



PERSONNEL MANUAL

Effective: April 15, 2020

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.

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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 April 17, 2019. 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 Human Resources to 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. FAWIC will continue to

provide the accommodation until it is no longer needed or becomes an undue hardship. 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, 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 **Zero Tolerance for 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 a Unit Manager or Unit Deputy Director, the Executive Director, or Human Resources.

What Is Harassment?

Workplace harassment can take many forms. It may be, but is not limited to, words, signs, offensive jokes, cartoons, photographs, 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 complaint about the harassment.

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 (2) 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, 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, Human Resources, or the Executive Director. Managers must immediately report any incidents of harassment to their supervisor and 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 remedial action in the event of a complaint. All complaints of unlawful discrimination or harassment will be followed by a fair, complete and timely investigation by qualified personnel. We will provide all parties with appropriate due process and reach reasonable conclusions based on the evidence collected. Investigations will be documented to show reasonable progress, 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 job discipline, 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.

Training: All supervisory employees must participate in two (2) hours of classroom or other effective interactive training and education regarding sexual harassment. Non-supervisors must participate in one (1) hour of training on sexual harassment. Training must take place within six (6) months of the employee assuming the position. Training will be repeated every two (2) years. This training will include information regarding the prohibition against and the prevention and correction of sexual harassment, and the remedies available to victims of sexual harassment in employment.

You may also view online sexual harassment training courses developed by the Department of Fair Employment and Housing (DFEH) at www.dfeh.ca.gov/resources/.

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 Human Resources or the Executive Director. 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).

Policy 107
Salary History

FAWIC will not seek or request salary history information about an applicant for employment. However, if an applicant voluntarily discloses it, the company may consider the information to determine the salary of the applicant.

We will provide a pay scale, meaning a salary or wage range, for a position to an applicant who requests it after an initial interview.

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 (1) unpaid lunch break each day, to be taken within five (5) hours of reporting for work. Employees will be relieved of all duty during the rest period. They may leave the worksite. They are not required to carry phones or other electronic devices during a rest period. 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. While there is no set schedule for breaks, employees are able to take restroom breaks and get drinks as desired. 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.

Employee Initials

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 15th and last day of each month. Payment on the 15th will be for hours worked from the 1st through the 15th of that month. Payment on the last day of the month will be for hours worked from the 16th 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, employees must 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 based on the approved 9/80 Alternative Workweek Schedule) in one (1) workday or 40 hours in one (1) workweek, or for the first eight (8) hours (nine (9), if normally scheduled) on the seventh (7th) 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 (7th) consecutive day of work in one workweek.
 - Two (2) times the regular rate of pay for hours worked in excess of 12 in one (1) workday and/or in excess of eight (8) hours (nine (9), if normally scheduled) on the seventh (7th) 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 contact 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 contact 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 FAWIC Administrative Office at 2125 Kern Street, Suite 208 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 also keep at the Administrative Office 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 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 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 Human Resources Department. If the complaint involves a member of 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.

A Human Resources representative 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.