



# FRESNO AREA WORKFORCE INVESTMENT CORPORATION

**Board of Directors Meeting**  
**July 17, 2024 @ 3:00 p.m.**

**Workforce Connection**  
**3170 W. Shaw Avenue**  
**Fresno, CA 93711**  
**Conference Rooms 105/106**

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.	January 17, 2024, Meeting Minutes	Konczal	Yes	Approve	3
2.	Fresno Area Workforce Investment Corporation Personnel Manual	Konczal	Yes	Approve	6
3.	Single Audit Services Contract Award	Stogbauer	Yes	Approve	83
4.	Referral of Agenda Items to the Fresno Regional Workforce Development Board and/or Its Committees	Montalbano	Yes	Direct	84
5.	October 16, 2024, Agenda Items	Konczal	No	Discussion	--
6.	Meeting Feedback	Konczal	No	Information	--

## ACCOMMODATIONS FOR PERSONS WITH DISABILITIES

Disabled individuals who need special assistance to attend or participate in this meeting may request assistance by contacting the Fresno Regional Workforce Development Board, at 2125 Kern Street, Suite 208, Fresno, California, or by calling (559) 490-7100. Every effort will be made to reasonably accommodate individuals with disabilities by making meeting materials available in alternative formats. Requests for assistance should be made at least two (2) working days in advance of the meeting.

**Fresno Area Workforce Investment Corporation  
Board of Directors  
Attendance Report 2024**

**Canceled**

**1/17/2024 4/17/2024 7/17/2024 10/16/2024**

Avila Trillium Flow	A	XX		
Barnes State Center Federation of Teachers	A	XX		
Blunt IMAGO	P	XX		
Hensley Hensley Associates	A	XX		
Karbassi Fresno City Council	P	XX		
Montalbano German Auto Repair	P	XX		
Quintero Fresno County Board of Supervisors	A	XX		
Riojas Fresno, Madera, Tulare, Kings Building Trades Council	P	XX		
Sotiropulos Hyatt Real Estate	P	XX		
Zabrycki CAPTRUST	P	XX		

P = Present

A = Absent

-- = Not a Member at Time of Meeting

XX = Meeting Canceled

# FRESNO AREA WORKFORCE INVESTMENT CORPORATION

AGENDA ITEM:	1
MEETING DATE:	July 17, 2024
ACTION:	APPROVE

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**TO:** Board of Directors  
**FROM:** Blake Konczal, Chief Executive Officer  
**SUBJECT:** January 17, 2024, Meeting Minutes

**RECOMMENDATION:**

Approve the minutes of the January 17, 2024, Fresno Area Workforce Investment Corporation Board of Directors meeting.

**ATTACHMENT:**

January 17, 2024, Board of Directors Meeting Minutes



# FRESNO AREA WORKFORCE INVESTMENT CORPORATION

Board of Directors  
January 17, 2024

## SUMMARY MINUTES

The meeting was called to order at 3:05 p.m.

ROLL CALL: PRESENT - Edgar Blunt, Mike Karbassi, Dennis Montalbano, Chuck Riojas, Vasili Sotiropoulos, Lydia Zabrycki, and Legal Counsel Ken Price

ABSENT - Stephen Avila, Lacy Barnes, Jeff Hensley, and Sal Quintero  
Karbassi

AGENDA CHANGES: None

ABSTENTIONS: None

BOARD CHAIR/  
STAFF COMMENTS: None

PUBLIC COMMENTS: None

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### Item Description/Action Taken

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#### 1. April 19, 2023, Meeting Minutes

Blake Konczal, Chief Executive Office, Fresno Area Workforce Investment Corporation (FAWIC) presented the April 19, 2023, meeting minutes for approval and/or correction and approval.

**KARBASSI/ZABRYCKI – APPROVED THE MINUTES OF THE JULY 20, 2022, MEETING. (UNANIMOUS)**

#### 2. Financial Statements and Supplemental Data for Fiscal Year Ending June 30, 2022

Cheryl Beierschmitt, Deputy Director of Fiscal Services, FAWIC, presented the FAWIC Financial Statements and Supplemental Data for Fiscal Year Ending June 30, 2023, for acceptance. Ms. Beierschmitt reported that the FAWIC Audit Committee reviewed the financial statements and approved the recommendation to accept at their meeting on January 16, 2024.

Ms. Beierschmitt explained that an organization receiving more than \$750,000 in federal funds a year are required to have a single audit conducted annually. The FAWIC audit was conducted by Moore Grider and Company. Ms. Beierschmitt reported that the FAWIC received an unmodified opinion and qualified as a low risk auditee. There were no findings.

Mr. Konczal indicated that Ms. Beierschmitt opened an Insured Cash Sweep account for the \$3,000,000 earmark money the FAWIC received. He explained that this type of account



spreads the money over multiple bank institutions to keep the balances at \$250,000 or less so that they are FDIC insured.

**BLUNT/RIOJAS – ACCEPTED THE FINANCIAL STATEMENTS AND SUPPLEMENTAL DATA FOR FISCAL YEAR ENDING JUNE 30, 2023. (UNANIMOUS)**

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

There were no items referred to the Fresno Regional Workforce Development Board or its Committees.

4. **April 17, 2024, Agenda Items**

None.

5. **Meeting Feedback**

None.

The meeting was adjourned at 3:11 p.m.

# FRESNO AREA WORKFORCE INVESTMENT CORPORATION

AGENDA ITEM:	2
MEETING DATE:	July 17, 2024
ACTION:	APPROVE

2125 Kern Street, Suite 208 • Fresno, CA 93721 • (559) 490-7100 • Fax (559) 490-7199 • www.frwdb.net

**TO:** Board of Directors  
**FROM:** Blake Konczal, Chief Executive Officer  
**SUBJECT:** Fresno Area Workforce Investment Corporation Personnel Manual

## **RECOMMENDATION:**

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

## **REASON FOR RECOMMENDATION:**

Certified HR Consultants (Sierra HR Partners), with Baker, Manock & Jensen, updated the FAWIC Personnel Manual based upon court decisions and legislative enactments during the past year. The following policies have been added or updated:

### Policy 102 – Non-Discrimination, Equal Employment Opportunity and Affirmative Action – Page 7 of Manual

- 1) Updated to add *the use of cannabis off the job and away from the workplace* to the list of characteristics protected from discrimination by the Fair Employment and Housing Act. *Assembly Bill 2188, adding section 12954 to the California Government Code*
- 2) Edited to indicate that the company will provide accommodation for an employee's religious observance unless it creates an undue hardship, which means the action requires *substantial* [previously stated as *significant*] difficulty or expense.  
*Groff v. DeJoy, 143 S.Ct. 2279*

### Policy 200 – How Employees Are Selected – Page 13-14 of Manual

Edited to clarify when background checks will be completed.

*Updated California Code of Regulations, Title 2, Section 11017.7*

### Policy 301 - Drug and Alcohol Abuse – Page 32-33 of Manual

Edited to clarify that the company will not take adverse action against an employee based solely on the use of cannabis off the job and away from the workplace, and will not conduct drug screening for nonpsychoactive cannabis metabolites in the employee's body.

*Assembly Bill 2188, adding section 12954 to the California Government Code*

### Policy 305 - Dress Code – Page 35 of Manual

Amended to address tattoos.

### Policy 401 - Computer and Electronic Media – Page 42 of Manual

Expanded to include new security protocols in keeping with the new Operational Directive.

Policy 415 - Workplace Violence Prevention Program – Page 47 of Manual

New policy stating the company has developed a comprehensive Workplace Violence Prevention Program, including provisions for reporting workplace violence, communication and training, responding to emergencies, investigating hazards, and taking corrective measures.

*Senate Bill 553, amending Labor Code section 6401.7*

Policy 502 - State-Mandated Paid Sick Leave – Page 54 of Manual

Updated to reflect the increase in Paid Sick Leave award/accrual from 24 hours (or 3 days) to 40 hours (or 5 days) annually. Full-time staff currently receive a richer Sick Leave benefit (64 hours); however, we applied the 40-hour minimum to staff hired mid-year and on a part-time basis.

*Senate Bill 616, amending Labor Code sections 245.5, 246, and 246.5*

Policy 510 - Pregnancy Disability Leave – Page 63 of Manual

Edited to state that an employee may be entitled to additional job accommodations due to a pregnancy-related medical condition, whether or not it rises to the level of a disability.

*Pregnant Workers Fairness Act (Federal law applicable to employers with 15+ employees.)*

Policy 510 – Reproductive Loss Leave – Page 66 of Manual

New policy describing an employee's right to take up to five (5) days of unpaid leave following a reproductive loss event.

*Senate Bill 848, adding section 12945.6 to the California Government Code*

**ATTACHMENT:**

2024 FAWIC Personnel Manual



# PERSONNEL MANUAL

Effective: July 1, 2024

## *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.*

## *Our Values:*

*Teamwork  
Innovation  
Empowerment*

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.

To our newest employees, we thank you for accepting our offer of employment. To our existing employees, thank you for your on-going dedication and commitment to our mission. 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 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.

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.

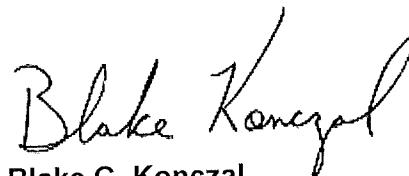
FAWIC contracts with community-based organizations, providers of service, and local education entities to provide job preparation, vocational training, and job placement services to the unemployed and eligible adults and youth through a One-Stop delivery system and a year-round Youth Services program. 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 2023. 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,

3524082v1 / 13104.0043 9/18/2003; Revised 1/06/2005, 7/01/2008, 2/01/2010, 7/08/2010, 1/06/2011, 5/01/2012, 8/23/2013, 5/1/2015, 7/20/2016, 7/01/2017, 2/21/2018, 4/17/2019, 4/15/2020, 3/10/2021, 7/20/2022, 4/19/2023

Revised by Administrative Procedure #1-98 – This Personnel Manual supersedes all other manuals.

genetic information or characteristics, sexual orientation, reproductive health decision-making, the use of cannabis off the job and away from the workplace, 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 substantial 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 will also 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, reproductive health decision-making, 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. In order to protect employee privacy and ensure the integrity of the investigation, employees who are interviewed will be required to maintain confidentiality of the investigation and the contents of the discussion until the investigation has concluded.

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 Civil Rights Department (CRD), formerly known as the Department of Fair Employment and Housing (DFEH), at <https://calcivilrights.ca.gov>.

#### **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 maintaining 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. We will include the pay scale for a position in any job posting.

The company will also provide the pay scale to an employee, upon request, for the position the employee currently holds. We will also maintain records of a job title and wage rate history for each employee for the duration of employment, plus three (3) years.

## 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. A criminal background check will not be conducted until a conditional job offer has been extended. 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 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.

If FAWIC intends to deny an applicant a position because of criminal conviction history we will make an individualized assessment as to whether the applicant's criminal conviction history has a direct and adverse relationship with specific job duties justifying the denial. *Factors FAWIC will consider include: the nature and gravity of the conduct; the time that has elapsed since the conduct and completion of sentence; the nature of the job sought; the personal conduct of the applicant;*



*whether there was harm to property or people; the degree of harm; permanence of the harm; context of the offense; whether a disability (including substance impairment) contributed; whether the likelihood of harm could be eliminated by reasonable accommodation, whether the disability has been eliminated; whether trauma, domestic abuse, stalking, or similar factors contributed to the conduct; the age of the applicant; the time that has passed; the time that passed since incarceration; specific job duties; whether the context resulting in conviction is likely to arise in the workplace; and whether the type of harm is likely to occur in the workplace.*

## **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 - Employee 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 the main office (2125 Kern Street). We strive to have a manager at a work site where staff are 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 for each shift worked that is less than ten (10) hours in any workday, 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*. Employees will be relieved of all duty during the meal period. They may leave the worksite. They are not required to carry phones or other electronic devices during a meal period. If an employee works more than 10 hours in a day, they will be provided a second, 30-minute unpaid meal period. Again, employees must clock out for the meal period and will be relieved of all duty. 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. 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. 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.

**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, 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 employees' 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. Hours worked means time actually spent on the job. It includes all time when you are subject to the company's control or direction, and when you are performing duties we know about and authorize. It does not include hours away from work due to vacation, sickness or holiday even when these days are compensated.

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 (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 will be paid 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 (1) workweek.
- Two (2) times the regular rate of pay will be paid 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 (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 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 are 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.

FAWIC will retain certain records such as applications, personnel, referrals and other files for a minimum of four (4) years after the records and files are initially created or received. We will also retain personnel files of former employees for a minimum period of four (4) years after the date of termination. Upon notice that a verified complaint against the company has been filed pursuant to the Fair Employment and Housing Act, FAWIC will maintain and preserve appropriate records and files until the later of the following:

- (1) The first date after the date for filing a civil action has expired; or
- (2) The first date after the complaint has been fully and finally disposed of and all administrative proceedings, civil actions, appeals, or related proceedings have terminated.

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.

#### **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. The Agreement is presented to all new employees during the onboarding process.

#### **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 (2)-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 layoff, job elimination, or re-classification based on a combination of factors

including, but not necessarily limited to, length of service, past and current performance and productivity, business necessity, position necessity, qualifications, conduct, and attendance. 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 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 three (3) 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, discriminating or

harassing behavior, 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 Human Resources Department 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 we strive to be consistent in the posting and hiring process, Human Resources Department representatives may 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**

Pursuant to Labor Code section 432, FAWIC will give you a copy of any document you sign relating to the obtaining or holding of employment.

Pursuant to Labor Code section 1198.5, you have the right to inspect or receive a copy of personnel records FAWIC maintains related to your performance or any grievance concerning you.

We will make personnel records available within 30 days from the receipt of your written request. We will provide you with a form you may use to make the written request.

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

Upon request, FAWIC will provide you with a copy of your paycheck stubs (which may be a computer-generated document) showing information such as hours worked, compensation earned, and deductions. We will provide you with these records within 21 days of your written request. You 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.
- The method by which employees are provided with state-mandated paid sick leave; and
- Notice regarding any federal or state emergency or disaster declaration applicable to the county or counties where you will work issued within 30 days before your first day of employment and that may affect your health and safety during employment.

**Policy 226**  
**Background Checks**

If FAWIC hires a third-party to provide an investigative consumer report of any employee or applicant, we will comply with the Federal and State Fair Credit Reporting Acts. We will obtain your prior written consent and disclose the information gathered or received to you, and provide you with a summary of rights. Verifications of prior employment, education, job-related license or certification, social security number, or professional references may be conducted prior to an offer of employment.

FAWIC will not conduct a criminal conviction background check, or ask an applicant to disclose, orally or in writing, information concerning his/her conviction history until a conditional job offer has been made. In conducting a criminal conviction history check, the company will not consider arrests not followed by conviction, referral to or participation in a pre-trial or post-trial diversion programs, or convictions that have been sealed, dismissed, expunged, or statutorily eradicated. We may ask an applicant about an arrest for which the applicant is out on bail or on his/her own recognizance pending trial.

If FAWIC intends to deny an applicant a position because of criminal conviction history, we will make an individualized assessment as to whether the applicant's criminal conviction history has a direct and adverse relationship with specific job duties justifying the denial. Factors we will consider include: the nature and gravity of the conduct; the time that has elapsed since the conduct and completion of sentence; the nature of the job sought; the personal conduct of the applicant; whether there was harm to property or people; the degree of harm; permanence of the harm; context of the offense; whether a disability (including substance impairment) contributed; whether the likelihood of harm could be eliminated by reasonable accommodation, whether the disability has been eliminated; whether trauma, domestic abuse, stalking, or similar factors

contributed to the conduct; the age of the applicant; the time that has passed; the time that passed since incarceration; specific job duties; whether the context resulting in conviction is likely to arise in the workplace; and whether the type of harm is likely to occur in the workplace.

If FAWIC makes a preliminary decision that the criminal conviction history disqualifies the applicant, we will notify the applicant of the decision. The notice will contain the disqualifying convictions, a copy of the criminal conviction history report, and an explanation of the applicant's right to respond to the decision within five (5) business days. The notice will inform the applicant that (s)he may include evidence of the accuracy of the report, evidence of rehabilitation, and mitigating circumstances.

If the applicant notifies the company in writing that (s)he disputes the accuracy of the conviction history report, we will provide the applicant five (5) additional business days to respond.

FAWIC will consider the information submitted before making a final decision. If the application is denied because of criminal conviction history, we will send a notice to the applicant regarding the final denial and the applicant's right to file a complaint with the Civil Rights Department.

Drug testing and medical examinations will only be administered after other tests or investigations are completed and a job offer has been extended. The nature of the medical examination will be disclosed to the applicant prior to testing and will be related to specific job duties.

If FAWIC conducts an investigation that includes compiling information about a person's character, general reputation, personal characteristics and mode of living but does not include matters of public record, the information compiled will remain confidential to the extent permitted by law. Public records are those records documenting an arrest, indictment, conviction, civil judgment, action, tax lien, or outstanding judgment. If public records are used in the investigation, you will be given a copy of the public records.

### **Policy 227** **One Day of Rest in Seven**

Non-exempt employees are entitled to one (1) day's rest in seven (7), unless total hours in the workweek do not exceed 30 hours and the employee has not worked more than six (6) hours in any workday. The days of rest need not come each workweek. Rather, on average an employee is entitled to one (1) day of rest for every seven (7) days in the calendar month. An employee can choose, however, to forgo the day of rest. Employees will be requested to confirm in writing that they know their right to rest but choose to work a seventh (7<sup>th</sup>) day.

## **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.

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. Working while impaired;
4. 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.

While FAWIC will not tolerate the behaviors listed above, we will not take adverse action against an employee based solely on the use of cannabis off the job and away from the workplace. 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 wherein there is 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. Employees are subject to reasonable suspicion testing when there is reasonable cause to believe that the use of drugs or alcohol



likely contributed to a safety incident, and testing can accurately identify the impairment caused by drug or alcohol use. FAWIC will not screen for nonpsychoactive cannabis metabolites in an employee's hair, blood, urine or other bodily fluids.

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**

#### **Punctuality and Attendance**

Regular attendance during all scheduled work hours, reporting to work on a timely basis and working through the end of their regularly scheduled workday is expected. Any unexcused tardiness or absence causes problems for their team, external parties, and their manager. Lateness is disruptive, costly, and not fair to the organization or other employees. Regular attendance and punctuality are considered "essential functions" of each employee's job and is a condition of employment. While we

rely on their best judgment, the following should serve as examples of attendance violations that may warrant disciplinary action, up to and including termination of employment:

- Continuing patterns of unplanned sick absences or unplanned early departure on days conjoined to weekends, holidays, and planned days off;
- More than two (2) unexcused tardies in a rolling four (4)-week period; or
- Three (3) or more sick occurrences, regardless of the duration of the time off, in a rolling two (2)-month period, unless the occurrence is related to a pre-approved statutory leave of absence.

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 medical care of kin, or oversleeping do not constitute emergencies or extraordinary circumstances.

If an employee will be absent from work or tardy due to unforeseen reasons, they must contact their Unit Manager prior to the scheduled starting time. If unable to reach the Unit Manager, employees are expected to advise their Deputy Director or any available manager of the absence. Texting and voice mail messages are not acceptable forms of communicating an absence or tardy incident; employees must speak personally to either their manager or the Deputy Director. Failure to do so may result in the absence being considered unexcused. Do not have a relative or friend call in to report the absence, unless 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, and any, 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 FRWDB, and our partners. The impressions 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. Employees may wear their hair in a way that is historically associated with race including braids, locks, and twists. 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 tattoos that do not comply as follows:

Tattoos must not be visible on the face or neck, except for cosmetic tattooing with a natural appearance that is in good taste. Tattoos or body markings that are associated with gangs, extremist or supremacist organizations or that advocate sexual, racial, ethnic or religious discrimination will not be tolerated. Discriminative tattoos/brands/body markings are those that advocate a philosophy that degrades a person based on sex, sexual orientation, gender, religion, race, ethnicity, national origin, or any other protected characteristic under the law.

Dress code requirements may vary based on job function, level of customer contact, safety issues, and other business considerations. When appropriate, such as for religious beliefs, 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 Professional:** Business Professional attire is expected of all employees. Business attire includes slacks, pantsuits, dresses and skirts of appropriate length, blouses and collared dress shirts and ties. Athletic or tennis shoes are not appropriate for Business Professional attire. Exceptions: Employees working in the General Services Department are permitted to dress in Business Casual due to the physical nature of their tasks. Business Casual attire is permitted when working on projects or events 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 and athletic or tennis shoes may be worn, with the provision that they are clean, have no holes, and are in good repair. FAWIC logo shirts are encouraged on Business Casual days. Shirts or sweaters should not contain graphics or language that is unprofessional.

**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 or any shoe that does not provide

a reasonable amount of safety for traversing stairs; 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 an employee's attire and/or grooming is out of place, he/she 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 leave 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 voicemail, 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. 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 Grants 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.

FAWIC provides mobile and remote access to network resources such as the internet or e-mail to support work communications and research. 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 devices that are used for this purpose, regardless of the cause of the damage or destruction. 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.

Any incidents in which an employee violates this policy will be noted in the 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 Information Services management. If an employee is aware that there has been a violation of this organization policy, they should notify the Information Services Manager.

The FRWDB/FAWIC recognizes that social media platforms have fundamentally altered the way people and businesses interact with one another. This policy applies to all blogs and all websites, whether or not they are accessible by the public or require 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.

Employees must create a separate account in order to utilize social media during work hours and to conduct business for the FRWDB using WIOA funding. Employees must not use their own personal social media accounts to conduct FRWDB business or share FRWDB social media content.

All social media interaction used to conduct business must be approved by the Marketing and Grants Manager prior to the development of an account. Site Managers will need to provide a list of employees who will be utilizing social media platforms as well as their respective log-in information to the Marketing and Grants Manager and Information Services Manager.

When conducting business for the FRWDB using social media platforms, employees must identify themselves by name and when relevant, their positions with the organization. Employees should be mindful of protecting themselves, their privacy, and confidential organization information. Once a social media account has been created, it is the responsibility of the direct manager to:

- Ensure accessibility to the account;



- Monitor and review the appropriateness of the content;
- Enforce compliance with FRWDB policies, applicable laws, and address any misuse and report to the Marketing and Grants Manager.

When sharing third party information or any content that did not come from the FRWDB, employees must do their due diligence to verify the credibility of the source and information being shared. Employees must include the phrase, *“This organization is independent of the FRWDB and its affiliates. The FRWDB is not responsible for the practices or policies of this organization.”*

The use of any content (e.g., text, audio, video, photographs) that involves an employee, participant, business partner, or third party must comply with all applicable privacy laws. Without exception, appropriate **written** permission must be obtained before using such content.

Employees should be aware that content may generate interest from the media. All media inquiries must be directed to the Marketing and Grants Manager.

**Social Media Etiquette:** Social media platforms blur the lines between public and private, personal and professional. Whenever your connection to the FRWDB is known to others, you are influencing perceptions about our organization. Be sure your words reflect the values and standards of the FRWDB and observe the following rules of etiquette:

- You are personally responsible for the content you post, so use your best judgement.
- In no instance should the social media content posted be of a political, sexual, or religious nature, nor should it address any other protected activities or classes as identified under State or Federal law.
- Be mindful that what you post will be public for a lengthy period of time.
- Always double-check posts for grammar, spelling, and accuracy before posting.

Participation of FRWDB-approved social media accounts used to conduct business is a privilege, not a right, and all employees are required to abide by the standards set forth in this policy. Any violation of this policy may result in the loss of access to FRWDB approved social media accounts and platforms. Additionally, employees who violate this policy are subject to discipline in accordance with Human Resources policies and procedures. Illegal use of IT resources may also subject violators to prosecution by local, state/provincial, or federal authorities.

FAWIC will not require or request employees to disclose a username 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.

**Information Systems Security:**

All employees are required to be familiar with the most current revision of Operational Directive 08-23, Information Systems Security. The directive covers the following topics in detail;

- Data and system security definitions
- Handling of Personally Identifiable Information (PII)
- Actions to take in the case of a breach
- Network and device security
- E-mail security
- Office behavior and
- Document retention

By signing the Personnel Manual acknowledgement, the employee acknowledges they have read and understand the requirements of this operational directive.

**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 on 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 adhere to all Cybersecurity Regulations and security protocols.

### **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 Information and General Services Manager or the Human Resources Department. 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 Information and General Services Manager who has responsibility for implementing, monitoring, and evaluating the safety program.

### **Policy 406** **COVID-19 Prevention Program and Notice**

FAWIC has developed and implemented a COVID-19 Prevention Program ("CPP"), which is included in our Injury & Illness Prevention Plan (IIPP). All employees should review the CPP and receive training about the prevention of and response to COVID-19. In addition, the company wants employees to know its process for notifying employees of potential exposure to COVID-19.

Within one (1) business day of receiving notice of potential COVID-19 exposure, we will post a notice of potential exposure and keep it posted for not less than 15 calendar days. The notice will include disinfection and safety plans we will implement, which are consistent with Centers for Disease Control and Prevention and public health guidelines.

We recognize that many employees may be hesitant to notify the company of a positive test or of exposure. However, your candor will allow us to provide you with information on COVID-19 related benefits to which you may be entitled, including workers' compensation, sick leave, paid sick leave, and any other benefits under state or federal law.

**Policy 407**  
**Smoking Policies**

FAWIC is committed to providing a healthy and safe workplace. 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 408**  
**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 409**  
**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 410**

#### **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 Administrative Support Coordinator 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 Administrative Support Coordinator will make travel and lodging arrangements for all employees. The Company Travel Policy, which is made available by the Senior Administrative Support Coordinator, 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 411**

#### **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 fundraising 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 any way. 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 412** **Housekeeping**

Because of our frequent interaction with the public and concern for the 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.
- Follow all COVID-19 Prevention Program guidelines while in effect, including wiping down common surface areas after use.

#### **Policy 413** **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 should always 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. Follow all COVID-19 Prevention Program guidelines while in effect, including guest screening, social distancing, and mask protocol.

#### **Policy 414** **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 Human Resources Department as being appropriate for a professional office, and not in violation of the organization's zero tolerance policy on harassment and discrimination.

### **Policy 415**

### **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.

With the assistance of employees, FAWIC has developed a comprehensive Workplace Violence Prevention Program. It includes provisions related to responding to reports of workplace violence, ensuring employee compliance, communication and training, responding to emergencies, identifying and evaluating hazards, and post-incident responses and investigations. The program describes how employees can report incidents or seek assistance to prevent or respond to an incident, what corrective measures the company may take, and strategies to avoid physical harm. As part of the program, we will maintain a violence incident log.

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 416** **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.

We want employees to take appropriate action to protect themselves in the event of an emergency condition. In the event of an emergency condition, FAWIC will not take adverse action against an employee for refusing to report to, or leaving, a workplace because the employee has a reasonable belief that the workplace is unsafe, meaning that there is a real danger of death or serious injury if you remain on the premises. Nor will the company take adverse action for accessing your mobile device to seek emergency assistance, assess the safety of the situation, or communicate with someone to verify their safety. When it is feasible, an employee should notify a member of management of an emergency condition so the company can take appropriate action to safeguard employees or third parties on the premises.

“Emergency condition” means:

- Conditions of disaster or extreme peril to the safety of persons or property at the workplace or worksite caused by natural forces or a criminal act.
- An order to evacuate a workplace, a worksite, a worker's home, or the school of a worker's child due to natural disaster or a criminal act.

Note: An emergency condition does not include a health pandemic.

#### **Policy 417** **Working From Home**

Working from home (WFH) through FAWIC's Virtual Private Network (VPN) allows employees to perform their work duties remotely for all or part of their workweek. FAWIC considers remote work to be a viable flexible work option when both the employee and the job are suited to such an arrangement.

WFH is generally a planned and pre-established schedule of working away from the office as described below. However, in limited circumstances, it may be informal, such as working from home

for a short-term project or during business travel. Either an employee or a supervisor can suggest working from home as a possible work arrangement.

Any remote work arrangement made will be on a trial basis and may be discontinued at will by FAWIC at any time. Every effort will be made to provide advance notice of such change to accommodate commuting, childcare and other issues that may arise from the termination of the WFH arrangement.

**Eligibility:** Apart from the enactment of a local Emergency Order or other health and safety mandate, individuals requesting formal WFH must have a satisfactory performance record.

Before entering into any WFH schedule, the employee and manager will evaluate the suitability of such an arrangement, reviewing the following areas:

- Employee suitability. The employee and manager will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful WFH schedules. This may include the ability to work without supervision and meet deadlines, communication habits, and reliable attendance.
- Job responsibilities. The employee and manager will discuss the job responsibilities and determine if the job is appropriate for a WFH arrangement.
- Equipment needs, workspace design considerations and scheduling issues. The employee and manager will review the physical workspace needs and the appropriate location for remote work.

**Equipment:** On a case-by-case basis, FAWIC will determine, with information supplied by the employee and the supervisor, the appropriate equipment needs (including hardware, software, modems, phone and data lines, and other office equipment) for each WFH arrangement. Equipment supplied by the organization, such as a company-issued laptop, will be maintained by the organization.

Equipment supplied by the organization is to be used for business purposes only. The employee must sign an inventory of all FAWIC property received and agree to take appropriate action to protect the items from damage or theft. Upon termination of employment, all company property will be returned to the company, unless other arrangements have been made in advance.

FAWIC will supply the employee with appropriate office supplies (pens, paper, etc.) as deemed necessary.

The employee will establish an appropriate work environment within his or her home for work purposes. For optional and voluntary WFH arrangements, FAWIC will generally not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture, or lighting, nor for repairs or modifications to the home office space.

**Security:** Consistent with the company's expectations of information security for employees working at the office, employees working from home will be expected to ensure the protection of proprietary company and customer information accessible from their home office. At minimum, precautions will include the use of locked file cabinets and desks, regular password maintenance, and any other

measures appropriate for the job and the environment, in keeping with Cybersecurity Regulations and all other security protocols.

The employee is required to use the supplied laptop at all times when connecting to FAWIC's Virtual Private Network. The supplied laptop will have FAWIC's standard cybersecurity software and agents. The security software is not to be disabled nor modified by the employee for any purpose.

**Safety:** Employees are expected to maintain their home workspace in a safe manner, free from safety hazards. FAWIC will provide each employee with a safety checklist that must be completed prior to beginning a WFH arrangement, and at least annually thereafter. Injuries sustained by the employee in a home office location and in conjunction with his or her regular work duties are normally covered by the company's workers' compensation policy. Working from home employees are responsible for notifying FAWIC of such injuries as soon as possible, regardless of how minor they appear. The employee is liable for any injuries sustained by visitors to his or her home worksite.

Employees working from home are expected to have immediate access to emergency phone numbers at their work area, such as the nearest hospital, police, and a supervisor's cell phone. FAWIC will also require updated emergency contact information for each employee.

Working from home is not designed to be a replacement for appropriate childcare. Although an individual employee's schedule may be modified to accommodate childcare needs, the focus of the arrangement must remain on job performance and meeting business demands.

**Time Worked:** Employees working from home who are classified as non-exempt (hourly) will be required to adhere to established work schedules and accurately record all hours worked using FAWIC's timekeeping system. Reliable attendance is expected of remote workers in the same manner as those reporting to our offices. Certain timeframes in which the employee should be available for communications will be established by the supervisor. The employee must contact a supervisor to report the inability to begin work on time in the same manner as typical absences and tardiness. Non-exempt employees are also expected to arrange the workday to allow for rest and meal periods as described in our Employee Handbook policies.

Hours worked in excess of those scheduled per day and per workweek require the advance approval of a supervisor.

Exempt salaried employees may not be required to report schedule changes, but may be given expectations for performance results and for certain timeframes in which the employee should be available for collaboration.

**Communications:** During an employee's agreed-upon remote work schedule, the employee is expected to be available for phone calls and respond in a timely manner to e-mails and other messages. Our goal is to create a communication flow as similar as possible to those working in our offices. Exceptions from the normal work schedule, such as personal or medical appointments, must be approved in advance by a supervisor.

**Productivity, Appearance, and Behavior:** WFH employees are expected to be productive and efficient during scheduled work hours. All company performance standards will continue to apply when an employee is working from home.

It is understood that an employee's attire will be casual during remote work. However, when a company or client meeting will include video through virtual platforms, such as through Zoom or Teams, the company's normal attire and grooming policies will apply. Professional, appropriate clothing and hygiene will be expected during all video conferences.

Employees are also expected to maintain professional, appropriate conversation during work-related phone calls and meetings. All expectations for demonstrating respect and courtesy apply in remote arrangements in the same manner as in-person office communications.

**Ad Hoc Arrangements:** Temporary remote work arrangements may be approved for circumstances such as inclement weather, special projects, or business travel. These arrangements are approved on an as-needed basis.

Other informal, short-term arrangements may be made for employees on family or medical leave or in need of accommodation to the extent allowable under the law and with the consent of the employee's health care provider, if appropriate.

## **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 hours
2 <sup>nd</sup> Year	80 hours	160 hours
3 <sup>rd</sup> Year	120 hours	240 hours
4 <sup>th</sup> Year	120 hours	240 hours
5 <sup>th</sup> Year	120 hours	240 hours
6 <sup>th</sup> Year and more	160 hours	320 hours

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 exceptional basis.

Use of vacation must generally be scheduled in advance. Vacation will be approved by the Unit Manager based on workload and staffing. Vacation requests of more than five (5) days 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.

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.

#### **Existing Employees**

Full-time employees are awarded 64 hours of PSL at the beginning of each fiscal year **on July 1**. Employees classified as part-time and regularly scheduled to work less than a full-time schedule will be awarded **40 hours or five (5) days of PSL**.

#### **Employees Hired Mid-Year**

**New full-time employees hired between January 1 and June 30 will be awarded 40 hours of PSL upon 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; sibling, and a designated person. An employee may designate one person per 12-month period. Employees may be asked to provide medical certification of the need to use PSL for themselves or a family member.

PSL may not be taken in increments of less than thirty (30) minutes. 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 Human Resources.

At the end of each fiscal year, up to 32 hours of unused PSL will be transferred into a "reserve bank" of sick leave, which will be tracked and administered separately from FAWIC's PSL program. Unused PSL in excess of 32 hours will expire at the end of each fiscal year.

If you exhaust all available PSL within a fiscal year, you may request to use hours available in your reserve bank.

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 each fiscal year.

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 (1) 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**

Employees who have been employed for at least 30 days may take up to five (5) days of Bereavement Leave in the event of death of an immediate family member including spouse, domestic partner, child, parent, sibling, grandparent, or grandchild. Relatives of an employee's spouse within these categories will also be recognized. The days off need not be taken consecutively, but must be completed within three months of the date of death. You may be required to provide documentation of death. Please check with the Human Resources Department before taking Bereavement Leave 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.

<u>Hire Date</u>	<u>No. of Personal Holidays</u>
July 1 to October 31	3
November 1 to February 28	2
March 1 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 are regularly scheduled to work 40 hours per week are covered by a group health plan. Employees who are regularly scheduled to 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 Human Resources Department.

**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 Human Resources Department.

**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 the 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 Human Resources Department 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 maintains 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 Human Resources Department 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.

All employees will be provided with a copy of the general notice provided by the federal government, "Employee Rights and Responsibilities Under the Family and Medical Leave Act", WH Publication 1420, as well as a copy of the state CFRA brochure.

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 during an otherwise unpaid portion of the FMLA 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.

If the employee is receiving benefit payments through the State Disability Insurance (SDI) or Paid Family Leave (PFL) programs, the leave is not considered unpaid and the company will not require the use of accrued vacation. The company may require the use of vacation during the seven (7)-day waiting period before SDI payments begin and up to two (2) weeks of accrued vacation prior to the employee receiving PFL payments.

### **Policy 509**

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

Provided an employee has worked more than 12 months with FAWIC and has provided at least 1,250 hours of service within the last 12-month period, the employee is eligible for a leave of absence under this policy. An eligible employee may take an unpaid leave pursuant to the California Family Rights Act ("CFRA Leave") due to:

- The birth of a child of the employee or the placement of a child with an employee in connection with the adoption or foster care of the child by the employee;
- To care for a child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, domestic partner, or designated person who has a serious health condition;
- Because of an employee's own serious health condition that makes the employee unable to perform the functions of the position of that employee, except for leave taken for disability on account of pregnancy, childbirth, or related medical conditions; and
- Because of a qualifying exigency related to the covered active duty or call to covered active duty of an employee's spouse, domestic partner, child, or parent in the Armed Forces of the United States (as specified in Section 3302.2 of the Unemployment Insurance Code).

When approving CFRA Leave, we will guarantee employment in the same or a comparable position upon the termination of the leave. During CFRA Leave, the employee will retain employment status. CFRA Leave is not a break in service for any purpose.

CFRA Leave is separate and distinct from Pregnancy Disability Leave (leave taken for disability on account of pregnancy, childbirth, or related medical conditions.) In addition to CFRA Leave, an employee is entitled to Pregnancy Disability Leave, if the employee is otherwise qualified for that leave.

**Vacation and Sick Leave:** The employee may elect, or the company may require the employee, to substitute the employee's accrued vacation leave or other accrued time off during an otherwise unpaid portion of the CFRA Leave. The employee may also elect to take Paid Sick Leave (PSL). All time off will count toward the employee's maximum CFRA Leave total.

If the employee is receiving benefit payments through the State Disability Insurance (SDI) or Paid Family Leave (PFL) programs, the leave is not considered unpaid, and the company will not require the use of accrued vacation. The company may require the use of vacation during the seven (7)-day waiting period before SDI payments begin and up to two (2) weeks of accrued vacation prior to the employee receiving PFL payments.

If an employee takes CFRA Leave because of the employee's own serious health condition, the employee can elect, or the employer can require the employee to substitute accrued company-provided sick leave. Only if the employee and employer agree can the employee substitute accrued company-provided sick leave for CFRA leave in connection with the birth, adoption, or foster care of a child, or to care for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner with a serious health condition.

**Continuation of Benefits:** During the employee's absence for CFRA Leave (or FMLA Leave) the company will maintain coverage under its group health plans for the duration of the leave, not to exceed 12 workweeks in a 12-month period, at the same level and under the same conditions that coverage would have been provided if the employee were working. We may require the employee to pay premiums, at the group rate.

If the employee fails to return from CFRA Leave after the period of leave has expired and the employee's failure to return is for a reason other than the continuation, recurrence, or onset of a serious health condition that entitles the employee to CFRA Leave or other circumstances beyond the control of the employee, the company may recover the premium that it paid as required for maintaining coverage under the group health plans.

An employee taking CFRA Leave is entitled to participate in health plans for any period when the company does not provide coverage (such as beyond the 12-week period); and other employee welfare benefit plans including life insurance, short-term or long-term disability, accident insurance; and retirement plans and supplemental unemployment benefit plans *on the same conditions and terms as an employee on an unpaid leave for any purpose*. The employee will be required to pay premiums, at the group rate, as a condition of continued coverage.

The nonpayment of premiums by an employee does not constitute a break in service.

To the extent it is consistent with the plan terms for any retirement plan or pension, the company will not make plan payments for an employee during the CFRA Leave, and the CFRA Leave will not be counted for purposes of time accrued under the plan. An employee covered by a pension plan may continue to make contributions in accordance with the terms of the plan during a CFRA Leave.

**Notice:** An employee must provide reasonable advance notice of the need for CFRA Leave if it is foreseeable. If the employee's need for CFRA Leave is foreseeable due to a planned medical treatment or supervision, the employee must make a reasonable effort to schedule the treatment or supervision to avoid disruption to our operations, subject to the approval of the health care provider of the individual requiring the treatment or supervision.

**Certification:** FAWIC may require that an employee's request for leave to care for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner who has a serious health condition be supported by a certification issued by the health care provider of the individual requiring care. Certification should include all of the following information:

- The date on which the serious health condition commenced;
- The probable duration of the condition;

- An estimate of the amount of time that the health care provider believes the employee needs to care for the individual; and
- A statement that the serious health condition warrants the participation of a family member to provide care during a period of the treatment or supervision.

If the estimate of time for the employee to care for the individual expires, we will require the employee to obtain recertification if additional CFRA Leave is required.

FAWIC will require that an employee's request for leave because of the employee's own serious health condition be supported by a certification issued by the employee's health care provider. Certification should include:

- The date on which the serious health condition commenced;
- The probable duration of the condition; and
- A statement that, due to the serious health condition, the employee is unable to perform the function of the employee's position.

We will require that the employee obtain recertification regarding the employee's serious health condition if additional CFRA Leave is required.

If the FAWIC has reason to doubt the validity of the certification provided by the employee due to the employee's own serious health condition, we will require, at the FAWIC's expense, that the employee obtain the opinion of a second health care provider, designated by the FAWIC. If the second opinion differs from the opinion in the original certification, we may require, at our expense, that the employee obtain the opinion of a third health care provider, approved jointly by the FAWIC and the employee. The opinion of the third health care provider shall be considered final and binding.

**Return to Work:** Consistent with standard practice, we will request, as a condition of a return from CFRA Leave taken due to the employee's own serious health condition, certification from the employee's health care provider that the employee is able to resume work.

#### **Definitions:**

- "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, a child of a domestic partner, or a person to whom the employee stands in loco parentis.
- "Designated person" means an individual related by blood or whose association with the employee is the equivalent of a family relationship. An employee may designate one (1) person per 12-month period.
- "Domestic partner" is defined in Section 297 of the Family Code.

- “Employment in the same or a comparable position” means employment in a position that has the same or similar duties and pay that can be performed at the same or similar geographic location as the position held prior to the leave.
- “Grandchild” means a child of the employee’s child.
- “Grandparent” means a parent of the employee’s parent.
- “Parent” means a biological, foster, or adoptive parent, a stepparent, a legal guardian, or other person who stood in loco parentis to the employee when the employee was a child.
- “Parent-in-law” means the parent of a spouse or domestic partner.
- “Sibling” means a person related to another person by blood, adoption, or affinity through a common legal or biological parent.
- “Serious health condition” means an illness, injury, impairment, or physical or mental condition that involves either of the following:
  - Inpatient care in a hospital, hospice, or residential health care facility; or
  - Continuing treatment or continuing supervision by a health care provider.

### **Policy 510** **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 employees are 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.

If the employee is unable to return to work at the conclusion of the leave, or has a condition related to pregnancy, childbirth or a related medical condition, whether before, during or after pregnancy, whether or not it rises to the level of a disability, FAWIC may provide a leave or another accommodation, as may be reasonable. The employee will be required to engage in an interactive process to determine appropriate reasonable accommodations. If an accommodation other than leave can be provided, we will provide that accommodation instead of leave.

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 fails 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 FAWIC'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 Human Resources Department 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, an employee has no greater right to reinstatement or to any benefits than if the employee had been continuously employed during the leave period. 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 with 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 FAWIC 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 FAWIC 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.

### **Reproductive Loss Leave**

An employee who has been employed for at least 30 days may take up to five days of unpaid leave following a reproductive loss. If you experience multiple reproductive loss events within a 12-month period, you may be entitled to up to 20 days of leave. A "reproductive loss event" includes a miscarriage, stillbirth, failed surrogacy, failed adoption, or unsuccessful assisted reproduction.

You may elect to use accrued paid vacation or available paid sick leave. The days off need not be taken consecutively but must be completed within three months of the date of the reproductive loss event. You may elect, but will not be required, to provide documentation of the loss.

If, prior to or immediately following a reproductive loss event, you are on or you choose to take leave due to pregnancy disability, or for a qualified reason under the California Family Rights Act or any other leave entitlement under state or federal law, you must complete the reproductive loss leave within three months of the end date of the other leave.

FAWIC will maintain the confidentiality of any information you provide, including the need for leave.

## **Policy 511**

### **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.

FAWIC shall grant an additional unpaid leave of absence, not exceeding 30 business days in a one (1)-year period, to an employee who is an organ donor, for the purpose of donating the employee's organ to another person. The one (1)-year period is measured from the date the employee's leave begins, and shall consist of 12 consecutive months.

## **Policy 512**

### **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 personal or family emergencies, FAWIC may, with the approval of the Executive Director, provide additional unpaid time off. If it becomes necessary to fill an employee's position during a discretionary leave of absence, we will make reasonable efforts to notify the employee to determine if they will return to work. If the employee is unwilling or unable to return, 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 513** **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 514** **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 515** **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 FAWIC'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 516** **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 517** **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 518**  
**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 519**  
**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 non-working 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 520**  
**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 521**

#### **Tuition Assistance**

Educational tuition assistance is intended to both (1) assist employees to further their education goals and (2) assist FAWIC in maintaining staff with improved job skills better able to assist the corporation in its mission. As allowed by current law, FAWIC will provide educational tuition assistance to employees with at least one (1) year of continuous service.

An employee wishing to complete job-related courses at an accredited school may receive tuition assistance up to a maximum of \$5,000 during the period of his or her employment with FAWIC. To qualify for such assistance, course work must directly enhance an employee's ability to carry out his or her present duties at FAWIC, or to qualify for career promotions within FAWIC. As such, the Tuition Assistance Request Form must be completed by the employee and approved by his/her manager and Human Resources prior to enrollment.

The tuition assistance covers one-half (1/2) the cost of actual tuition fees. It does not apply to the cost of textbooks, student fees, or transportation. Reimbursement may be requested after the employee has successfully completed the coursework with a grade "C" or better. For further information, please contact Human Resources.

### **Policy 522**

#### **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 523**

#### **School Activities**

Employees are encouraged to participate in the school or childcare-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 childcare-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 childcare 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 childcare provider; (2) to participate in activities of the school or licensed childcare 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. "Childcare 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.

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** **Protection Against Crimes**

We value our employees and are particularly concerned about any employee who may be suffering due to domestic violence, sexual assault, stalking, or any other crime. We have implemented these policies to help protect you during these difficult times.

FAWIC will not discharge or in any manner discriminate or retaliate against an employee, including, but not limited to, an employee who is a victim of a crime, for taking time off to appear in court to comply with a subpoena or other court order as a witness in any judicial proceeding. A victim includes:

- 1) a victim of stalking, domestic violence, or sexual assault;

- 2) a victim of a crime that caused physical injury or that caused mental injury and a threat of physical injury; and
- 3) a person whose immediate family member is deceased as the direct result of a crime.

A victim also includes a person who requires time off to:

- 4) seek medical attention for injuries caused by crime or abuse;
- 5) obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of the crime or abuse;
- 6) obtain psychological counseling or mental health services related to an experience of crime or abuse; or
- 7) participate in safety planning and take other actions to increase safety from future crime or abuse, including temporary or permanent relocation.

For purposes of this paragraph only, it also includes any person against whom any crime has been committed.

The company will not discharge or in any manner discriminate or retaliate against an employee who is a victim for taking time off from work to obtain or attempt to obtain any relief. Relief includes, but is not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim or their child.

FAWIC requests, as a condition of taking time off, the employee give reasonable advance notice of the intention to take time off, unless advance notice is not feasible. If an unscheduled absence occurs, we shall not take any action against the employee if the employee, within a reasonable time after the absence, provides a certification in the following form:

- A police report indicating that the employee was a victim;
- A court order protecting or separating the employee from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney that the employee has appeared in court; Documentation from a licensed medical professional, domestic violence counselor, a sexual assault counselor, victim advocate, licensed health care provider, or counselor that the employee was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse; or
- Any other form of documentation that reasonably verifies that the crime or abuse occurred, including but not limited to, a written statement signed by the employee, or an individual acting on the employee's behalf.

Except as required by federal or state law, or as necessary to protect the employee's safety in the workplace, we will maintain the confidentiality of any employee requesting leave. We will provide the employee with notice before making an authorized disclosure.

FAWIC will provide reasonable accommodations for a victim of domestic violence, sexual assault, or stalking, who requests an accommodation for their safety while at work. Those accommodations may include the implementation of safety measures, including a transfer, reassignment, modified schedule, changed work telephone, changed work station, installed lock, assistance in documenting domestic violence, sexual assault, stalking, or other crime that occurs in the workplace, an implemented safety procedure, or another adjustment to a job structure, workplace facility, or work requirement in response to domestic violence, sexual assault, stalking, or other crime, or referral to a victim assistance organization.

We will engage in a timely, good faith, and interactive process with the employee to determine effective; reasonable accommodations. In determining whether the accommodation is reasonable, we will consider an exigent circumstance or danger facing the employee. We may request that the employee seeking a reasonable accommodation provide us with a written statement signed by the employee or an individual acting on the employee's behalf, certifying that the accommodation is for an authorized purpose. We may also request certification from an employee requesting an accommodation that demonstrates the employee's status as a victim of domestic violence, sexual assault, or stalking. We may ask you for this certification every six months. We cannot, however, undertake any actions that constitute an undue hardship on business operations. This includes any action that would violate our duty to furnish and maintain a place of employment that is safe and healthful for all employees.

If the employee's circumstances change and the employee needs a new accommodation, the employee should request a new accommodation from the employer. We will sit down with the employee and engage in a timely, good faith, and interactive process to determine effective reasonable accommodations. The employee should also let us know if an accommodation is no longer needed.

We will not retaliate against a victim for requesting a reasonable accommodation, whether or not the request was granted.

An employee may use accrued vacation or paid sick leave for time taken off for a purpose specified in this policy.

For purposes of this policy:

"Crime" means a crime or public offense whether or not any person is arrested for, prosecuted for, or convicted of, committing the crime.

"Immediate family member" means a person who is any of the following:

- Regardless of age, a biological, adopted, or foster child, stepchild, or legal ward, a child of a domestic partner, a child to whom the employee stands in loco parentis, or a person to whom the employee stood in loco parentis when the person was a minor;
- A biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or an employee's spouse or domestic partner, or a person who stood in loco parentis when the employee or the employee's spouse or domestic partner was a minor child;

- A person to whom the employee is legally married under the laws of any state, or a domestic partner of an employee as registered under the laws of any state or political subdivision;
- A biological, foster, or adoptive sibling, a stepsibling, or a half-sibling; or
- Any other individual whose close association with the employee is the equivalent of a family relationship.

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

If an employee would like to express breast milk while at work, they should submit a request for accommodation to the Human Resources Department. 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 a lactation room or other location, other than a bathroom, that is safe, clean and contains a charging outlet and surface area for personal items where milk can be expressed in private. You will also be provided access to a sink and refrigerator in close proximity to your work area.

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 Human Resources Department.

### **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 I must read and comply with the Policy Prohibiting Unlawful Discrimination and Harassment contained in the handbook.

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 FAWIC at any time, with or without reason, and that the FAWIC 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 FAWIC's employment-at-will philosophy.

I understand that this Personnel Manual contains general statements about current FAWIC 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 FAWIC 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:	3
MEETING DATE:	July 17, 2024
ACTION:	APPROVE

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

**TO:** Board of Directors

**FROM:** Phyllis Stogbauer, Senior Deputy Director

**SUBJECT:** Single Audit Services Contract Award

## **RECOMMENDATION:**

Approve the award of the Audit Services contract to Moore Grider & Company, Certified Public Accountants, for an initial contract amount of \$40,625 for the period of August 1, 2024, to June 30, 2025, with the option for four (4) annual renewals based on contract performance.

## **REASON FOR RECOMMENDATION:**

The Single Audit Act and 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and audit requirements for federal awards, require that organizations receiving more than \$750,000 of federal funds a year have a single audit annually. The audit must be completed within nine (9) months of the fiscal year end.

FRWDB staff released an RFQ on April 23, 2024, to obtain bids for a Certified Public Accountant firm to conduct the annual single audit for the Fresno Area Workforce Investment Corporation. The submission deadline for the quotes was May 23, 2024, and staff received one (1) quote, from Moore Grider & Company, by the submission deadline.

Staff reviewed the one (1) quote received and it met all the requirements of the RFQ. FRWDB staff is recommending the approval of a contract to Moore Grider & Company for \$40,625 for the period of August 1, 2024, to June 30, 2025.



# FRESNO AREA WORKFORCE INVESTMENT CORPORATION

AGENDA ITEM:	4
MEETING DATE:	July 17, 2024
ACTION:	DIRECT

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**TO:** Board of Directors

**FROM:** Dennis Montalbano, 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.).