what happened, and avoid faultfinding. However, if a resolution is not reached, employees should arrange a meeting with their manager or the Deputy Director of Human Resources to discuss any concern, problem, or issue that arises during the course of their employment. Any information discussed in an informal Open Communication meeting is considered confidential, unless claims of harassment or discrimination, or threats of violence or

insubordination are made. Retaliation against any employee for appropriate usage of Open Communication channels is unacceptable and will not be tolerated.

## **Policy 214**

### **Problem and Grievance Resolution**

The FAWIC believes in an open door policy. At some time, employees may have a complaint about their job, working conditions, or the treatment they are receiving. Good-faith complaints are of concern to us. We will ensure that employee grievances are processed in an orderly and expedient manner. Employees who believe they are aggrieved by working conditions may file a grievance with assurances of no interferences, discrimination or reprisal.

The most effective way of resolving conflict is to discuss the matter with the persons involved in the conflict, or with those persons in management positions who can assist in the resolution of the conflict. Rarely, if ever, will discussing the matter with co-workers help resolve the issue. Most often, that will make the problem worse. However, employees can speak to each other about working conditions.

The following steps are intended to provide a method for processing grievances in the interest of obtaining a fair and equitable resolution:

**Step 1:** The aggrieved employee should discuss the problem informally with his or her Unit Manager. This discussion should be initiated within five (5) workdays from the time the incident or problem occurred or became known to the employee. If the Unit Manager is not available or is a party to the problem, the employee may hold an informal discussion with the next level of supervision. In most instances, a discussion of this sort can resolve the employee's concern or problem to his or her satisfaction.

**Step 2:** If the problem cannot be resolved informally at Step 1, the employee must, within five (5) workdays of the meeting held in Step 1, submit a written grievance to the Deputy Director of Human Resources. If the complaint involves the Human Resources Department, the employee may submit the grievance to the Executive Director. This written grievance shall include:

- a. The specific problem;
- b. The date of the problem or when it became known;
- c. Any other involved parties or witnesses; and
- d. The specific resolution sought.

The Deputy Director of Human Resources and / or the Executive Director will investigate the written grievance and the Executive Director will make a final determination. If an employee feels that their grievance is a result of discrimination, harassment, or retaliation, please refer to Policies 102 and 103, respectively, for reporting incidents.

### **Policy 215** **Arbitration**

Employees have the opportunity to review and sign an Arbitration Agreement, which makes arbitration the exclusive remedy for all disputes arising out of or related to the employment relationship with FAWIC.

### **Policy 216** **Employee Suggestion Program**

As an employee of the FAWIC, you have the opportunity to contribute to our future success and growth by submitting suggestions for practical work-improvement. We welcome and encourage suggestions that will benefit the organization by solving a problem, reducing costs, improving operations or procedures, enhancing service, eliminating waste, or making the organization a better or safer place to work. Statements of problems without accompanying solutions, or comments concerning co-workers and management are not appropriate suggestions. All suggestions must be submitted to a manager and should contain a description of the problem or condition to be improved, a detailed explanation of the solution or improvement, and the reasons why it should be implemented. This can be given to a manager anonymously in their inbox.

### **Policy 217** **Performance Evaluations**

Employees and their Unit Managers are strongly encouraged to discuss job performance and goals on an informal, ongoing basis. Ongoing discussions with management about job duties, performance, and the work environment will likely increase employee satisfaction with the organization and their success here. To this end, employees and their managers work together to plan annual goals and projects, unit and division objectives and personal development plans.

To provide employees with the necessary feedback about job performance, employees will receive annual performance assessments. Employees may receive performance evaluations at various times due to length of service, job position, past performance, changes in job duties, or performance problems. The objectives of performance evaluations are to:

- Ensure that employees know how they are performing against established performance standards;
- Determine how the FAWIC can assist them in meeting, and exceeding, these standards;
- Give employees and their manager the opportunity to discuss specific job tasks and expectations; and
- Ensure two-way communication.

Unit Managers are accountable for providing employee development action designed to improve and enhance employee performance such as:

- Possible approaches for meeting goals;
- Recognition of employee strengths; and
- Identification and correction of performance deficiencies.

Performance evaluations are intended to be a two-way communication between employees and their manager. Staff's input will help contribute to their professional growth, and the growth and improvement of the organization. Employees are expected to:

- Ask for clarification about their job;
- Accept additional responsibilities and show initiative; and
- Ask for assistance in developing a goal-oriented path for advancement within the organization.

Prior to the formal review, the Unit Manager shall complete the evaluation and submit the completed form to their manager, the Human Resources Department, and the Executive Director for review or additional comments. Once finalized, management will meet with staff to review and discuss their evaluation. After the review, employees will be required to sign the evaluation report to acknowledge that it has been presented to them, discussed with them by their manager, and that they are aware of its contents. We encourage staff to submit comments to their evaluation. Comments should be submitted within five (5) workdays and will become part of the evaluation. However, comments submitted generally will not result in changes to the evaluation.

Positive performance evaluations do not guarantee increases in salary, promotions, or continuance of a position or employment. Salary increases and promotions are solely within the discretion of the organization, and depend upon many factors in addition to performance. Having compensation reviewed does not necessarily mean that employees will be given an increase. Based on FAWIC's budget for the year the performance is being evaluated, staff may receive a salary increase, a one-time lump sum, some combination therein, or no increase.

Performance evaluations, written and/or verbal warnings and summaries of counseling sessions are considered documentation. These documents detail the efforts made by a manager to advise an employee of his or her job performance and/or conduct, and when performance and/or conduct is unacceptable, to provide direction on how to bring the performance and/or conduct into compliance. Performance reviews may be shared between current or future Executive Director(s), Deputy Directors, appropriate Unit Managers, and the Human Resources Department. The Executive Committee will conduct the evaluation of the Executive Director.

### **Policy 218**

#### **Corrective Action**

The organization has high performance expectations because we strongly believe that everyone benefits when we all work together and conduct ourselves in a manner that reflects the best interests of staff and the organization. FAWIC maintains high standards to drive results and help employees perform to the best of their abilities at all times.

There are specific actions that FAWIC considers performance problems. These include:

1. Unsatisfactory performance;
2. Negative behavior which results in an atmosphere of negativity or hostility;
3. Personal conflicts with staff and/or management;
4. Unacceptable or unethical conduct; or
5. Conduct that is in violation of company policy or law.

An acceptable level of performance and/or behavior should be maintained consistently. Periods of good performance or behavior will not override intermittent actions we consider unacceptable. Employees will be informed if corrective action is necessary as soon as possible after any performance problem has been identified. Notification of unacceptable conduct will be made through the most appropriate means, which may include verbal and/or written notice, counseling sessions and performance evaluations. Corrective action may include a variety of actions depending on the circumstances and severity of the particular situation.

### **Policy 219**

#### **Reductions in Force or Reorganizing**

Under some circumstances, the organization may need to reduce or reorganize its workforce. If it becomes necessary to restructure our operations or reduce the number of employees, we will attempt to provide advance notice, if possible, so as to minimize the impact on those affected. Employees will be selected for lay off, job elimination, or re-classification based on a combination of factors including, but not necessarily limited to, past and current performance and productivity, business necessity, position necessity, qualifications, conduct, and attendance. Absences taken under our Paid Sick Leave policy or other legally-protected leaves of absences will not be a consideration.) Length of employment will not be a consideration. Employees who are dislocated have no greater rights to re-employment or open positions during, or after the time of a lay-off, than other candidates.

### **Policy 220**

#### **Separation From Employment**

Neither employees nor the organization have entered into a contract regarding the duration of their employment. Employees are free to terminate their employment with the FAWIC at any time, with or without reason. All organization-owned property (including written materials, computer equipment and files, manuals, cell phones, credit cards, tablets, laptops, security, parking passes, keys, and other mobile company property) must be returned upon request. Benefits will be terminated as of the last day of the month in which the separation occurred. Questions on benefit status should be directed to the Human Resources Department. Any accrued, unused vacation time and unpaid expense or mileage reimbursement with accompanying documentation, will be paid at the time of separation. If an employee is not at our main office at the time of separation to collect his/her final pay, the check will remain at our Payroll Department unless we receive written authorization to have it mailed. Personal items, including electronic files, business-related contact information and calendars, left in the workplace after the last date of employment, are subject to disposal if not claimed at the time of separation.

**Voluntary Termination:** We hope both staff and the FAWIC will mutually benefit from their continued employment; however, we realize that it may become necessary for employees to leave their job with us. If an employee is going to resign from their position, we would appreciate receiving written notification at least two (2) weeks in advance of the date that they must leave and the reason for their resignation. We request that management staff provide one (1) month notice prior to leaving. Although this notice is not required, it is requested to allow us time to find and train a replacement. Employees who fail to provide such advance notice will be considered ineligible for rehire. Employees cannot take time off after a resignation is provided, or attempt to extend the resignation notice period with accrued time off, regardless of whether the time off was

approved prior to the resignation. Management has the discretion to make an exception to this in limited circumstances.

We may consider employees to have voluntarily terminated their employment if they do any of the following:

1. Resign from the FAWIC;
2. Fail to return from an approved leave-of-absence on the date we specify;
3. Fail to report to work without prior notification and approval, or failing to call in for two (2) consecutive calendar days; or
4. Leave work prior to the end of their shift without prior notification and approval from their manager.

**Involuntary Termination:** If corrective action is necessary due to poor performance or inappropriate conduct, employees will be notified of the problem. Some incidents may result in immediate dismissal. Employees may be terminated for poor performance, misconduct, negative behavior, inability to harmoniously work with other staff, excessive absences, tardiness, discrimination, harassment, or other violations of company policies. Additionally, termination of employment may occur when a person is indefinitely laid-off or is involuntarily terminated for disciplinary reasons. Likewise, the FAWIC has the right to terminate or transfer an employee or eliminate their position at any time, with or without reason, at our discretion, except as otherwise provided by law. Nothing in this policy alters the at-will nature of our employment relationship.

#### **Policy 221** **Exit Interviews**

When separating from employment with the FAWIC, the Deputy Director of Human Resources may conduct an exit interview to discuss the reasons for leaving, any suggestions that employees may have about the organization, and to discuss benefits status. During the exit interview, exiting employees can provide insights into areas for improvement that the FAWIC can make. We hope that this constructive exchange will help us identify any areas that need further attention to provide the best possible work environment. Every attempt will be made to keep all information anonymous or confidential.

#### **Policy 222** **Job Posting**

The policies and procedures for hiring FAWIC staff are designed to attract the best applicants. The Executive Director will determine how each position will be filled and the process to be used for selection. The Human Resources Department will be responsible for completing the process. The Executive Director will make the offer of employment to the selected applicant and arrange for the start date. Because we encourage promotions from within, internal staff may be given first consideration when a full-time position becomes available. While the Deputy Director of Human Resources will strive to be consistent in the posting and hiring process, he or she reserves the right to alter the steps in this process, with concurrence of the Executive Director, due to business necessity, personnel considerations, targeted job searches, or organizational demands. This includes making hiring, promotion and demotion decisions, reassigning or expanding job duties, re-

hiring FAWIC dislocated workers, or moving employees laterally without internally posting the position. As with all personnel decisions, management may be bound by confidentiality, which would limit their ability to explain or discuss these decisions.

### **Policy 223**

#### **Fitness For Duty**

Employees are expected to report to work fit to perform the duties of their job in a manner that is safe, efficient and effective. Conduct that interferes with the course of business, discredits the FAWIC, creates a danger to themselves, fellow employees, or customers, or is reasonably offensive, will not be tolerated. Behaviors that constitute a reasonable suspicion that an employee may not be fit for duty include, but are not limited to:

1. Inability to perform assigned tasks;
2. Slurred speech;
3. Disorientation;
4. Inability to walk straight/staggering;
5. Threats to self or others;
6. Physical altercations;
7. Personal injury;
8. Work-related accidents or near accidents;
9. Unusual and extreme changes in emotion with no apparent cause;
10. Nonsensical or confused communication; or
11. Inability to remain awake.

When an employee appears to be unfit for duty, an evaluation will be made by at least two (2) members of the Executive Team. This evaluation, using factual work-related information, will determine whether the employee will be directed to be evaluated by a licensed professional designated and reimbursed by the organization.

A medical examination may be required of employees when the examination is job-related and consistent with business necessity. This may include circumstances when FAWIC needs to assess possible harm or conduct an independent assessment of fitness for duty.

We may also, at our sole discretion, direct the employee not to come to work until further notice. Where an employee's performance of job duties presents an unacceptable risk to the organization's interests, an investigatory suspension may be imposed. At the sole discretion of the organization, an employee may be placed on a leave of absence until the organization is notified by a licensed professional, designated and compensated by the organization, that the employee is fit to resume work. Throughout the absence, the employee may apply for a leave of absence without pay.

**Policy 224**  
**Access to Personnel Records**

FAWIC will give employees a copy of any document they sign relating to the obtaining or holding of employment. If FAWIC receives a written request from an employee or their representative, we will make personnel records available for inspection or provide a copy of those records within 30 days. If asked for, FAWIC will provide a form to use to make the written request. Employees should arrange a mutually convenient time with the Human Resources Department to review their file. They shall review their folder in the presence of the Human Resources Department staff. We will comply with all laws governing their rights to copy documents an employee has signed, which are contained in their personnel file. No materials may be removed from any personnel file except by the direct authorization of the Executive Director or by official action of the Board.

Employees may request a copy of their paycheck stubs showing information such as hours worked, compensation earned, deductions and state mandated paid sick leave benefits. FAWIC will provide employees with a copy or computer-generated copy of these records within 21 days of their written request. Requests to inspect or copy payroll records shall be directed to the Fiscal Services Unit. Staff will be responsible to pay the actual costs of reproduction.

FAWIC will not provide employees with records relating to the investigation of a possible criminal offense, letters of reference or rating reports or records obtained prior to their employment, prepared by examination committee members or obtained in connection with a promotional examination. Prior to production FAWIC may redact the names of any nonsupervisory employees. Employees will be responsible to pay the actual costs of reproduction.

**Policy 225**  
**Pay Notice**

At the time of hiring, FAWIC will provide employees with a written notice containing the following information:

- Rate or rates of pay and whether paid by the hour, shift, day, week, salary, piece, commission, or other basis, including overtime rates;
- Allowances such as meal or lodging, if any, as part of the minimum wage;
- FAWIC's regular payday;
- FAWIC's name, including any dba;
- FAWIC's physical address of the main office or principal place of business, and any mailing address;
- FAWIC's telephone number; and
- The name, address, and telephone number of FAWIC's workers' compensation insurance carrier.



## **Chapter 3 - STANDARD OF CONDUCT**

### **Policy 300 Prohibited Business Conduct**

By accepting employment with us, employees have a responsibility to the FAWIC and to their fellow employees to adhere to certain rules of behavior and conduct. The purpose of these rules is not to restrict their rights, but rather to be certain that employees understand what conduct is expected and necessary. When each person is aware that he or she can fully depend upon fellow workers to follow the rules of conduct, then our organization will be a better place to work for everyone. We expect each person to act in a mature and responsible way at all times. However, to avoid any possible confusion, some of the more obvious unacceptable activities are noted below.

Occurrences of any of the following violations may result in disciplinary action or immediate dismissal without warning:

1. Falsification of timekeeping, mileage or business travel records;
2. Working under the influence of illegal drugs or being intoxicated;
3. Theft or inappropriate removal or possession of property;
4. Possession, distribution, sale, transfer, or use of illegal drugs in the workplace, while on duty, or while operating company-owned vehicles or equipment;
5. Possession, distribution, sale, transfer, or use of alcohol in the workplace, (except at authorized company functions) while on duty, or while operating company-owned vehicles or equipment;
6. Fighting or threatening violence in the workplace;
7. Boisterous or disruptive activity in the workplace;
8. Negligence or improper conduct leading to damage of company, Board, or government-owned property;
9. Insubordination or other disrespectful conduct, including improper conduct toward a manager or refusal to perform duties appropriately assigned by a manager;
10. Failure to observe safety or health rules;
11. Smoking in non-smoking areas;
12. Sexual or any other unlawful or unwelcome harassment of any employee or visitor;
13. Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace;
14. Excessive absenteeism or tardiness, or any absence without notice;
15. Unauthorized absence from their job during the workday;
16. Indicating employees are attending offsite meetings while actually engaged in personal business;
17. Unauthorized use of the FAWIC's name, equipment, time, materials, or facilities;

18. Originating, spreading and taking part in malicious gossip or rumors about employees of the company or those of any agency with which we may have a formal contract or Memorandum of Understanding;
19. Unauthorized disclosure of confidential information, including Personally Identifiable Information (PII);
20. Violation of personnel policies; or
21. Unsatisfactory job performance or conduct.

This list is not exhaustive. Rather, we ask that employees keep in mind at all times the need to conduct themselves with reasonable and proper regard for the welfare and rights of all our employees and for the best interests of the organization. This statement of prohibited conduct does not alter the FAWIC's policy of at-will employment. Either an employee or the organization remains free to terminate the employment relationship at any time, with or without reason or advance notice.

### **Policy 301** **Drug and Alcohol Abuse**

The FAWIC remains committed to a safe and healthy work environment. We are concerned about the use of alcohol, illegal drugs, or controlled substances as it affects the workplace. Use of these substances, whether on or off the job, can adversely affect an employee's work performance, efficiency, safety and health. The use or possession of these substances on the job (including meals and rest periods) constitutes a potential danger to the welfare and safety of other employees, and exposes us to the risks of property loss or damage, or injury to others. The enactment of Proposition 64 in California permitting the recreational use of marijuana does not in any way alter our policies prohibiting drug and alcohol abuse, including FAWIC's prohibition of marijuana use.

The following are strictly prohibited by the organization:

1. Possession of an open alcoholic beverage container, or being inebriated while on the job;
2. Driving an organization vehicle while under the influence of alcohol;
3. Distribution, sale, or purchase of an illegal or controlled substance while on the job; or
4. Possession or use of an illegal or controlled substance, or being under the influence of an illegal or controlled substance while on the job.

In order to enforce this policy, we reserve the right to conduct searches of organization property or employees and/or their personal property, and to implement other measures necessary to deter and detect abuse of this policy. In the event of an on-the-job accident, witness of use, and/or reasonable suspicion of use, employees may be asked to provide body substance samples (such as urine and/or blood) to determine the illicit or illegal use of drugs and alcohol. Refusal to submit to drug testing may result in disciplinary action, up to and including termination of employment.

The use of prescription drugs and/or over-the-counter drugs also may affect their job performance and seriously impair their effectiveness. Any employee who is using prescription or over-the-counter

drugs that may impair his/her ability to safely perform the job, or affect the safety or well-being of others, must notify his/her Unit Manager of such use immediately before starting or resuming work.

An employee's conviction on a charge of illegal sale or possession of any controlled substance, while off organization property, will not be tolerated because such conduct, even though off-duty, reflects adversely on us. In addition, we must keep people who sell or possess controlled substances off the FAWIC's premises in order to keep the controlled substances themselves off the premises. Violation of the above rules and standards of conduct will not be tolerated. We also may bring the matter to the attention of appropriate law enforcement authorities.

Many staff attend social functions during normal office hours. While we do not prohibit the consumption of alcohol at these functions, inebriation is not only unprofessional, but also unacceptable. Additionally, we strongly encourage employees to use their best judgment when consuming alcohol at functions where they gather with their co-workers, even if not sponsored by the organization, since alcohol can often impair our ability to act professionally and make good decisions.

### **Policy 302** **Drug or Alcohol Rehabilitation**

The FAWIC will reasonably accommodate any employee who volunteers to enter an alcohol or drug rehabilitation program, provided the reasonable accommodation does not impose an undue hardship on the organization. We will encourage and reasonably accommodate employees with chemical dependencies (alcohol or drug) to seek treatment and/or rehabilitation. Reasonable accommodation would include, among other actions, time off with or without pay, and adjustment of working hours. Employees may apply accrued, unused sick time in lieu of unpaid time off for these purposes. If no accrued sick time is available, the time off will be considered unpaid.

Employees desiring such assistance should request a treatment or rehabilitation leave from their manager. We are not obligated, however, to continue to employ any person whose performance of essential job duties is impaired because of drug or alcohol use, nor is the organization obligated to re-employ any person who has participated in treatment and/or rehabilitation if that person is unable to perform his or her job duties, or cannot perform his or her job duties in a manner that would not endanger the health or safety of the employee, as a result of current chemical dependency.

### **Policy 303** **Dependability**

Regular attendance and punctuality is generally considered an "essential function" of each employee's job and is a condition of employment. Any unexcused tardiness or absence causes problems for our team and external parties. Lateness is disruptive, costly and not fair to the organization or other employees. Employees are expected to minimize unplanned absences and maintain his/her pre-set schedule unless advance notice and approval has occurred.

You are also expected to demonstrate dependability in your work including consistently meeting deadlines, follow-through with assignments and projects, and performing timely office

administration tasks such as submitting timesheets and mileage reports. These standards are best accomplished when you maintain satisfactory attendance habits.

Continuing patterns of unplanned absences or unplanned early departures, repeated tardiness, or other dependability concerns may warrant disciplinary action and may affect performance evaluation ratings. Exceptions include sick leave taken under Policy 502 "Paid Sick Leave", leaves of absence taken under the Family Medical Leave Act or California Family Rights Act, pregnancy disability leave, approved bereavement leave, or other authorized accommodations that require time away from work.

Emergency or extraordinary circumstances concerning an absence or tardiness will be considered, and the organization reserves the right to make an exception to this policy if, in its sole discretion, an exception is warranted. Repeated car failures, bad traffic, lack of planning for foreseeable appointments, or oversleeping do not constitute emergencies or extraordinary circumstances.

Unscheduled absences or late arrivals, including sick days, should be communicated to the Unit Manager prior to the start of the scheduled shift, or as soon as practicable. If an employee is not able to reach their Unit Manager, they are expected to contact their Deputy Director. In the event that they cannot contact their immediate manager or Deputy Director, they are required to contact the Deputy Director of Human Resources. Do not have a relative or friend call in to report the absence, unless you are unable to personally call due to a medical or other emergency.

If employees will unexpectedly be absent for a period of more than three (3) hours, their supervisor may request they take the day as vacation. In all cases of absence or tardiness, employees are expected to provide their manager with an honest reason or explanation. Absent extenuating circumstances, employees must call in on every day they are scheduled to work and will not report to work, and inform their manager of the expected duration of absence.

If an employee fails to report for work without any notification to their manager for two (2) successive workdays, we will consider that they have abandoned their employment, and have resigned their position.

#### **Policy 304**

#### **Customer and Public Relations**

Our success depends upon the quality of the relationships between the FAWIC, our employees, our contractors, the FRWIB, and our partners. The impression that others have of the organization, and their interest and willingness to work cooperatively with us, are formed by how we interrelate to them. The opinions and attitudes that the Board, external customers, and the general public have towards us may be affected for a long period of time by the actions of one employee. When we take someone for granted, we run the risk of determinately influencing our relationship with them, now and in the future. In a sense, regardless of their position, we are FAWIC ambassadors. The more goodwill we promote, the more we will be respected and our services appreciated.

## **Policy 305** **Dress Policy**

We are keenly aware of the professional culture within which we work, and that we interact frequently with the public. FAWIC considers the presentation of its image to employees, customers and the public to be an important factor in our success. As such, the company requires all employees to dress in good taste and observe good habits of grooming and personal hygiene. Clothing should be neat, clean, not create undue distractions, and be consistent with safety guidelines. Hair must be trimmed and neat and should be of a conservative color that is naturally occurring. Beards and mustaches may be worn if they are kept neat and well-trimmed. Make-up, hair, jewelry and other accessories should be appropriate for our business and not follow excessive fads, such as multiple body piercings or visible tattoos. Dress code requirements may vary based on job function, level of customer contact, safety issues and other business considerations. When appropriate, such as religion, FAWIC will make reasonable accommodations in its dress/grooming standards. If an employee is uncertain as to the appropriateness of a specific clothing item, accessory or style of dress, they should consult their supervisor.

While we rely on each of our employees to demonstrate professionalism and good judgment in matters of dress in the workplace, the following general guidelines will serve to standardize our expectations.

**Business Dress:** Professional business attire is generally expected of all employees. Business dress should include slacks, pantsuits, dresses and skirts of appropriate length, dress shirts, socks/stockings and ties. Employees working in the Facilities and IT Services Departments are permitted to dress in Business Casual due to the physical nature of their tasks. Generally, casual pants or khakis and a collared shirt are acceptable. Jeans are permitted when working on projects that require excessive physical labor.

**Business Casual:** To reward employees for their hard work throughout the week, we offer business casual dress on Fridays to all employees. Dress should still be appropriate for the office environment and acceptable for visitors or impromptu meetings. Jeans may be worn, with the provision that they are clean, have no holes and are in good repair. Shirts or sweaters should not contain graphics or language that is questionable.

**At All Times:** It is ***not*** appropriate to wear shorts, tops that do not cover the midriff or stomach, "see through" or revealing clothing, beach wear, baseball caps, flip-flops/thongs or any shoe that does not provide a reasonable amount of coverage, sweatshirts, sweatpants or jogging suits, leggings in place of skirts or pants, provocative or revealing attire, or any other articles of clothing that would be considered inappropriate for the workplace. Employees are expected to wear clothing that does not interfere with the normal functions of their position or endanger them, such as loose, torn, or fringed materials, unsafe footwear, etc.

In addition to the standards described above, common sense, mutual respect, and a commitment to act in the best interests of the organization and other employees are the guiding principles to be followed when making individual choices on the issue. Personal appearance should be a matter of concern for each employee. If their manager feels their attire and/or grooming is out of place, they may be asked to leave the workplace until they are properly attired and/or groomed. This time away generally will not be considered paid time. Employees who violate dress code standards will be subject to appropriate disciplinary action.

### **Policy 306**

#### **Confidentiality**

Employees are responsible for safeguarding confidential information obtained during employment. Additionally, our customers and employees entrust the FAWIC with important information relating to them. The nature of this relationship requires maintenance of confidentiality. In safeguarding the information received, we earn the respect and further trust of our external customers. It is an employee's responsibility not to reveal or divulge, in any way, any such information unless it is necessary for them to do so in the performance of their duties. Employment with us assumes an obligation to maintain confidentiality, even after staff leaves our employ. Such confidential information includes, but is not limited to, the following examples:

- Customer lists
- FRWDB confidential information
- Public relations strategies
- Pending projects and proposals
- Co-worker's personal information (home address, phone number, etc.)
- Compensation data
- Financial and budget information
- Customer Personally Identifiable Information (PII)

In some instances employees may inadvertently obtain or receive confidential information, whether through receiving an email, finding a confidential document or having access to computer system files. Even if confidential information or documents are mistakenly intercepted or received, this does not preclude their responsibilities to safeguard its content. Safeguarding includes making sure that the information or document reaches the intended recipient. If an employee is questioned by someone outside the organization or their unit, and they are concerned about the appropriateness of giving out certain information, they are not required to answer. Instead, as politely as possible, refer the request to management.

### **Policy 307**

#### **Conflict of Interest**

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation. A "conflict of interest" generally means a situation where the organization's interests and an employee's interests may differ. A potential conflict of interest may exist when the employee is presented with a decision or arrangement from which the employee could personally benefit, and the question arises whether the employee's interest could influence the decision. An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of the FAWIC's business dealings. Employees must take care to avoid not only actual impropriety, but also the appearance of impropriety. Potential conflicts of interest include, but are not limited to:

**Conflicting Outside Business Activities:** Employees must obtain the approval of their Deputy Director or Executive Director prior to engaging in outside employment that may constitute a conflict of interest. This includes the creation of a home based business.

**Romantic Relationships:** Personal or romantic involvement with an external customer or Board Member, which impairs an employee's ability to exercise good judgment on behalf of the organization, may create an actual or potential conflict of interest. We recognize that employees may develop personal relationships in the course of their employment. However, in an effort to prevent favoritism, morale problems, disputes, misunderstandings or potential sexual harassment claims, managers are not permitted to date or engage in sexual relationships with employees that are in their chain of command. All employees should consider the potential conflicts of interest or problems that may arise from a consensual romantic relationship at work. FAWIC will take appropriate action if such a relationship begins to adversely affect the work environment.

**Off-Duty Conduct:** While the organization does not seek to interfere with the off-duty and personal conduct of its employees, certain types of off-duty conduct may interfere with the organization's legitimate business interests. Employees are expected to conduct their personal affairs in a manner that does not adversely affect the organization's or their own integrity, reputation or credibility. Illegal or inappropriate off-duty conduct on the part of an employee that adversely affects the organization's legitimate business interests will not be tolerated.

**Nepotism:** Persons hired, who are related to the FAWIC staff, will not work for the relative in a subordinate capacity, or within the manager's line of authority. A relative, for the purpose of this Personnel Manual, includes a spouse, domestic partner, child, parent, sibling, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, cousin, niece, nephew, stepparent, or stepchild.

**Acceptance of Gifts:** Employees are prohibited from accepting direct gifts valued at more than \$50.00, money, or gratuities from persons receiving benefits or services, performing services under contract, or who otherwise are in a position to benefit from the employee's action. This includes gifts indicated as 'in-kind' from a vendor, prospective vendor or similar entity.

### **Policy 308**

#### **Media Conduct and Release of Company Information**

No employee may release information on behalf of the FAWIC, or call a press conference, without the permission of the Executive Director or his/her designee. All inquiries by the press to employees must be referred to the Executive Director or his/her designee. In most circumstances, the designee for media interactions will be the Marketing and Communications Manager.

### **Policy 309**

#### **Political Activities**

Political activities are subject to the provisions of the Hatch Act. Under the Hatch Act, an employee may not use his/her official authority or influence for the purpose of interfering with, or affecting the result of, a partisan election or nomination for partisan office or directly or indirectly coerce, attempt to coerce, command, or advise a federal, state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency or person for partisan political purpose. Any employee who violates these provisions may be subject to disciplinary action up to and including termination of employment, and to criminal penalties, where applicable.

## **Chapter 4 - DAY-TO-DAY OPERATIONS**

### **Policy 400 Employer and Employee Property**

Company provided storage areas, file cabinets, credenzas, computer systems, contact lists, telephones, cellular telephones, modems, facsimile machines, duplicating machines, voicemail, and e-mail are the FAWIC property, and need to be maintained according to organization rules and regulations. Prior authorization must be obtained from the General Services Manager before removing any company property from the premises. For security reasons, employees should not leave personal belongings of value in the workplace. We will not be responsible for any loss or damage to personal property incurred by any employee. Company provided property, furniture or computer systems are subject to inspection and search, with or without notice, and with or without an employee's prior consent, with the Executive Director's approval.

### **Policy 401 Computer and Electronic Media**

Voice mail, the Internet and/or electronic mail (e-mail), and company computers are to be used for business purposes. Incidental use of phones and computers for personal use should be restricted to breaks and meal periods only. Employees have no privacy rights in any communications, content, data or imagery in company provided digital equipment employees access, view, create or save. Those communications, content, data and imagery are also subject to monitoring by the company. Employees must cooperate in such monitoring. We reserve the right to listen to voice mail messages, access e-mail messages, track Internet usage, and monitor computer uses to ensure compliance with FAWIC's rules and business purposes, without notice to employees and/or in their absence. Passwords and codes for the voice mail, e-mail, and computers may be overridden as necessary.

Access to the Internet, web sites and other types of organization-paid computer access are to be used for organization-related business only. Incidental access of computers for personal use may be allowed during breaks and meal periods. Any information about the organization, our products or services, or other types of information that will appear in the electronic media about the organization must be approved by the Marketing and Communications Manager before the information is placed on an electronic information source. Personal access to the Internet and organization-provided e-mail is restricted from access or transmittal of subject matter not accepted by the general public. Under no circumstances is an employee to access subject matters dealing with illegal activities, gambling, drugs, satanic rituals or cults, religious or racial intolerance, sexual acts, or nudity.

Blogging, "tweeting", texting, and other social media such as Facebook are subject to restrictions. Employees may not use company property to create, maintain, amend, view, access, download, contribute to, or store a blog, "tweet" or post entries on the internet (whether through a social network such as Facebook or using another method), unless they have written authorization from the Executive Director.



Employees may not blog, "tweet" or post entries on the internet (whether through a social network such as Facebook or using another method) while they are on duty, unless they have written authorization from the Executive Director. Do not use company equipment to post or disseminate any copyrighted materials or other intellectual property belonging to someone else.

This policy applies to all blogs and all websites, whether or not it is accessible by the public or requires a password. Employees may be subject to discipline and can be held personally liable for any statements deemed to be defamatory, obscene, harassing, discriminating, or retaliatory, violate privacy rights, include confidential or copyrighted information (e.g., music, videos or texts that belong to someone else) or are otherwise unlawful. The company is not responsible for protecting employees from the consequences of any information that they post.

FAWIC provides access to network resources such as the internet or e-mail for those employees who choose to access such resources. If the employee chooses to use such resources the FAWIC shall not be held responsible for any damage or destruction to the mobile device(s) or data stored on the device(s) that is/are used for this purpose, regardless of the cause of the damage or destruction. The employee acknowledges accepts that FAWIC is not responsible under these circumstances should the employee choose to use their mobile device(s) in this manner.

E-mail is not to be used for the purposes of solicitation for commercial ventures or religious causes, outside organizations or other non-business matters. Additionally, the following forms of e-mail transmittal are prohibited:

- Transmitting, retrieving, or storing messages or images that are political, offensive, derogatory, off-color, sexual in content or otherwise inappropriate in a business environment;
- Making threatening or harassing statements about, or to, another employee, customer or outside party;
- Sending or receiving confidential or copyrighted materials without prior authorization; or
- Sharing with another employee, vendor, customer or outside party, confidential information received via e-mail, whether intentionally or unintentionally directed to the employee.

This policy does not, however, prevent employees from engaging in concerted activities for the purpose of collective bargaining or other mutual aid.

All incidents will be noted in an employee's personnel file. Repeated minor incidents, or misconduct that is more serious, will result in discipline up to and including termination. Any conduct that violates local, state, or federal laws may result in the immediate loss of all computer privileges, and/or termination of employment, and will be referred to appropriate law enforcement authorities. This includes illegal duplication of software and its related documentation. All requests to install or copy software must be done with the prior approval of the Network and IT Services Department. If an employee is aware that there has been a violation of this organization policy, they should notify the Deputy Director of Information Systems.

This policy is a limited representation of our larger Information Technology policy. This policy will be made available to all staff, and a signature acknowledging receipt will be required.

**Social Media Passwords:** Generally, FAWIC will not require or request employees to disclose a user name or account password to access a personal social media account on employer issued devices. Nor will FAWIC ask employees to access their personal social media accounts in our presence or to divulge any personal social media. FAWIC may ask employees to divulge personal social media on employer issued devices if we reasonably believe it is relevant to an investigation of employee misconduct or employee violation of applicable laws and regulations. Even in this situation, FAWIC will use the information for the investigation or proceeding only. FAWIC does not require employees to disclose usernames, passwords or other methods of accessing employer-issued electronic devices.

#### **Policy 402** **Workplace Monitoring**

FAWIC has access to all company-provided electronic equipment and property, and may, from time to time, and without notice, inspect the condition of the equipment and the communications, content, data and imagery stored on it to ensure quality control and security. System administrators that need to access an employee's account for maintenance or to correct problems will have full privilege to their accounts. If employees access, view, create or save any communications, content, data or imagery in company provided digital equipment, they have no privacy rights to it, and any such communications or content are subject to monitoring by the company.

#### **Policy 403** **Organization Equipment**

When using organization property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines. The organization requires that all equipment be in proper working order and safe at all times. Never try to fix broken equipment. Please notify either the General Services Department or the Network and IT Services Department of any equipment failure as soon as it happens. Employees are responsible for all organization property and materials issued to them. All organization property and materials must be returned on or before the last day of work. Employees may be responsible for the full replacement cost of organization property and materials not returned.

#### **Policy 404** **Security**

Security procedures should always be followed to ensure staff safety, the safety of their fellow employees, and to ensure the confidentiality of the organization's proprietary information. Here are some helpful safety hints:

- The last manager in the office must ensure the facility is locked and secure;
- Report any lost facility keys or access cards immediately to the General Services Unit;
- Unauthorized persons should not be allowed to roam unescorted through the organization's offices. Please accompany guests to and from the exits and other offices;
- Be aware of persons loitering for no apparent reason in other non-office areas (e.g., in parking areas, walkways, and entrances/exits);

- Walk with a buddy to their vehicle; and
- At the end of the day, or when called away from their work area for an extended length of time, lock their computer, secure their desk, and do not leave valuable and/or personal articles in or around their workstation that may be accessible.

#### **Policy 405** **Health and Safety**

Safety is everybody's business and is to be given primary consideration in every aspect of planning and performing all FAWIC activities. We want to protect employees against industrial injury and illness, as well as minimize the potential loss of production. To achieve our goal of maintaining a safe workplace, everyone must be safety conscious at all times. In compliance with California law, and to promote a safe workplace, we maintain an Injury and Illness Prevention Program. The Injury and Illness Prevention Program is available for review by employees and/or employee representatives from the General Services Manager or Deputy Director of Human Resources. Its success depends on the alertness and personal commitment of all. If an employee becomes aware of any hazards in the workplace, or has a safety suggestion, please see a member of our safety committee or the General Services Manager who has responsibility for implementing, monitoring, and evaluating the safety program.

#### **Policy 406** **Smoking Policies**

FAWIC is committed to providing a healthy and safe work place. In keeping with this commitment, smoking (including the use of e-cigarettes) is prohibited in all enclosed areas of the workplace. Enclosed spaces include covered parking lots, waiting areas, elevators, stairwells and restrooms.

In fairness to all employees, smoking is allowed only during breaks and lunch. Employees who smoke do not receive extra rest periods.

#### **Policy 407** **Update of Personal Information**

Keeping personnel files up-to-date can be important with regard to pay, deductions, benefits and other matters. Please promptly notify the Human Resources Department of any changes in the following personal data.

- Legal name
- Home address and telephone number
- Person to call in case of an emergency
- Marital and dependent status
- Change of beneficiary
- Exemptions on the W-4 tax form

Medical coverage or other benefits that employees and their family may receive under FAWIC's benefits package could be negatively affected if the information in their personnel file is incorrect. FAWIC will not take adverse action against an employee who updates his/her personal information based on a lawful change of name, social security number, or federal employment authorization document.

**Policy 408**  
**Employees Who Are Required to Drive**

Many employees are required to drive in performing their assigned job responsibilities. Employees whose job duties include driving will be required to show proof of valid driver's license and current insurance coverage prior to performing any driving duties. We regularly request proof that these items have been updated when our records indicate that they have expired. If any employee who is required to drive is declared uninsurable or high risk, or who does not maintain a valid State of California driver's license or minimum auto insurance, he or she may be considered ineligible for continued employment. Employees must maintain current effective insurance at all times. Any accidents or traffic violations should be reported to a manager immediately if they occur during the course of an employee's duties. Employees using their automobile will be reimbursed for mileage incurred at the prevailing Internal Revenue Service rate.

Employees whose job responsibilities include regular or occasional driving are expected to refrain from using their cell phone while driving, for calls, texting or any other distracting uses. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call, responding to an email, or texting. Employees must comply with all laws governing the use of cell phones while driving (including the use of hands-free devices).

**Policy 409**  
**Employee Expense Accounts**

Employees may opt to receive advance pay for allowable expenses incurred during travel authorized by the Executive Director or designee. Two (2) weeks prior to the scheduled day of departure, the Senior Division Secretary will fill out the Travel Advance Form (yellow form), obtain the necessary signatures and submit to the Fiscal Services Unit. He or she will attempt to submit the form far enough in advance to allow the Department to process the check prior to the employee's departure. The advance amount may not exceed the estimated costs of transportation, lodging and meals for the proposed trip. The Senior Division Secretary will make travel and lodging arrangements for all employees. The Company Travel Policy, which is made available by the Senior Division Secretary, details the types of transportation available.

Upon return, employees must submit the Travel Expense Report within the prescribed timeframe as outlined in the Company Travel Policy. All required receipts should be attached to the form. Receipts are required for everything except meals and incidentals since a per diem rate is applied. Reimbursement for approved individual costs not covered in the advance will be made in accordance with the agency's travel reimbursement policy, if properly documented.

Employees may be reimbursed for expenses incurred in job-related situations. The employee's Unit Manager will review each request individually and approve or disapprove the request. Examples of other reimbursable items include materials, supplies, or meals for job-related luncheons.

Employees who have been requested and authorized to use their personal mobile phones or other devices for work purposes will be provided a reasonable expense reimbursement for these devices. Employees may not use personal devices for work purposes unless authorized in advance.

### **Policy 410**

#### **Solicitation and Distribution of Literature**

In order to ensure our efficient operation and to prevent annoyance to our staff, it is necessary to control solicitations and distribution of literature on organization property. We have established rules applicable to all employees governing solicitation, distribution of written material and entry onto the premises and work areas. All employees are expected to comply strictly with these rules.

Examples of forms of solicitation that will not be permitted by the organization include:

- The collection of money, goods or gifts for religious groups;
- The collection of money, goods or gifts for political groups; or
- The solicitation of memberships, fees or dues for organizations that are exclusionary in nature.

The organization may provide an area for posting or placing of informational material, including charitable fund raising displays. The organization's email system may not be used for solicitations. With pre-approval from the Human Resources Department, employees may place such materials only in the area(s) designated by the organization, provided the operations of the organization are not disrupted in anyway. The organization will not be responsible for damage to, loss or theft of any such display, merchandise or funds. Fundraising displays will be limited to nonprofit organizations, including schools, community service organizations, and events related to the organization's profession(s). Any employee who is in doubt concerning the application of these rules should consult his/her manager or Human Resources immediately.

### **Policy 411**

#### **Housekeeping**

Because of our frequent interaction with the public and concern for appearance and cleanliness of our offices, we must maintain a high standard of office decorum. In general, we ask that employees:

- Avoid eating at their desk. It is permissible to do so only during their designated lunch break, provided employees are careful with the office equipment and work papers are cleared off of desks or away from any food;
- Do not consume meals, beverages or snacks near keyboards;
- Be aware of eating heavily pungent foods in common work areas;
- Consume beverages in work areas only in a spill-proof container;
- Do not play excessively loud music;
- Do not talk over cubicle walls, but instead go to that person directly; and
- Keep cell phones on pulse or vibrate rather than allowing them to ring.

**Policy 412**  
**Visitors in the Workplace**

To provide for the safety and security of employees, guests must check in at the front desk when visiting employees at the workplace. Guests always should be escorted while in the company's interior office areas. Employees should be conscientious of frequent visits by friends and non-business related guests, or having these guests wait for them in our public areas.

**Policy 413**  
**Organization Bulletin Boards**

Bulletin boards are used to provide information to staff concerning organization functions and general information. Employees may post items on our bulletin board if the following conditions are met:

1. Postings may be made by organization employees only; and
2. The information must be pre-approved by the Deputy Director of Human Resources as being appropriate for a professional office, and not in violation of the organization's zero tolerance policy on harassment and discrimination.

**Policy 414**  
**Workplace Violence**

The FAWIC recognizes that violence in the workplace is a growing nationwide concern necessitating a firm, considered response by the organization. The costs of workplace violence are great, both in human and financial terms. We believe that the safety and security of our employees are paramount. Therefore, acts or threats of physical violence, including intimidation, harassment, and/or coercion that involve or affect the organization, or that occur on organization property, or in the conduct of organization business off organization property, will not be tolerated. This prohibition against threats and acts of violence applies to all persons involved in organization operations, including, but not limited to, employees, contractors, special project employees, Board Members, and anyone else on organization property or conducting organization business off organization property.

Specific examples of conduct that may constitute threats or acts of violence under this policy include, but are not limited to, the following:

1. Threats or acts of physical or aggressive contact directed toward another individual, or their family, friends, associates or property;
2. The intentional destruction or threat of destruction of company property or another employee's property;
3. Harassing or threatening phone calls;
4. Surveillance, stalking;
5. Veiled threats of physical harm or similar intimidation; or

6. Any conduct resulting in the conviction under any criminal code provision relating to violence or threats of violence that adversely affects the association's legitimate business interests.

Any person who engages in a threat or violent action on organization property may be removed from the premises as quickly as safety permits and may be required, at the organization's discretion, to remain off organization premises pending the outcome of an investigation of the incident. No existing policy or procedure of the organization should be interpreted in a manner that prevents the making of these necessary decisions.

#### **Policy 415** **Inclement Weather/Natural Disaster**

In the event of severe weather or a natural disaster that prevents employees from safely traveling to and from work, the following policies will apply:

**Inclement Weather:** Conditions that may excuse tardiness or possible absence from work include road closure, heavy rain or fog, severe flooding, etc. If weather conditions prevent safely traveling to work, please notify their manager as soon as possible after the condition is known. Time off will be unpaid and existing accrued paid time off may be used if the time off is approved.

**Natural Disasters:** In the event of a natural disaster such as earthquake, fire, explosion, etc., the FAWIC offices will be closed if the building is sufficiently damaged or highways leading to the office are sufficiently damaged to warrant closure.

## **Chapter 5 - EMPLOYEE BENEFITS**

### **Policy 500 Benefits**

The FAWIC has developed a broad, comprehensive set of employee benefit programs to supplement our employees' regular wages. The benefits program described in this Personnel Manual represents a very large investment by the FAWIC, and we trust that employees will avoid abusing any of the programs' benefits.

A number of the programs (state disability, unemployment insurance, Social Security, worker's compensation) cover all employees in the manner prescribed by law. Eligible employees may participate in the following benefits.

- ☐ Major Medical Insurance
- ☐ Dental Insurance
- ☐ Life Insurance
- ☐ Vision Insurance
- ☐ Holidays
- ☐ Paid Vacation
- ☐ Paid Sick Time
- ☐ Personal Holidays
- ☐ Compensatory Holidays
- ☐ 403(b) Savings Plan
- ☐ Section 125 for Health Care Premiums
- ☐ Credit Union
- ☐ COBRA
- ☐ Tuition Reimbursement-Job Related
- ☐ Matching Social Security Contribution
- ☐ Short-Term Disability
- ☐ Travel Allowances
- ☐ Workers' Compensation
- ☐ Other benefits as they become available

Some benefit programs, such as dependent medical care, require contributions from employees, but most are fully paid by the FAWIC. Part-time and special project employees working less than 20 hours per week will receive only the following benefits: matching social security contribution, short-term disability, travel allowances and worker's compensation.

Eligibility for most benefits is determined by employee classification and length of continuous service with the organization. Once employees satisfy certain eligibility requirements, they will be given detailed information about the specific benefit programs for which they are eligible. The organization and plan administrator have discretion to interpret and administer our benefits plan, to make determinations regarding plan participation and eligibility for benefits, and to resolve disputes about participation and benefits under the plan.



Although this Personnel Manual does not restate all the features of our benefits programs, it provides brief summaries to acquaint employees with some of the key features of the programs. Separate plan summaries and plan documents describe the plans in detail and should be consulted for further information. In the case of a conflict between the benefit information set forth in this Personnel Manual or oral explanations by organization representatives, and the terms and conditions of the official plan documents, the provisions of the official plan documents, as interpreted by the plan administrator, will control.

Our current benefits package represents a value of between 35% and 40% in additional compensation to supplement our employees' incomes. We will continue these benefits as the organization's budget and resources permit; however, we reserve the right to change or eliminate any benefit plan or program at any time.

### **Policy 501** **Vacations**

The FAWIC provides paid vacation as one of the many ways in which we show our appreciation for employees' loyalty and continued service. Eligible employees shall begin to accrue vacation leave from their first day of employment. No employee shall be entitled to take vacation until completion of his or her first three (3) months of employment. Active service commences with the employee's first day of work, and continues thereafter unless broken by an absence without pay, a leave of absence, or termination of employment. Each pay period, the employee shall earn a pro-rated amount of vacation calculated on the number of hours earned as follows:

<b>Number of Years of Employment</b>	<b>Number of Hours That May Be Accrued</b>	<b>Maximum Number of Hours that May Be Accrued</b>
1 <sup>st</sup> Year	80 hours	80 hrs
2 <sup>nd</sup> Year	80 hours	160 hrs
3 <sup>rd</sup> Year	120 hours	240 hrs
4 <sup>th</sup> Year	120 hours	240 hrs
5 <sup>th</sup> Year	120 hours	240 hrs
6 <sup>th</sup> Year and more	160 hours	320 hrs

Employees will be expected to plan their time off wisely and not postpone it until the end of the year. Time off requests may not be approved if it coincides with a critical time or event within the organization, or when multiple staff members are requesting the same date. For example, the last two (2) weeks of the fiscal year (June 15 – 30) is a critical time; therefore, approval of time off for these two (2) weeks will only be approved on an exception basis.

Use of vacation must generally be scheduled in advance. Employees should refer to the Employee Punctuality and Attendance Guidelines for advance notice requirements. Vacation will be approved by the Unit Manager based on workload and staffing. Vacation requests of more than 40 consecutive hours shall require approval of the Executive Director. During certain times of the year when numerous vacation requests are received, the possibility exists that not all requests can be granted. Generally, vacation requests will be accommodated according to business needs.

Please do not make unchangeable plans, such as purchasing an airline ticket, until you receive verification that your request has been approved.

Vacation time shall not be taken in amounts of less than 30 minutes. Amounts of less than 30 minutes shall be rounded up to the nearest half-hour. Employees cannot take vacation until earned. Employees on an unpaid leave of absence do not accrue vacation time. Time off without pay, in lieu of using accrued time off, is generally prohibited.

Except as otherwise noted above, employees shall not be paid for any unused accrued vacation except upon termination. In such instances, accrued and unused vacation time will be paid off at the employee's regular rate of pay. For interim employees covering a position with a higher rate of pay, vacation earned and not taken during the acting status will be paid out at the interim rate of pay. The vacation balance earned prior to or after the acting status ends will be paid out at the employee's regular classification/position rate at the time it was accrued.

### **Policy 502** **Paid Sick Leave**

In compliance with California's Healthy Workplaces, Healthy Families Act, all employees are awarded state-mandated paid sick leave ("PSL") on an annual basis.

Current full-time employees are awarded 64 hours of PSL at the beginning of each fiscal year. Employees regularly working less than a full-time schedule will be awarded a pro-rated amount of PSL each fiscal year, with a minimum award of 24 hours or 3 days. Our fiscal year is defined as the 365-day period beginning at July 1 and concluding June 30.

Employees who are hired mid-year will be awarded the applicable amount of PSL on the date of hire. New employees are entitled to use PSL beginning on the 90th calendar day of employment.

Upon an oral or written request, an employee may use PSL for the diagnosis, care or treatment of an existing condition, or preventive care, for the employee or for a family member. PSL can also be taken by an employee who is a victim of domestic violence, sexual assault, or stalking. Family members include a child (biological, adopted, foster, step), legal ward, child to whom the employee stands in loco parentis; parent (biological, adoptive, step), legal guardian of employee or employee's spouse or registered domestic partner, person who stood in loco parentis when employee was a minor; spouse; registered domestic partner; grandparent; grandchild; and sibling. Employees may be asked to provide medical certification of the need to use PSL for themselves or a family member if requested for the purposes stated in this paragraph.

PSL may not be taken in amounts of less than 30 minutes and all sick leave taken shall be rounded up to the nearest half hour. PSL will be paid at the employee's regular hourly rate of pay.

Employees wishing to use PSL for planned appointments should provide reasonable notice to their Unit Manager. Unscheduled sick occurrences should be communicated to the Unit Manager prior to the start of the scheduled shift, or as soon as practicable. If an employee is not

able to reach their Unit Manager, they are expected to contact their Deputy Director. In the event that they cannot contact their immediate manager or Deputy Director, they are required to contact the Deputy Director of Human Resources.

On June 30, 2017, all unused accrued sick leave earned through pay period ending June 30, 2017, under the previous Policy 503 FAWIC Sick Leave, and up to a maximum of 240 hours, will be transferred to a "reserve bank" of sick leave hours, which will be tracked and administered separately from FAWIC's PSL program. Thereafter, at the end of each fiscal year, up to 32 hours of unused PSL will be transferred into the reserve bank. (Unused PSL in excess of 32 hours will expire at the end of the fiscal year.)

If you exhaust all available PSL within a fiscal year, you may request to use hours available in your reserve bank. FAWIC may require a doctor's note or other applicable documentation prior to approving the use of reserve bank hours, and missed work hours may be counted against your annual performance evaluation score in accordance with our attendance policies.

You may accumulate a maximum of 240 hours in your reserve sick leave bank. If this maximum is reached, unused PSL will expire at the end of the fiscal year.

If an employee has been absent for a period of five (5) or more workdays due to an illness, injury or disability, FAWIC may require medical certification of their ability to return to their position and duties. If the absences are all related to the same illness or health condition, a doctor's certificate may be required even if the absences are not consecutive.

Neither unused PSL nor the reserve bank of sick leave hours will be paid to the employee at the separation of employment. If the employee is re-hired, he/she will be awarded PSL in the same manner as a new employee. However, if the employee is rehired within one year from the date of separation, FAWIC will waive the 90-day waiting period prior to using available PSL and will reinstate the reserve bank. Employees re-hired more than one year from the date of separation will not receive a reinstatement of reserve bank hours.

FAWIC will maintain records documenting hours worked and PSL accrued and used. We will make them available within 21 days upon request.

### **Policy 503**

#### **Bereavement Leave**

Bereavement leave may be requested in the event of death of an immediate family member including wife, husband, domestic partner, son, daughter, mother, father, brother, sister, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild. Relatives of an employee's spouse within these categories will also be recognized. Employees may be granted up to three (3) days for bereavement leave if traveling four (4) hours or less by car, and up to five (5) days for travel beyond a four (4) hour drive distance or if traveling by air. Please check with the Deputy Director of Human Resources of Human Resources before traveling if there are questions on this policy.

## **Policy 504**

### **Holidays**

FAWIC generally observes the following paid holidays for full-time employees:

- New Year's Day
- Dr. Martin Luther King Jr. Day
- Presidents' Day
- Memorial Day
- Fourth of July
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Friday after Thanksgiving Day
- Christmas Eve
- Christmas
- New Year's Eve

When a holiday falls on Saturday, it will be observed on the prior Friday. When a holiday falls on Sunday, it will be observed the following Monday. An exception to this will be when a holiday falls on a weekend during the Winter Holiday Shutdown in which case FAWIC may designate a different day to recognize the holiday. Holidays must be taken on the date the company approves. Holidays generally may not be rolled over from year to year. However, compensatory holidays will be awarded due to the Alternative Workweek Schedule for dates when staff are scheduled off on a recognized holiday. Each year, the holiday policy will be reviewed and subject to change. Each year, the compensatory holiday and carry-over provisions will be reviewed. Currently up to three (3) compensatory holidays may be carried over into the following fiscal year if unused during the year in which they were accrued, and if an employee was unable to use them timely due to work demands.

### **Personal Holidays**

Three (3) personal holidays will be awarded to employees who work a full fiscal year. The scheduling of time off for personal holidays must be approved by management to ensure staffing and operational needs are met.

During an employee's initial year of employment with FAWIC (on-boarding) as well as his/her final year of employment (off-boarding), personal holidays will be pro-rated based on one (1) day earned for every four (4) full months of service as outlined below. If an employee is hired after July 1 of the fiscal year, personal holidays will be prorated based on the employee's start date.

<b><u>Hire Date</u></b>	<b><u>No. of Personal Holidays</u></b>
July 1 to October 31	3
November 1 to February 28	2
March 31 to June 30	1

Each year, the personal holiday and carry-over provisions will be reviewed. Currently, up to two (2) personal holidays may be carried over into the following fiscal year if unused during the year in which they were accrued, and if an employee was unable to use them timely due to work demands.

Eligibility for holiday pay begins upon date of hire. Employees must work their regularly scheduled working days immediately preceding and immediately following the holiday, unless a paid absence on either or both of the days is approved by management and the employee is on a paid status for either or both of the days. The organization reserves the right to request a physician's statement certifying the reason for unscheduled sick leave absences for the working day before or after the holiday, in order to pay the employee for the holiday. Upon termination, unused compensatory and personal holidays will be paid out on a pro-rated basis. Any used but unearned personal holidays will be deducted from the final paycheck.

### **Winter Holiday**

To refresh staff and conserve resources, the FAWIC may choose to close the office during a pre-designated period in December and/or January. In this time period, some days may not be paid as a holiday. We offer the following options in payment of wages for these days during the winter closure:

1. Accrued vacation, compensatory holidays, and personal holidays can be used for all days, or a portion of the days, in full day increments; or
2. Unpaid time can be used for all days, or a portion of the days, in full day increments, if accrued time off is not available.

Employees must submit their time off request for the Winter Holiday period designating how their days will be accounted for no later than the first week of December. Paychecks for the last pay period in December will be issued to staff the last working day prior to the Winter Holiday closure.

## **Policy 505**

### **Insurance Benefits**

**Health and Dental Insurance:** All full-time employees who work 40 hours per week are covered by a group health plan. Employees who work at least 20 hours per week (except special project employees) may be covered on a pro-rata basis. Dependents may be added to the group health plan, with employees sharing a portion of the dependent costs. Coverage shall commence on the first day of the month following the date of hire. Specific policy information is available from the official plan document and the Deputy Director of Human Resources.

**Disability Insurance:** Each employee contributes to the State of California to provide disability insurance pursuant to the California Unemployment Insurance Code. Contributions are made through a payroll deduction. Disability insurance is payable when an employee cannot work because of illness or injury not caused by employment at the organization, or when they are entitled to temporary workers' compensation at a rate less than the daily disability benefit amount. Disabilities covered by workers' compensation are excluded from short-term disability coverage. The rules and regulations governing disability are available from the Deputy Director of Human Resources.

**Unemployment Compensation:** We contribute each year to the California Unemployment Insurance Fund on behalf of our employees.

**Social Security:** Social Security is an important part of every employee's retirement benefit. We pay a matching contribution to each employee's Social Security taxes.

**Workers' Compensation:** Employees are protected by the FAWIC's workers' compensation insurance policy while employed by us. The policy covers employee in case of occupational injury or illness. It is the employee's responsibility to call their manager immediately if injured. See Policy 516 for further details.

**Life Insurance:** We offer life insurance coverage for full-time employees, their spouse/domestic partner, and dependents. Please see the official plan document and the Deputy Director of Human Resources for all policy limits.

**Section 125 - Premium-Only Plan (POP):** Employees pay their share of health care insurance premiums using pretax dollars. Taxable income is reduced by the amount contributed, so employees withhold less for social security, federal and state and local liability. As a result, employees receive a larger net check.

**Pay in Case of Death:** The Human Resources Department maintain each employee's designated beneficiary(s). Upon death of an employee, all money owed and benefits shall be paid to the beneficiary(s) as defined on the appropriate documents. Employees are encouraged to maintain up-to-date designated beneficiaries in order to avoid legal problems.

#### **Policy 506** **Retirement Plan**

We provide a retirement plan for eligible employees to assist them in planning for retirement. Eligibility begins on the first day of the month following the first three (3) months of employment. For more information regarding eligibility, contributions, benefits and tax status, contact the Fiscal or Human Resources Departments. All eligible participants will receive a summary plan description.

#### **Policy 507** **Medical Leaves of Absence**

Employees who are temporarily unable to perform their usual and customary work due to a personal illness or injury may be granted an unpaid medical leave of absence, unless already covered by a disability due to pregnancy or childbirth, or Family Medical Leave. Medical leave will be granted on the basis of a physician's written statement that an employee is no longer able to work due to a medical disability. Employees must use their accrued sick leave, to be taken at the beginning of the leave. Employees will be required to use accrued vacation leave and other accrued time off if they exhaust all accrued sick leave.

The maximum length of leave that will be granted for any medical disability is one (1) month during a rolling calendar year. Additional medical leave will be considered on a case-by-case basis; however, due to the streamlined nature and lean staffing for the FAWIC, requests for leave of absence beyond one (1) month often will pose an undue hardship for the organization.

Employees returning to work after any disability leave must have a written release from a physician verifying that they are able to return to work and safely perform their duties. Employees on a leave of absence may continue to be enrolled in all or part of insurance benefits provided by the agency by submitting a letter to the Deputy Director of Human Resources requesting continuation. However, the employee shall pay premiums for the duration of the leave. The Fiscal Services Unit must receive payment by the 20<sup>th</sup> of the month during which the leave takes place. If payment is not received, the insurance will be cancelled. During this period of leave, all paid leave benefits will cease to accrue. This policy does not apply to employees on workers' compensation leave of absence (See Policy 516).

### **Policy 508**

#### **Family and Medical Leave**

FAWIC recognizes that employees may need to be absent from work for an extended period of time for family and/or medical reasons. FAWIC complies with all statutory leaves only to the extent required by law. An eligible employee may take up to 12 weeks of Family and Medical Leave of Absence pursuant to the federal Family and Medical Leave Act ("FMLA") and the California Family Rights Act ("CFRA") due to:

1. The birth or adoption of a child;
2. The placement of a foster child with the employee;
3. The need to care for a child, spouse (or registered domestic partner) or parent with a serious health condition;
4. The employee's own serious health condition; or
5. Certain needs related to qualifying exigency or care for members of the military.

Before employees seek a family or medical leave under this policy, they must meet all of the following eligibility requirements:

1. They must have been employed by FAWIC for at least 12 months; and
2. They must have worked at least 1,250 hours in the previous 12 months.
3. Work at a location where at least 50 employees are employed at the location or within 75 miles of the location.

A break in service of seven (7) years or more will not be counted in determining whether the employee has been employed for at least 12 months, except for a break in service caused by a military service obligation. The 12-month period may include part of the leave of absence. In that case, FMLA and CFRA would start after the leave commenced. The reporting worksite will typically be the assigned location for an employee without a fixed worksite.

Eligibility must be verified. We encourage employees not to make plans, such as scheduling surgery or purchasing non-refundable air tickets, unless they have received written verification that they are eligible to take a family and medical leave.

Employees who are not eligible for leave under FMLA or CFRA may be granted a discretionary leave of absence according to Policy 508 in this Manual.

Family and Medical Leave is unpaid. FAWIC will require you to use all accrued vacation, compensatory and personal holidays, and sick time while on a leave of absence. You may elect to use PSL in accordance with company policy. If leave qualifies as a Pregnancy Disability Leave, the employee will be required to exhaust any accrued sick leave benefits and will be allowed to use any accrued vacation or PSL benefits. Sick time will be paid out at the beginning of any leave until the sick time is exhausted. When other paid benefits such as vacation and personal days are to be used, they will be applied consecutively starting the first day after sick leave benefits have been exhausted.

If granted leave covered under the family temporary disability insurance program administered by the state (otherwise known as "Paid Family Leave"), FAWIC will require the employee to use up to two (2) weeks' paid vacation benefits at the start of their leave. All paid time off will count toward an employee's maximum leave total.

### **Policy 509**

#### **Pregnancy Disability**

FAWIC wants to assist its employees who are pregnant to continue to work as long as they are able, and to take the appropriate amount of time off for the birth of the baby and for recovery. FAWIC has adopted this policy to achieve these goals.

If an employee is disabled by pregnancy, childbirth, or related medical conditions, they are eligible to take no more than (4) four months of unpaid leave. Four (4) months means the number of days they would normally work within a four (4)-month period, which is 17 ½ weeks. If the employee's schedule varies month to month, a monthly average of hours worked over the four (4) months prior to the beginning of the leave period will be used to calculate their normal work month. If they work 40 hours per week, four (4) months means 693 hours of leave entitlement (40 hours x 17 ½ weeks). Leave can be taken in a block, as intermittent leave, or as a reduced work schedule. For example, they could take intermittent leave for medical appointments.

We will treat employees disabled due to pregnancy like other employees temporarily disabled by a medical condition. Employees may also be able to transfer to a different position during the period of their disability if medically advisable and the transfer can be reasonably accommodated. If an employee is transferred to another position, they will retain their rate of pay and benefits. They will not be transferred over their objections unless their health care provider certifies that they need to take an intermittent leave or work a reduced schedule. In that case, FAWIC may transfer them temporarily to an available alternate position. When the transfer is no longer medically advisable, FAWIC will return them to their original or comparable position.

Employees may be entitled to an accommodation if medically advisable and the accommodation is reasonable. FAWIC will consider factors such as the employee's needs, the duration of the requested accommodation, the cost to FAWIC, and available personnel to assist. We expect employees to engage in a good faith interactive process to identify and implement a reasonable accommodation.



FAWIC requires employees to provide reasonable notice of the need for a reasonable accommodation, transfer or leave, including the anticipated time and duration of the accommodation, transfer or leave. This typically means at least 30-days' notice, unless the need was not foreseeable (such as due to an emergency).

FAWIC also requires that employees provide medical certification as a condition of providing an accommodation, transfer or leave. If foreseeable, we ask that they provide the notice and medical certification at least 30 days prior to the accommodation, transfer or leave. If the need is not foreseeable, we ask that they provide the certification within 15 days of FAWIC sending them the certification form. This form may arrive either via mail, email or personal delivery.

FAWIC will also request that employees provide medical certification of their ability to return to their position or duties following their leave or transfer.

Failure to timely provide notice of the need for an accommodation, transfer or leave could result in a delay of approval for the accommodation, transfer or leave. If an employee fails to provide notice or fail to provide medical certification, approval for any accommodation, transfer or leave could be denied. Other consequences, including loss of employment, could result if an employee is not at work and they fail to communicate with FAWIC.

We also ask that employees make reasonable efforts to schedule appointments or treatments to minimize disruption to our operations and maintain the ability to provide the services our clients expect. Of course, we recognize that appointments and treatments will be subject to the advice of the health care provider.

During a leave, the organization requires that employees use any accrued, available paid sick time during their pregnancy disability of absence. They may also elect to use any accrued vacation or other available, accrued time off they have available. The sick time will be paid out on the next normal payday following the last day of work. All paid time off will count toward their four (4)-month leave total. During this period of leave, all paid time off including PSL and leave benefits will cease to accrue.

During the leave, FAWIC will continue to provide benefits, for up to a maximum of four (4) months over a 12-month period, under the company's health plan at the level and under the conditions that coverage would have been provided if they had continued in employment continuously for the duration of the leave. FAWIC may recover any premiums paid on the employee's behalf if they fail to return from leave and their failure to return is for a reason *other than*: (1) They are taking leave under the California Family Rights Act; (2) the continuation, recurrence or onset of a health condition that entitles them to take pregnancy disability leave; (3) non-pregnancy related medical conditions requiring further leave unless they chose not to return following the leave; (4) where they must care for themselves or for a family member; (5) other circumstances beyond their control.

If an employee is on pregnancy disability leave and is not eligible for continued paid coverage, or if paid coverage ceases after 12 workweeks, they may continue their group health insurance coverage through the organization in conjunction with federal guidelines by making monthly payments to the organization for the amount of the relevant premium. Contact the Deputy Director of Human Resources for further information.

Before an employee starts a leave or transfer, FAWIC will provide them with a document setting forth the period of their leave or transfer, including scheduled return date. The document will also include a guarantee of reinstatement to the same position or duties, or to a comparable position, unless excused as set forth in this policy.

Employees are guaranteed the right to return to the same position or duties. However, they do not have any greater right to reinstatement than they would have had if they had been continuously working. For example, if an employee would not have been employed in the same position at the time of reinstatement for legitimate business reasons unrelated to their leave or transfer, then FAWIC is excused from returning them to that position. We will provide affected employees notice of available positions during the 60-day period.

In that case, employees will be reinstated to a comparable position unless FAWIC would not have offered them a comparable position had they been continuously at work or there is no comparable position available. A position is available if it is open on their scheduled date of reinstatement or within 60 calendar days for which they are qualified, or for which they are eligible pursuant to company policy.

In order to provide employees with information regarding rights and responsibilities under the law, they will be given a notice entitled "Their Rights and Obligations as a Pregnant Employee." It is also available through the Human Resources Department. We will also provide employees a copy of this notice when they inform us of their pregnancy.

Employees will also be given a document that they should use to comply with the obligation to provide medical certification of their need for an accommodation, transfer or leave. It is entitled "Certification of Health Care Provider for Pregnancy Disability Leave, Transfer and/or Reasonable Accommodation."

**Coordination with Paid Family Leave:** Employees may be eligible for Family Temporary Disability Insurance (FTDI) benefits, otherwise known as Paid Family Leave ("PFL"). PFL does not provide an employee with a leave of absence. However, if the employee is otherwise entitled to a leave of absence under a state or federal law or by company policy, the employee may receive partial wage replacement for up to six (6) weeks of benefits in a 12-month period to (a) provide care for a family member (child, parent, spouse or domestic partner, grandparent, grandchild, sibling, or parent in-law) with a serious health condition; or (b) to bond with a minor child within the first year of the child's birth or placement in connection with foster care or adoption. PFL is funded through contributions made by employees, through payroll deductions, to the State of California. Claims for benefits are administered by the Employment Development Department, not FAWIC.

### **Policy 510**

#### **Organ and Bone Marrow Donation Leave of Absence**

Employees may be permitted a leave of absence with pay, not exceeding 30 business days for the purpose of organ donation and up to five (5) business days for bone marrow donation in any one (1)-year period, as prescribed. The employee must provide written verification that he/she is an organ or bone marrow donor and that there is a medical necessity for the donation of the organ or bone marrow.

**Policy 511**  
**Discretionary Leave of Absence**

FAWIC recognizes that there may be times when additional time off may be requested beyond the benefits provided. In such cases, which may include times of an extended illness or personal problems, management may, with the approval of the Executive Director and the Deputy Director of Human Resources, provide additional unpaid time off. If it becomes necessary to fill an employee's position during a discretionary leave of absence, FAWIC will make reasonable efforts to notify the employee to determine if they will return to the office. If the employee is unwilling or unable to return to the office the employee's position may be filled. If an employee elects not to return from a discretionary leave of absence, he/she will be considered to have voluntarily terminated employment with FAWIC. All employees returning from a medical leave of absence must provide a physician's statement that indicates they are released to return to work.

**Policy 512**  
**Military Leave**

If an employee is a member of the military service, whether active or reserve, they should alert their manager or the Human Resources Department so that they may advise them of their full benefits.

**Policy 513**  
**Military Spouse Leave**

If an employee works an average of 20 or more hours per week and is married to a member of the Armed Forces, National Guard or Reserves deployed during a period of military conflict in an area designated as a combat theater or zone, they may take up to ten (10) unpaid days off as a "qualified leave period." The employee must submit written documentation certifying the leave from deployment, within two (2) business days of receiving official notice that the qualified member will be on leave. Qualified leave periods are defined as periods during which the soldier-spouses are on leave from deployment. Employees may elect to use any accrued unused vacation.

**Policy 514**  
**National Guard Employment Protections**

Under the conditions set forth in this policy, FAWIC will restore a former employee to the former position, or to a position of similar seniority, status, and pay without loss of retirement or other benefits, unless the company's circumstances have so changed as to make it impossible or unreasonable to do so, and will not discharge the former employee from the position without cause within one year after restoring him/her to the position.

The former employee must meet these conditions: (1) (s)he is an officer or enlisted member of the National Guard of any state; (2) (s)he was called to active duty by the governor of the state where (s)he serves in the National Guard or by the President of the United States; (3) (s)he received a certificate of satisfactory service in the National Guard; (4) (s)he is still qualified to

perform the duties of the position; (5) (s)he made an application for reemployment (i) within 40 days of being released if the employee was in a full-time position, or (ii) within five days of being released if the employee was in a part-time position.

### **Policy 515** **Workers' Compensation**

In accordance with state law, we provide insurance coverage for employees in case of a work-related injury. The workers' compensation benefits provided to injured employees may include medical care, tax-free cash benefits to replace lost wages, and vocational rehabilitation to help qualified injured employees return to suitable employment. To ensure employees receive any workers' compensation benefits to which they may be entitled, they will need to:

1. Immediately report any work-related injury to management;
2. Seek medical treatment and follow-up care if required;
3. Obtain a written Employee's Claim Form (DWC Form 1) from the Human Resources Department or the General Services Manager;
4. Complete the form, and return it to the Human Resources Department; and
5. Provide FAWIC with a certification from the healthcare provider regarding the need for workers' compensation disability leave and the employee's ability to return to work from the leave.

Under most circumstances, upon submission of a medical certification that the employee is able to return to work from a workers' compensation leave, they will be reinstated to the same position held at the time the leave began or to an equivalent position, if available. An employee returning from a workers' compensation leave has no greater right to reinstatement than if the employee had been continuously employed rather than on leave. Time off to seek physical therapy and follow-up doctor's visits will be unpaid time, although employees may use their accrued sick time.

Employees who are injured in a work-related incident will be referred to the emergency facility(s) the organization recommends for medical treatment, unless prior to a work-related injury the organization has received from the employee a written notice that the employee wishes to be treated by his or her own physician. Employees who do not pre-designate their own physician will be treated by our designated medical facility for work-related injuries, for at least 30 days. Employees may seek treatment from their own physician after 30 days, should they so desire.

### **Policy 516** **COBRA**

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives qualified employees and their dependents the opportunity to continue health insurance coverage under the FAWIC's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements. Employees

are eligible for continuation coverage if terminated from employment for any reason other than for gross misconduct or if a reduction in hours results in the loss of coverage under our group health plan. Continuation coverage will be available for 18 months from the date of termination or reduction in hours for employees, employees' spouses, and dependent children.

Under COBRA, the employee or their dependents pay the full cost of coverage at our group rates plus an administration fee. We provide each eligible employee with a written notice describing rights granted under COBRA when they become eligible for coverage under the FAWIC's health insurance plan. The notice contains important information about their rights and obligations. Although the employees' right to elect continuation coverage occurs upon the happening of a qualifying event to employees, coverage is not automatic. Employees and employees' spouses and dependents must make an affirmative election of coverage before coverage will begin. An election form will be sent with the notice of eligibility.

#### **Policy 517** **Jury Duty or Witness Leave**

It is the FAWIC's policy to enable its employees to fulfill their civic obligations. If an employee is called to serve on jury duty, the employee is requested to notify their manager immediately. All full-time benefitted employees will be paid their regular wages while on jury duty. All allowances, with the exception of mileage received while on jury duty, shall be recovered by the agency from the employee. If an employee is ordered or subpoenaed to make a court appearance and/or to attend a deposition, the organization will pay the employee's regular salary for appearing in court or at a deposition for which they have been subpoenaed.

#### **Policy 518** **Time Off to Vote**

We encourage employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. However, we will grant up to two (2) hours of unpaid time off or vacation time for non-exempt employees to vote if they are unable to vote in an election during nonworking hours. Employees should request time off to vote from their manager at least two (2) working days prior to the Election Day. Advance notice is required so that the time off can be scheduled at the beginning or end of the workday; whichever provides the least disruption to the normal work schedule.

#### **Policy 519** **External Staff Development**

We encourage staff to continue to develop their technical skills and take advantage of opportunities to further their education through Staff Development (Refer to "Travel Policy" for further details). It may be necessary for employees to attend training programs, seminars, conferences, lectures, meetings or other outside activities for the benefit of the organization. Attendance at such activities may be required by the organization or requested by the employee. However, attendance will not be considered an officially authorized activity, subject

to the following policies on reimbursement and compensation, unless the Unit Manager, or higher authority, has issued prior written approval. To obtain approval, employees wishing to attend an activity must submit a written request detailing all relevant information, including date, hours, location, cost, expenses, nature, purpose and justification for attendance. Where attendance is required or authorized by the organization, customary and reasonable expenses will be reimbursed upon submission of proper receipts. Customary and reasonable expenses usually include registration fees, materials, meals, transportation and parking. Reimbursement policies regarding these expenses should be discussed with management in advance.

Employee attendance at authorized outside activities will be considered hours worked for all employees and will be compensated in accordance with normal payroll practices. If the event is out of town, employees will be considered to have worked a standard workday for each day of the event and should record the time as such on their timesheet. If the event is local and attendance at the event, travel time and lunch at a conference or workshop exceeds 7.5 hours, attendees do not need to return to the office. In this case, employees will be considered to have worked a standard workday and should record their time as such on their timesheet.

This policy does not apply to an employee's voluntary attendance, outside of normal working hours, at formal or informal educational sessions or networking events surrounding a conference, even if such sessions may generally lead to improved job performance. While we generally encourage all employees to improve their job skills and promotional qualifications, such activities will be subject to the section on "Employee Education".

#### **Policy 520**

#### **Emergency Service Volunteers**

Any employee who takes time off to perform emergency duties as a reserve peace officer or emergency rescue personnel, volunteer firefighter, or a disaster medical response entity will not be discharged or discriminated against in the terms of their employment. In the event that an employee needs to take time off for emergency duty, they should alert their manager before doing so, when possible. Accrued, unused vacation time may be used for this purpose. An employee who is a health care provider must notify FAWIC when (s)he becomes designated as an emergency rescue person and when he/she is notified of deployment as a result of the designation.

Any employee who performs duties as a volunteer firefighter, a reserve peace officer, or as emergency rescue personnel shall be permitted to take temporary leaves of absence, not to exceed an aggregate of 14 days per calendar year, for the purpose of engaging in fire, law enforcement, or emergency rescue training.

#### **Policy 521**

#### **School Activities**

Employees are encouraged to participate in the school or child care-related activities of their child(ren) to the extent that the time off does not interfere with meeting our business obligations. The absence related to participation in school or child care-related activities will be approved subject to the following provisions for non-exempt employees:

1. Parents of a child or children in preschool, kindergarten, grades one to twelve, college, or cared for by a licensed child care provider may take time off for certain child-related activities. These activities are: (1) to find, enroll, or reenroll a child in a school or with a licensed child care provider; (2) to participate in activities of the school or licensed child care provider; or (3) to address a child care provider or school emergency.  
 "Parent" means a parent, guardian, stepparent, foster parent, grandparent, or a person who stands in loco parentis to a child. "Child care provider or school emergency" means that the child cannot remain in school or with the child care provider because: (1) the school or child care provider has requested that the child be picked up; (2) the school or child care provider has an attendance policy (excluding planned holidays) that prohibits the child from attending or requires the child be picked up; (3) behavioral or discipline problems; (4) closure or unexpected unavailability of the school or child care provider (excluding planned holidays); or (5) a natural disaster including fire, earthquake, or flood.
2. The time off for child-related activity participation cannot exceed eight (8) hours in any calendar month, or a total of 40 hours each school year.
3. To take time off under reasons (1) or (2), the employee must give reasonable notice to FAWIC. To take time off under reason (3), the employee must simply give notice to FAWIC.
4. If both parents are employed by the organization, the first employee to request such leave will receive the time off and the other parent will receive the time off only if the leave is approved by his or her manager.
5. Employees must use vacation leave in order to receive compensation for this time off.
6. Employees who do not have paid time off available will take the time off without pay.

## **Policy 522**

### **Time Off to Seek Safety From Domestic Violence or Sexual Assault**

We take threats and actions of domestic abuse against our employees very seriously, and encourage employees to obtain services to keep them and their dependents safe. If at any time, an employee needs to be absent from work to ensure their safety, seek medical treatment, receive counseling, or any other service in relation to domestic violence, a sexual assault, or stalking they should let management know. Depending on the circumstances, the employee may be eligible to use sick leave or accrued, unused vacation in lieu of unpaid time off for this.

We will also provide reasonable accommodations for an employee who is the victim of domestic violence, sexual assault or stalking and who requests an accommodation for his/her safety while at work. If the employee is a victim, we encourage them to meet with the Deputy Director of Human Resources so that we can discuss what accommodations might be effective. We will take into account any exigent circumstance or danger the employee is facing. We will also consider how to best protect the health and safety of others. Accommodations may include job transfer or reassignment, changed telephone number or work station, the installation of locks, the implementation of safety measures, or any other reasonable accommodation that can provide employees with protection.

We may ask employees to confirm in writing that the accommodation is for the purpose of providing a safe workplace. We may also request certification that the employee is actually a victim of domestic violence, sexual assault or stalking. We will keep the certification confidential and not disclose it except as required by law or to protect their safety. We will give the employee advanced notice of any disclosure.

**Policy 523**  
**Leave to Appear at School for Suspended Dependent**

An employee who is the parent or guardian of a child who has been suspended from school will be allowed unpaid time off or accrued, unused vacation if requested to appear at the school in connection with that suspension. The employee must give reasonable notice to their manager.

**Policy 524**  
**Victims of Crime Leave**

If an employee, an immediate family member, domestic partner, or the employee's domestic partner's child is a victim of a violent or serious felony as defined by the Penal Code or felony theft or embezzlement, the employee may take unpaid time off from work in order to attend judicial proceedings related to that crime.

When feasible, prior to taking time off, the employee must supply a copy of the notice of each scheduled proceeding provided to the victim. When advance notice is not feasible or an unscheduled absence occurs, the employee may, within a reasonable amount of time, provide documentation evidencing the judicial proceeding from any of the following entities:

1. The court or government agency setting the hearing;
2. The district attorney or prosecuting attorney's office; or
3. The victim/witness office that is advocating on behalf of the victim.

An employee may elect to use any accrued paid vacation time, accrued paid holiday time, or sick leave that is otherwise available during this time off.

If employees or their spouse, parent, child, sibling or guardian, is a victim of certain offenses, they may take unpaid time off from work or substitute paid leave, upon request, to appear in court to be heard at any proceeding, including delinquency proceedings, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue.

We ask that employees give us reasonable advance notice of their intention to take time off, unless advance notice is not feasible. If an unscheduled absence occurs, FAWIC will not take adverse action against them if they provide certification of the absence. This certification may take the form of a police report, court order, or documentation from a medical professional or domestic violence counselor.



**Policy 525**  
**Lactation Accommodation**

If an employee would like to express breast milk for their infant child while at work, they should submit a request for accommodation to the Deputy Director of Human Resources. We will make reasonable efforts to accommodate this need insofar as practicable. We will provide a similar accommodation as we would for another employee temporarily disabled by a medical condition. The accommodation may include extended break periods and the use of an appropriate room or other location where milk can be expressed in private. This break time will be required to run concurrently, if possible, with any break time already provided. In the event that it is not possible for the break time for expressing milk to run concurrently with break time already provided, the break time for expressing milk shall be unpaid.

**Conclusion**

Many of our policies and employee benefits have been addressed only briefly in this Personnel Manual. If there are any questions, please direct them to the Deputy Director of Human Resources who will be glad to assist.

### **Personnel Manual Acknowledgement Form**

By signing this form, I acknowledge receipt of the Personnel Manual. I understand that this handbook does not imply or constitute a contract or employment agreement for a specified term between myself and Fresno Area Workforce Investment Corporation.

I have received the Personnel Manual, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it. If I have any questions about the handbook, or any employment terms or policies, I will contact my supervisor or another Deputy Director of Fresno Area Workforce Investment Corporation.

If any dispute or grievance should arise in the workplace and it cannot be resolved between coworkers, I understand that I am to go to my supervisor or the Human Resources department to express my concerns immediately, so that the dispute or grievance can be properly resolved in a timely manner.

I understand that it is my responsibility to in no way reveal or divulge any confidential, proprietary and trade secret information that I may come in contact with, during and after my employment with Fresno Area Workforce Investment Corporation.

I understand that the workplace can be inspected or searched, for reasonable cause. Items including property of Fresno Area Workforce Investment Corporation, personal property brought on the premises, and any information transmitted on computers or communications systems can and will be included in these searches or inspections.

I understand that my work at Fresno Area Workforce Investment Corporation is "at will", meaning that I am free to leave the company at any time, with or without reason, and that the company has the same right to end its employment relationship with me. No one at Fresno Area Workforce Investment Corporation has authority to make a contrary agreement with me except in a formal written document signed by the Executive Director and myself. The employee handbook and all other policies and procedures of Fresno Area Workforce Investment Corporation are intended to be consistent with the company's employment-at-will philosophy.

I understand that this Personnel Manual contains general statements about current company policy, and that Fresno Area Workforce Investment Corporation retains the right to revise or modify the terms, information, policies, and benefits at its sole discretion and at any time.

I understand that the company may, at its sole discretion, depart from policy from time to time.

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

Employee Name Printed \_\_\_\_\_

Date \_\_\_\_\_

# FRESNO AREA WORKFORCE INVESTMENT CORPORATION

AGENDA ITEM:	4
MEETING DATE:	August 9, 2017
ACTION:	DIRECT

2125 Kern Street, Suite 208 • Fresno, CA 93721 • (559) 490-7100 • Fax (559) 490-7199 • [www.workforce-connection.com](http://www.workforce-connection.com)

**TO:** Board of Directors

**FROM:** Paul Bauer, Board Chair

**SUBJECT:** Referral of Agenda Items to the Fresno Regional Workforce Development Board and/or Its Committees

## **RECOMMENDATION:**

Discuss and direct staff to refer agenda items from this meeting to the Fresno Regional Workforce Development Board and/or its committees.

## **REASON FOR RECOMMENDATION:**

This item is intended to allow your Board to collectively decide which of the items you just discussed should be referred to another committee(s), and the reason they are being referred (information, action, etc.).