



EMPLOYEE HANDBOOK 2018-2020

(REVISED DECEMBER 2018)

ARC IMPERIAL VALLEY

TABLE OF CONTENTS

(Updated 04-2006, 10-2006, 10-2011, 10-2012, 08-2015 & 06-2018)

	Page #
Welcome to the Arc Imperial Valley	6
 I. INTRODUCTION	
1.01 About this Handbook	7
1.02 Vision and Strategy	7
1.03 Input from Those We Serve	7-8
 II AUTHORITY	
2.01 Board of Directors	9
2.02 Administrative Responsibility	9
2.03 Personnel Policies and Practices Review	9
2.04 Leadership	9-10
2.05 Financial Planning and Management	10
2.06 Legal Requirements	10
2.07 Outcomes Policies	10
 III. EMPLOYMENT PRACTICES AND POLICIES	
3.01 Non Discrimination Policy	11
A. Affirmative Action	11
B. EEO	11
C. ADA	12
D. Accessibility	12
E. Genetic Information Discrimination	12
F. Anti-Harassment	13
G. Rights of Consumers	14
3.02 Categories of Staff	14
A. Full Time	14
B. Part Time	14
C. Casual Term	14
D. On the Job (OJT) Trainee	14-15
3.03 Recruitment	15
A. Job Posting	15
B. Vacancies	15
C. Employee Referrals	15
3.04 Position Descriptions	16
3.05 Application Forms	16
3.06 Selection	16-17
A. References	17
B. Pre-Employment Physicals	17
C. Proof of Licenses & Certification	17
D. E-Verify Policy	17
3.07 Employment Requirements	17
A. Hiring of Relatives	17-18
B. Health	18
C. Compliances	18-19
D. License and Certification	19
E. Re-Hire Policies	19
3.08 Outside Volunteers	19
3.09 Records Retention Documents	20

IV. SALARY ADMINISTRATION	
4.01 Purpose of Plan	21
4.02 Position Description	22
4.03 Compensation Policy	21
4.04 Salary and Wage Range	21-22
4.05 Beginning Salaries	22
4.06 Salary Administration	22
A. Accompanying changes in status	22
B. Promotions	22
C. Transfers	22
D. Reductions	22
E. Bonuses	22
F. Furloughs	22
4.07 Pay Differentials	22
4.08 Pay Periods	22-23
4.09 Payroll Files	23
V. PERSONNEL RECORDS	
5.01 Personnel File	24
5.02 Individual Personnel File	24
5.03 Confidential File	24-25
VI. STAFF DEVELOPMENT	
6.01 Training	26
6.02 Performance Assessments	25
6.03 Promotions	26
6.04 Professional Development	26-27
VII. WORKING HOURS AND ATTENDANCE RECORDS	
7.01 Work Week and Hours of Service	28
7.02 Attendance Records	28-29
7.03 Timekeeping	29
7.04 Meals and Rest Periods	29
7.05 Overtime	29-30
7.06 On duty Meals period agreement	30
VIII. EMPLOYEE BENEFITS	
8.01 Introduction Period	31
(A) Non-Service Contract Employees	31
(B) Service Contract Employees	31
8.02 Holidays	31-33
8.03 Vacations	33-35
8.04 Sick Leave (Health workplace/family's act)	35-36
8.05 Kin Care Leave	36
8.06 Pregnancy Related Disability Leave	37-38
8.07 Family Medical Leave	38
A. Qualifications	38-39
B. Military Family Leave	39
C. Calculating 12 mo. Period	39
D. Pregnancy, Childbirth or related Conditions	39-40
E. Employee Health Condition	40
F. Leave for Family Member	40-41
G. Health and Benefit Plan	41
H. Paid Family Leave	41
I. Reinstatement	41-42
8.08 Military Spouse Leave	42

8.09 Family School Partnership	42
8.10 Jury Duty and Witness Leave	42-43
8.11 Bereavement	43
8.12 Military Leave	44
8.13 Medical Insurance Benefits	44
8.14 Legislated Benefits	44-45
A. Unemployment Compensation	44
B. State Disability	44
C. Social Security	44
D. Workers Compensation Insurance	44-45
8.15 Flexible Spending Account	45
8.16 Educational Assistance Program	45-46
8.17 COBRA	46
8.18 Severance Pay	46
8.19 Domestic Violence Leave	47
8.20 Victims of crime leave	47
8.21 Time off voting	47-48
8.22 401K Profit Sharing	48
 IX. OPERATIONAL CONSIDERATIONS	
9.01 Employee Property	49
A. Company Property	49
B. Search	49
9.02 Off Duty Use of Facilities and Equipment	49
9.03 Security	49-50
9.04 Health and Safety	50-51
9.05 Smoking	51
9.06 Use of Phone and Mail Systems	51
9.07 Electronic & Social Media Policy	51-52
9.08 Business Expenses	52-53
9.09 Acceptable Use Policy	53
9.10 Strike Policy	53-54
9.11 Reporting Suspected Abuse Policy	54
9.12 Outside Employment Policy	54-55
9.13 Recycling Policy	55
9.14 Personal Appearance	55-56
9.15 Visitors Policy	56
9.16 Workplace Conduct	56-57
9.17 Off Duty Conduct	57
9.18 Visiting Mexico While at Work	57
9.19 Pay Advances	57
9.20 Uniforms	57
9.21 Disposing of Records	57-58
9.22 Use of Personal Cell Phones	58
 X. STAFF RESPONSIBILITIES REGARDING PUBLIC RELATIONS	
10.01 General Guidelines	59
10.02 Agency Stationary	59
10.03 Accepting Gifts	59
10.04 Authorized Agents	59
10.05 Consumer Services	59-60
10.06 Public Information	60
10.07 Inquiries concerning Employee	60
10.08 Confidentiality	60

XI. STANDARDS OF CONDUCT	
11.01 Workplace Conduct	61
11.02 Conflicts of Interest	62-63
11.03 Attendance and Punctuality	63
XII. ALCOHOL AND SUBSTANCE ABUSE POLICY	
12.01 Policy Statement	64
12.02 Purpose	64
12.03 Applicability	64
12.04 Pre-exemption of State and Local Laws	65
12.05 Definitions	65-67
12.06 Education and training	67
12.07 Contact Person	68
12.08 Covered Employees	68
12.09 Cut off Levels	69
12.10 Prohibited Behaviors	69
1. Illegal	69
2. Over-the-counter	69
3. Alcohol	70
4. Employees Assistance	70
12.11 Types of Testing	70
1. Pre-Employment	70
2. Reasonable Suspension testing	71
3. Post-Accident	71-72
4. Random Testing	72
5. Return to Duty testing	73
6. Follow up	73
12.12 Drug and Alcohol Testing Procedures	73-74
12.13 Directly Observed Specimen Collection	74
12.14 Monitored Specimen Collection	74
12.15 Split Specimen Collection	74-75
12.16 Consequences	75
12.17 Referral, Evaluate & Treatment	75
12.18 Confidentiality	75-76
12.19 Drug Free Workplace Act	76
XIII. EMPLOYEES ASSISTANCE PROGRAM	
13.01 Purpose and Scope	77
13.02 Voluntary Referral	77
13.03 Informal Management Referral	77
13.04 Formal Management Referral	77-78
13.05 Noncompliance of Treatment Plan	78
13.06 Confidentiality	78
XIV. DISPUTE RESOLUTION/GRIEVENCE	
14.01 Purpose and Scope	79
14.02 Resolution Steps	79-80
14.02 Additional Provisions	80
14.03 Whistleblower Policy	81
XV. TERMINATION OF EMPLOYMENT	
15.01 Types of Termination	82
15.02 Resignation	82
15.03 Layoff and Staff Reduction	82
15.04 Termination of Casual Employee	82
15.05 Job Abandonment	82-83

15.06 Exit Interviews	83
XVI. INJURY ILLNESS PREVENTION	84-86
XVII. USE AND DISTRIBUTION OF PERSONNEL POLICIES AND PROCEDURES	APPENDICES I
XVIII. CODE OF ETHICS	APPENDICES II
IXX. AT WILL EMPLOYMENT	APPENDICES III

SECTION ONE: INTRODUCTION FROM THE CEO

I. WELCOME TO THE ARC IMPERIAL VALLEY

We are delighted that you have joined us and trust that you will take advantage of the many job enrichment opportunities offered to make your association with the ARC Imperial Valley, the StrikeZone and Mozzarelli Restaurants both enjoyable and rewarding!

The true strength of our company lies in our people, which now include you. We expect that, through our combined efforts, ARC Imperial Valley will continue to provide consumers, passengers and patrons the quality service for which we are known for and, at the same time, provide the opportunity for every employee to be challenged and to achieve job satisfaction.

Our company's goals and objectives are best summed up in the following Mission Statement that readily states our tasks:

Helping People with Intellectual Disabilities Achieve Their Potential.

ARC Imperial Valley believes this Mission Statement must be more than words on paper. We are confident that your decision to join our staff will contribute to the creation of opportunities for people with disabilities and their families. We wish you satisfaction in your professional development.

Sincerely,

Arturo Santos
Chief Executive Officer (C.E.O.)
ARC Imperial Valley

SECTION ONE: INTRODUCTION TO THE EMPLOYEE HANDBOOK

1.01 ABOUT THIS HANDBOOK

ARC Imperial Valley and its corporate body, which also owns and operates the StrikeZone and Mozzarelli Restaurants, recognize that sound and progressive personnel policies and salary standards are vital to the welfare and continued success of the corporation.

The welfare of the personnel working at ARC Imperial Valley is one of the primary responsibilities of the Board of Directors and the Chief Executive Officer (C.E.O). Every effort will be made to ensure that the individuals who service the various ARC Imperial Valley programs are assisted by fully competent staff.

The dynamic nature of our business and the growth of the ARC Imperial Valley will undoubtedly result in changes to our policies and procedures. For this reason and because of various suggestions you and your fellow employees may make, ARC Imperial Valley reserves the right to interpret, amend, modify, or cancel and withdraw any or all sections or provisions of this handbook at any time.

The policies and guidelines summarized in this handbook have been voluntarily adopted by ARC Imperial Valley for its employees and are not intended to give rise to contractual rights or obligation, or to be construed as guarantee of employment for any specific period of time or any specific type of work. You as the employee understand that either the employee or the corporation may terminate employment at any time with or without notice, for any reason. No agreement to the contrary will be recognized unless such an agreement is in writing and signed by the C.E.O.

Written policies and practices provide fair and equal protection for all staff members, and serve to foster cooperative staff relationships and effective teamwork. If you need additional information about any items covered in this handbook or about your job, you are encouraged to contact your immediate supervisor or a Human Resources representative.

We wish you success in your position and hope that your employment relationship with ARC Imperial Valley to be both rewarding and challenging.

1.02 VISION AND STRATEGY

ARC Imperial Valley has recurring goals that will enable this agency to become the most effective and efficient not-for-profit in the Imperial Valley. These recurring goals combine to form a vision of what the ARC Imperial Valley can become in the near future. The goals are:

- Enhance Organization Stability.
- Promote Employee Trust.
- Efficiently Utilize Financial Resources.
- Fulfill Our Mission.

Your Program Director is responsible for providing their department with the necessary resources and information to reach the goals of the 21st Century, as well as other goals.

1.03 INPUT FROM THOSE SERVED

It is the policy of the ARC Imperial Valley to gain information from those we serve to ensure that the services the Agency provides are meeting their needs. The Agency receives input from those we serve through various methods.

- All consumers of the ARC have annual person-centered individualized program plans. Prior to the Individual Progress Plans (IPP), consumers provide input as to what goals they want to work on, individual choices, and satisfaction. The information is used to develop their IPP.
- Input on program satisfaction is also collected during biannual program reviews. Information gathered is used to make changes or adjustments to program goals or policies as needed.
- An annual Agency in-depth questionnaire covering Agency satisfaction, strengths and weaknesses and ethics are conducted with information gathered presented to the ARC Imperial Valley Board of Directors for planning purposes.
- The Board of Directors includes a consumer representative who represents consumers at the monthly meeting.
- Input is also gathered from consumers served in various departments during Advisory Committee Meetings. The information gathered is forwarded to the appropriate program director or supervisory staff to make necessary adjustments or changes as needed.

To foster consumer independence and self-advocacy, consumers received training in self-advocacy. ARC consumers also actively serve in local self-advocacy group: People First.

SECTION TWO: AUTHORITY

BOARD OF DIRECTORS

The term 'Agency' used herein refers to the corporate name of the ARC- Imperial Valley. The Board of Directors of the Agency have final authority to formulate personnel policies for the operation of the ARC – IV. Included within this authority is the power to:

1. Amend these regulations.
2. Do any other act, which it deems necessary for the proper administration of personnel relations.

Any board member involved in any of the types of relationships or situations described in this policy or policies of this handbook should immediately and fully disclose the relevant circumstances to his/her fellow board member(s) for a determination as to whether a potential or actual conflict exists. If an actual or potential conflict is determined, the member(s) of the Board may take whatever corrective action appears appropriate according to circumstances. Failure to disclose facts shall constitute grounds for discharge from serving on the Board of Directors.

2.02 ADMINISTRATIVE AUTHORITY

Chief Executive Officer (C.E.O.)

All administrative and operational responsibilities are vested in the C.E.O., including responsibility and authority for the administration of approved personnel policies and practices. The C.E.O. has the authority to implement these regulations and any other personnel policies set by the Board. Unless specifically limited by the Board of Directors, this includes such actions as employment and dismissal of subordinate positions, determining beginning rates of pay, assigning work to staff, movement of staff members from one salary grade to another, performance appraisals, and other related matters. The C.E.O. is authorized to delegate some of these authorities, but retains final accountability for any action(s) taken.

2.03 PERSONNEL POLICIES AND PRACTICES REVIEW

It is the responsibility of ARC Imperial Valley Personnel Committee and/or C.E.O. to review the personnel practices and/or salary standards annually, and to recommend changes as applicable to the full Board of Directors.

The term "personnel practices" as used in this subsection and hereafter refers to the broad array of personnel rules, which will be executed by the Board of Directors and their designees, as necessary for the administration of the personnel relations at ARC Imperial Valley. Since these practices are only "guidelines", the power of the Board of Directors to formulate "personnel policies" is, of course, far greater than the power to simply amend or implement them.

These regulations list a statement of policy that has been approved by the Board, which retains authority to make decisions affecting personnel policies and to make amendments to these regulations at any time. These regulations and any other personnel policies decreed by the Board apply *to all staff members*.

2.04 LEADERSHIP

ARC Imperial Valley will provide leadership and support to the departments of the ARC to fulfill the Agency's Mission Statement.

This is accomplished through the direction and recommendations of the Agency Board of Directors and its committees and the ARC Management Team.

The ARC will conduct all planning activities, long and short-term goals, assessments, and budgets as needed to ensure long term stability. Monthly Management and Board of Directors meetings are conducted to guide the Agency. Personnel Committee, Health and Safety Committee, Consumers Committee and how often Department meetings also take place. Outcome Measurement reports, program evaluations, fiscal reports, and monthly reports are generated and are reviewed to improve department and Agency effectiveness and efficiency.

Our representation, as well as input from the community, is vital to the Agency's stability. The ARC maintains through the Board of Directors, Department Heads and Management staff participation in various community organizations, locally and throughout the region.

2.05 FINANCIAL PLANNING AND MANAGEMENT

This Agency conducts its business affairs in a way to promote fiscal stability. All fiscal policies will follow generally accepted accounting principles as well as specific requirements of funding sources.

The ARC Imperial Valley maintains an Accounting Policies and Procedures manual that addresses the following: Reporting procedures; Invoice Procedures; Payroll Procedures; Purchasing Authority; Cash Management Polices; Purchase Orders and Expenditures Procedures; Accounts Payable and Accounts Receivable Procedures; Fund Allocation; Month end Checklists.

It is the goal of the Agency to maintain adequate funds through emergency funds, credit lines, or loans to remedy any fiscal instability.

2.06 LEGAL REQUIREMENTS

It is the policy of the ARC Imperial Valley to maintain compliance with all legal requirements and regulations of all government authorities under which ARC operates.

These include equal employment, affirmative action, fair labor practices, accessibility, health and safety requirements, wage certificates, and workshop permits. The ARC will also maintain CARF accreditation as required by the Department of Rehabilitation.

2.07 OUTCOMES POLICY

The ARC will measure how programs are performing using outcome measurement systems. The outcome measurement system seeks the input of those served to help develop criteria to rate the efficiency and effectiveness of each program. All data collected is census data and is collected during a specified time period. Criteria and program goals measuring at least one effectiveness and one efficiency goal are developed with consumer input by direct care staff, supervisory, and administrative staff. Consumer satisfaction and access information is also collected.

A report for each program type is written with information showing how well the program is or is not servicing consumers. This report as well as recommendations for improvements is reported to all interested parties: the C.E.O., Management team, ARC Board of Directors, funding and Referral Sources, staff and consumers.

Information is then used for making changes in the program(s) as needed. This may include policy or procedure changes, staffing changes, or to seek professional consultants to help improve service delivery.

SECTION THREE: EMPLOYMENT PRACTICES AND POLICIES

NON DISCRIMINATION POLICIES

AFFIRMATIVE ACTION

(Refer to Executive Order 11246; 41 CFR Part 60-62; 41 CFR Part 60-74)

It is the policy of ARC Imperial Valley, to provide employment, training, compensation levels, transfer and promotion opportunities and other aspects of employment without regard to sex, race, color, religion, national origin, or age to any qualified individuals including those with disabilities, disabled veterans or Vietnam era veterans.

When we are hiring or promoting within those job categories in which women, minorities, individuals with disabilities or veterans are underutilized, we will take affirmative action to seek out qualified applicants without regards to sex, race, color, age, national origin, disability or veteran status.

At ARC Imperial Valley, all terms and conditions of employment are, and will continue to be established on the basis of the individual's qualifications and ability to perform the essential functions of the job with or without reasonable accommodation.

The Human Resources Director is designated as the Equal Employment Officer for ARC Imperial Valley and will be responsible for communicating and implementing this policy at the main office and at all branch sites.

B. EQUAL EMPLOYMENT OPPORTUNITY

(Refer to Civil Rights Act, 1964, §701; 78 Stat. 253; 42 USC 2000(e))

ARC Imperial Valley is an equal opportunity employer and makes employment decisions on the basis of merit. We want to have the best available persons in every job. Company policy prohibits unlawful discrimination based on race, color, creed, gender, religion, marital status, registered domestic partner status, age, national origin or ancestry, physical or mental disability, medical condition including genetic characteristics, sexual orientation, or any other consideration made unlawful by federal, state, or local laws. It also prohibits unlawful discrimination based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. All such discrimination is unlawful.

ARC Imperial Valley is committed to compliance with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in Agency operations and prohibits unlawful discrimination by any employee of the Agency, including supervisors and coworkers. To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, the Agency will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is 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 an Agency representative with day-to-day personnel responsibilities and request such an accommodation. The individual with the disability should specify what accommodation he or she needs to perform the job. The Agency then will conduct an investigation to identify the barriers that interfere with the equal opportunity of the applicant or employee to perform his or her job. The ARC Imperial Valley will identify possible accommodations, if any, that will help eliminate the limitation. If the accommodation is reasonable and will not impose an undue hardship, the Agency will make the accommodation.

C. AMERICANS WITH DISABILITY ACT

(Refer to Title 42, Chapter 126, USC §12101)

ARC Imperial Valley will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training. This Agency complies with the Americans with Disabilities Act (ADA) of 1990 welcoming applications from persons with disabilities and does not discriminate against them in any way. ARC – Imperial Valley further affirms that we will provide reasonable accommodations for the known physical or mental limitations of otherwise qualified applicants or employees with disabilities.

If you believe you have been subjected to any form of unlawful discrimination provide a written complaint to your supervisor or the individual with day-to-day personnel responsibilities. Your complaint should be specific and should include the names of the individuals involved and the names of any witnesses. The Agency will immediately undertake an effective, thorough and objective investigation and attempt to resolve the situation.

If the Agency determines that unlawful discriminations have 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 and whatever action is taken will be made known to you. The Agency will not retaliate against you for filing a complaint and will not knowingly permit retaliation by management employees or your coworkers.

D. ACCESSIBILITY

(Refer to Title 42, Chapter 126, USC §12101)

It is the policy of the ARC Imperial Valley to remove barriers for persons with disabilities in accordance with the Americans with Disabilities Act (ADA). It is the goal of the ARC to be a leader in providing services for people with disabilities in the Imperial Valley.

The ARC Imperial Valley promotes accessibility by:

- Actively recruiting disabled individuals to work at the ARC Imperial Valley.
- Educate community organizations on disability awareness.
- Participation in community organizations that support accessibility.
- Actively advertise in newspapers, radio, and television to promote better social and employment opportunities for people with disabilities.
- Provide transportation services for people with disabilities to increase social and economic activities.
- Review facilities to ensure architectural, attitudinal, or communication barriers are addressed.

E. GENETIC INFORMATION DISCRIMINATION

Effective 11-21-2009, the Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA) was passed prohibiting genetic information discrimination in employment. It is the policy of ARC Imperial Valley to prohibit the use of genetic information in making employment decisions such as hiring, firing, pay, job assignments, promotions, layoffs, training, fringe benefits, or any other term or condition of employment. Genetic information includes information about an individual's genetic tests and the genetic test of an individual's family member as well as information about the manifestation of a disease or disorder in an individual's family members (i.e. family medical history).

Information about an applicant's, employee or member of the ARC Imperial Valley will be kept confidential and in a separate medical folder the same as other medical information in compliance with the Americans with Disabilities Act (ADA). Limited exceptions to this non-disclosure are exceptions that provide for the relevant genetic information to government officials investigating compliance with Title II of GINA and for disclosures made pursuant to a court order.

F. ANTI-HARASSMENT/ANTI BULLYING POLICY
(Government Order 12950.1; AB1825; AB2053)

The agency is committed to providing a work environment free of unlawful harassment. Agency policy prohibits harassment on any basis protected by federal, state or local law ordinance or regulation. **All such harassment is unlawful.** The Agency's anti-harassment policy applies to all persons involved in the operation of the Agency and prohibits unlawful harassment by any employee of the ARC Imperial Valley, including supervisors and co-workers.

Prohibited unlawful harassment includes, but is not limited to the following behavior:

- Verbal conduct such as epithets, derogatory jokes or comments, slurs, unwanted sexual advances, invitations or comments.
- Visual conduct such as derogatory and/or sexually oriented posters.
- Physical conduct such as assault, unwanted touching, stalking, blocking of movement.
- Employment decisions based upon gender or gender identity, race, age, religious beliefs, veteran status, national origin, political affiliation, sexual preference, medical condition, use of protected leave or any other protected status.
- Retaliation for having reported or threatened to report harassment.

Bullying and/or abusive behavior is unwelcome or unreasonable behavior that demeans, intimidates or humiliates people either as individuals or as a group. Bullying behavior is often persistent and part of a pattern, but can also occur as a single incident. It is usually carried out by an individual but can also be an aspect of group behavior. Some examples of bullying behavior are:

Verbal Communications

- Abusive and offensive language to include personal insults, unwanted teasing or taunting (especially of a protected status).
- Spreading of rumors and innuendos.
- Unreasonable criticism and trivializing of work achievements.

Manipulating the work environment

- Isolating people from normal work interactions and/or work-related events.
- Excessive demands and setting impossible deadlines.

Psychological manipulation

- Unfairly blaming someone for mistakes, setting people up for failure or deliberate exclusion.
- Excessive supervision or consistently belittling or disregarding opinions or suggestions of an employee
- Practical jokes or criticizing in public
- *Mobbing* or bullying behavior carried out by a group rather than individual

If you believe that you have been unlawfully harassed or bullied provide a verbal and/or written complaint to your immediate supervisor, Program Director, Human Resources Administrator or C.E.O. as soon possible after the incident. Your complaint should include details of the incident(s), names of the individuals involved and names of any witnesses. Supervisors will refer all harassment complaints to the H.R. Director, Program Director or the C.E.O. The Agency will immediately undertake an effective, thorough and objective investigation of the harassment allegations. The Agency will not retaliate against you for filing a complaint and will not tolerate or permit retaliation by management or coworkers.

ARC Imperial Valley encourages all employees to report any incidents of harassment forbidden by this policy **immediately** so that complaints can be quickly and fairly resolved. You should also be aware that

the Federal Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) will investigate and prosecute complaints of prohibited harassment in the workplace. If you think you have been harassed or that you have been retaliated against for resisting or complaining you may file a complaint with the appropriate agency. The nearest office is listed in the telephone book.

In accordance with AB1825, all newly hired or promoted supervisors will receive at least two-hours of interactive classroom instruction involving sexual harassment prevention within six months of assuming a supervisory position. All supervisors will receive at least two-hours of interactive classroom instruction involving harassment and sexual harassment training, every two years.

Additionally, effective January 1, 2019 all employees will receive one hour of instruction in the prevention of sexual harassment, reporting harassment, participating as a witness during an investigation along with retaliation.

G. RIGHTS OF CONSUMERS

Each employee (staff member) and consumer is taught to understand the Rights of Consumers. The ARC has adopted applicable Title 22 and 17 regulations of the California Administrative Code plus Federal Mandates concerning policies on confidentiality, informed consent, self-entered program planning and suspected abuse reporting policies to ensure consumer's individual rights. A Human Rights Committee exists to review all issues concerning informed consent and possible denial of rights. The Human Rights Committee meets as often as needed.

3.02 CATEGORIES OF STAFF

- A. A classified full-time employee is one whose regular work schedule is a minimum of 40 hours per week, 52 weeks a year. Service contract employees may be classified as full-time employees with less than 40 hours regularly scheduled per week. At times, a full-time employee may work more or less than 40 hours in any given week. This does not change their employment status unless their regular schedule has also been changed. All full-time employees shall be entitled to employee benefits as provided in Section 8 and upon successful completion of an introductory period.
- B. A classified part-time employee is one whose regular work schedule is less than a 40-hour week. Service contract employees may be classified as full-time employees with less than 40 hours regularly scheduled per week. All part-time employees shall not be entitled to employee benefits, except as provided in Section 8 and as required to by law upon successful completion of an introductory period.
- C. A casual term employee is one who is employed for a designated number of hours a week for a period of time or for a specific project or limited time. Such employees may be employed on an hourly, per diem, biweekly or monthly basis. Those employed on an hourly basis are paid at an agreed upon rate for a service day or days based upon the Agency's needs. Weekly or biweekly employees receive an agreed upon rate for one or more weeks of five successive workdays each. Monthly employees are paid upon an agreed upon scale for one or more calendar months of service. With all casual term employees, the agreed upon rate of pay and time of payment shall be established in writing at the time employment commences. All provisions of these regulations relating to job performance, discipline and discharge are applicable to casual term employees during their period of employment. Casual term employees are not entitled to employee benefits, except as required by law.
- D. An Agency employee requiring on-the-job training is one who is employed to be trained for a specific job classification that will require technical instruction with the performance of job tasks under close supervision of an experienced supervisor. Such employees may be employed on a hiring rate no less than the State minimum wage. Those employed under this category shall be

entitled to benefits as provided in Section 8 upon successful completion of their introductory period. The employee's progress in job performance and successful completion of established criteria will be evaluated to determine the degree of progressive increase in the schedule of wages subject to the provision in Section 8. All provision of Arc – Imperial Valley policies and procedures are applicable to an employee requiring on-the-job training.

3.03 RECRUITMENT

Job posting is a way to inform employees of openings and to identify qualified and interested applicants who might not otherwise be known to the hiring manager. Other recruiting sources may also be used to fill open positions in the best interest of the organization.

- A. **INTERNAL VACANCIES:** ARC Imperial Valley provides employees an opportunity to indicate their interest in open positions and advance within the organization according to their skills and experience. In general, notices of all regular, full-time job openings are posted, although ARC Imperial Valley reserves its discretionary right not to post other pertinent information.

Job openings will be posted on the employee bulletin board, in the e-mail system and will remain open for 10 working days. In some instances, based upon the Agency's needs, a job opening maybe posted internally and/or by department. Each job posting notice will include the dates of the posting period, job title, department, location, grade level, job summary, essential duties, and qualifications (required skills and abilities).

To be eligible to apply for a posted job, employees must be in "good standing," having performed competently for at least 180 calendar days in their current position, unless authorized by the Program Director. Employees who have a written warning on file, remain on probation or have been suspended, are not eligible to apply for posted jobs. Eligible employees can only apply for those posted positions for which they possess the required skills, competencies, essential functions and minimum qualifications.

To apply for an open position, employees should submit a job posting application to their immediate Supervisor listing job-related skills and accomplishments. It should also describe how their current experience with ARC Imperial Valley, prior work experience and/or education that qualifies them for the position.

ARC Imperial Valley recognizes the benefit of developmental experiences and encourages employees to talk with their supervisors about their career plans. Supervisors are encouraged to support employees' efforts to gain experience and advance within the organization.

An applicant's supervisor may be contacted to verify performance, skills, and attendance. Any staffing limitations or other circumstances that might affect a prospective transfer may also be discussed. Additionally, the hiring supervisor has the right to review each internal applicant's personnel file, prior to the interview process.

- B. **VACANCIES:** Notices of employment opportunities shall be publicized for a reasonable time by posting announcements on all official bulletin boards, advertisements in newspapers and magazines or forwarded to reputable agencies offering compatible services and qualifications or by other methods as the C.E.O. deems appropriate. Job announcements shall be prepared and specify a title, range of pay of the classification for which the Agency is recruiting, scope of work to be performed, application process and other pertinent information.
- C. **EMPLOYEE REFERRAL:** ARC Imperial Valley encourages employees to identify friends or acquaintances that are interested in employment opportunities and refer qualified outside applicants for posted jobs. Employees should obtain permission from the individual before making a referral, share their knowledge of the organization and not make commitments or oral promises

of employment. An employee should submit the referral's resume and/or completed application form to the Human Resources Department for all posted positions.

3.04 JOB DESCRIPTIONS

A separate job description shall be prepared for each distinct type and job classification. A valid job description consists of a brief summary of the position, identifies all of the essential functions and requirements for the position, lists minimum work experience, education and/or certifications that maybe required for the position, desirable qualifications and minimum requirements established by the Agency (including standards of education, experience, knowledge, skills, and abilities considered important for successful performance). Each job description will identify any existing CAL-OSHA and/or American with Disability Act (ADA) requirements.

APPLICATION FORMS

All applicants for employment are required to complete the standard application form with an attached DMV Report, prior to the first interview. Applicants for positions maybe given tests (i.e. written exercises, math tests, etc.), as the Agency deems appropriate. Falsification of information provided on any job application will be subject to review and declined for consideration. If the individual is already employed, false information during the interview or written within the initial job application will be subject to immediate termination.

3.06 SELECTION

Techniques used in the selection process shall be impartial, remain confidential and will relate to those subjects which fairly measures the relative capacities of each applicant based upon the ability to perform the essential duties identified within the current job description and/or classification, using the following criteria:

- Paper screening of each application by both the Human Resources Department and the hiring supervisor.
- Human Resources will generate "weighted" interview questions based upon the essential functions of the position along with other required qualifications.
- Panel interviews (Hiring supervisor, one other person in the department and one representative from the HR Department).
- Human Resources Department contacts and schedules applicants for interviews.
- Interviews are conducted, using weighted interview questions provided by the Human Resources Department.
- Once the interviews have been completed, the hiring supervisor may select (hire) any of the applicants ranked within the top three interviewees, based upon overall interview scores.
- Human Resources Department contacts the applicant selected by the hiring supervisor and schedules a start date, pending a background check and post-offer physical. Non-selected applicants will be notified by mail.

An applicant will not commence with employment until the Human Resources Department receives satisfactory references, preferably from previous employers. Applications that do not include references with employer's name, business address, period of employment and duties shall be returned for completion before further processing. This policy may be waived by the C.E.O during periods of emergency.

In some instances, the selection process will consist of secondary interviews, written tests, performance tests, physical examinations, other background investigations, post-offer drug and alcohol test and/or other reference checks.

All job offers based upon medical exam results, include the following conditions:

- The medical examinations are given to all entering employees in the same job category, regardless of disability.
- Any and all Information gathered during an exam about applicants, medical conduction and history must be maintained on separate forms and maintained in separate confidential files.
- The information must be kept confidential, except whenever the appropriate supervisor and program directors may receive information about necessary work restrictions and accommodations; first aide/ safety personnel may be informed if the disability might require emergency treatment.
- ARC Imperial Valley utilizes pre-employment drug and alcohol testing as designated by any State licensing agency, contractor, or any other funding sources. Such screening is required to prevent the hiring of individuals whose use of alcohol or drug would impair job performance or create a risk for unsafe atmosphere for other personnel or clients (Refer to Section 12, Alcohol/Substance Abuse Policy).

Applicants whose position requires a professional license, certification or proof of academic achievement must present such documentation prior to employment.

E - VERIFY POLICY (Refer to 8 USC §1324a)

Federal law requires all employers to verify the identity and employment eligibility of all persons hired to work in the United States. In return, ARC Imperial Valley will provide the Social Security Administration and, if necessary the Department of Homeland security, with information from each new employee's Form I-9 to confirm work authorization.

If the E-Verify process cannot confirm that you are authorized to work in the United States, this employer is required to provide you written instructions and an opportunity to contact SSA and/or Department of Homeland Security before taking adverse action against you, including rescinding your employment.

If you believe that ARC Imperial Valley has violated its responsibilities under this program or has discriminated against you during the verification process based upon your national origin or citizenship status, please call the Office of Special Counsel at 1-800-255-7688 (TDD) 1-800-237-2515.

3.07 EMPLOYMENT REQUIREMENTS

At the time of employment, every new employee shall be given a letter of appointment signed by the C.E.O. or a delegated representative. The letter shall state whether the individual is appointed to a full-time, part-time or to a casual term position. It will state the specific date of employment. The letter shall include the title and classification of the position as well as the commencement date, a job description, rate of pay, name of the immediate supervisor to whom the employee is assigned and any other information deemed pertinent to the appointment. Every new staff member is required to familiarize themselves with the contents of this Personnel Policies Manual. A form attesting to the employee's review of this manual shall be completed, signed and placed into their personnel folder.

At the time of employment, every new employee shall complete the documents as required by law.

A. HIRING OF RELATIVES AND COHABITANTS

Relatives, domestic partners and cohabitants of persons currently employed by the ARC Imperial Valley may be hired, transferred or promoted only if they will not be working directly for or supervising a relative or cohabitant or will not occupy a position in the same line of authority where decision involving a direct benefit to the relative or cohabitant may occur. Such decisions include but are not limited to initial hiring, retention, transfer, promotion, salary, and leave of absence.

Prior to the employment or promotion offer or transfer, the hiring director or prospective supervisor must acknowledge in writing that they will not be hiring and/or will not be supervising a relative, domestic partner or cohabitant. This form shall accompany the signed employment forms that are submitted to the Human Resources Department before the job offer or transfer is implemented. Failure to submit the certification statement will result in the delay of the job offer or transfer until the statement is submitted. Any employee not adhering to this policy will be may be reassigned, disciplined and/or even terminated from their employment.

For the purposes of this policy:

- **Relatives:** Relationships by blood and/or marriage.
- **Domestic Partners:** Same-sex couples and opposite-sex couples who live together and exercise the same rights, benefits & responsibilities and duties under law as married spouses.
- **Cohabitants:** Non-related individuals sharing housing including domestic partners, domestic partner's son or daughter. Individuals who share rent and housing expenses for economic reasons.
- **Volunteers with Relatives working or receiving services by the ARC:** Relatives, domestic partners and cohabitants may volunteer at the ARC to fulfill community services, bona fide academic practicums or internships as long as they do not present a conflict of interest or involve the supervising of a relative, domestic partner or cohabitant. Relatives of ARC employees may actively participate within work study programs, if available at the ARC, if that placement does not present a conflict of interest or involve the supervision of a relative, domestic partner or cohabitant.

B. HEALTH

Employees whose duties require the handling of food or direct contact with consumers must present a health card within seven (7) days of employment evidence that they are in good health. After the initial health screen, employees, with the exception of staff employed in the ICF-DD/H group homes and Community Licensing day programs will be required to submit a health screen every three years.

ARC Imperial Valley reserves the right to send employees for a health inspection as deemed necessary for the health and safety of consumers and other employees. Vision test maybe required and will be determined on a case-by-case basis.

Employees with life-threatening illnesses, such as cancer, heart disease and AIDS often wish to continue their normal pursuits, including work, to the extent allowed by their condition. ARC-Imperial Valley supports these endeavors as long as employees are able to meet acceptable performance standards. As in the case of other disabilities, ARC Imperial Valley will make reasonable accommodations in accordance with all legal requirements, to allow qualified employees with life-threatening illnesses to perform the essential functions of their jobs. (Refer to Title 42, Chapter 126, USC §12945.2)

Medical information on individual employees is treated confidentially. The Agency will take reasonable precautions to protect such information from inappropriate disclosure. Supervisors and other employees have a responsibility to respect and maintain the confidentiality of an employee's medical information. Anyone inappropriately disclosing such information is subject to disciplinary action, up to and including termination of employment.

Employees with questions or concerns about life-threatening illnesses are encouraged to contact ARC – Imperial Valley's Employee Assistance Program for information and referral to appropriate resources.

C. COMPLIANCES

In order to meet the various licensing agencies requirements all Agency employees will be required to obtain and keep updated reports, certifications and clearances within the specified time periods. Ongoing

training to ensure competency are also required. Such training maybe offered internally or by third party provider.

It is the individual employee's responsibility to pay any expenses incurred obtaining these documents. Upon obtaining compliance's, the document (s) shall be brought into the Human Resources office. The item(s) will be copied and placed in the employee personnel file.

D. LICENSE AND CERTIFICATION

Employees whose jobs require professional license or certification must present documentation of the license or certification prior to employment.

- Employees pay the cost of obtaining their license or certification, or maintaining it in a current status.
- Copies of the license or certification, plus copies of all renewal or changes, must be provided by the employee for inclusion into their personnel file.
- Employees must notify their immediate supervisor before the next scheduled workday of any changes in the status of their license or certification.
- ARC employees must maintain other compliance deemed necessary by the Agency.

E. RE-HIRE POLICIES

It is the policy of ARC Imperial Valley to rehire former employees, under the following circumstances:

- Voluntarily left the company's employment in good standing
- Laid off due to business slowdown(s) while maintaining a satisfactory record of service.

Classes Eligible for Rehire

Employees who had completed their introductory period and who were part of a reduction in force as well as those who voluntarily resigned will be eligible for rehire based on company records.

Classes Not Eligible for Rehire

Employees who were involuntarily terminated by ARC – Imperial Valley or who were laid off (with a less than satisfactory work record) or who failed to complete their introductory period will not be considered for rehire. Former employees who had less than satisfactory work record appropriately noted at termination as not being eligible for rehire are excluded from rehire consideration.

3.08 OUTSIDE VOLUNTEER

As a non-profit agency, ARC Imperial Valley, provides opportunities for volunteers and students so that they can gain practical and professional experience or simply have an outlet for helping the people we serve. To be accepted as a volunteer, candidates must complete a volunteer application, undergo a reference check and be interviewed by the Director of Human Resources or delegated representative. If appropriate placement can be made volunteers and students will be assigned to work under a supervisor that will assure that they adhere to a work schedule, are evaluated (students only) and obey the same rules and code of conduct as all regular staff members. All volunteers and students serve at the discretion of the program director, which can terminate their relationship with ARC Imperial Valley at any time for any reason.

Relatives of persons currently employed by ARC Imperial Valley may not volunteer to work directly for a relative. Parties working under the supervision of relatives may be separated by reassignment or terminated from volunteer service as a conflict or the potential for conflict arises.

3.09 RECORDS RETENTION AND DOCUMENT DESTRUCTION POLICY (Refer to 29 CFR Part 1602)

ARC Imperial Valley shall retain records for the period of their immediate or current use, unless longer retention is necessary for historical reference or to comply with contractual or legal requirements. Records and documents outlined in this policy include paper and electronic, network servers, and handheld devices.

ARC Imperial Valley shall not knowingly destroy a document with the intent to obstruct or influence an investigation or any proper administrative matter within the jurisdiction of a recognized government authority.

In order to eliminate accidental or unintentional destruction, the following retention policy applies:

Updated Annually Affirmative Action

1-year retention
Grants (unfunded); I -9's (after termination)

2-year retention
Correspondence (vendors, customers or general)

3-year retention
Bank records, reconciliations and statements, cancelled checks, transfer documents, deposits, consumer files (notes) Insurance policies, records, accident reports, and claims (expired), employee demographics, compensation records (Service Contract Act), I -9's (after hire) and employment applications.

5-year retention
Consumer files (Inactive)

7-year retention
Accounts receivable and payables, ledgers and schedules, contracts, mortgages, notes and leases expired, donation receipts and acknowledgments, garnishments, grants (funded), expense distribution records and analysis, invoices, inventory records, personnel files, personnel files (terminated), time sheets and equivalent, program evaluation and quality assurance reports.

10-year retention
Workers Compensation records

30-year retention
Hepatitis B vaccine records (while active), consumer files (main data) and consumer files (important events)

Permanently retained records are as follows

Audited financial statements and audited reports, general ledgers, internal audit reports and trial balance journals ,bylaws, Articles of Incorporations, board minutes and related records, chart of accounts, contracts, mortgages, notes and leases in effect, correspondence (legal or important), depreciation schedules, EEOC report , insurance policies, records, accident reports and claims (in effect), loan documents and notes, retirement and pension plan summary and plan descriptions , tax returns and worksheets , accreditation reports, licensure reports, etc.

SECTION FOUR: POSITION CLASSIFICATION AND SALARY ADMINISTRATION PLAN

(Refer to 29 U.S.C. §203; Labor Code §200-§219)

4.01 PURPOSE OF PLAN

The Board shall adopt a salary schedule for all employees. The salary of each class shall be consistent, within the discretion of the board and ARC Imperial Valley's income, with the duties, qualifications and responsibilities of the work involved. In setting the salary for a position, the Board may consider the rate of pay in similar public and private employment within the Imperial County area. However, the rates of pay at other agencies and/or employers shall not be binding upon ARC Imperial Valley.

4.02 POSITION DESCRIPTION

ARC Imperial Valley will prepare and maintain a written job description for all staff positions, including volunteers. In the event new paid positions are created through expansion or reorganization, written job descriptions will be prepared and then approved by the C.E.O. prior to filling the position.

Job descriptions will contain the following elements: title, summary of job duties, performance requirements, definition of the essential and nonessential functions of the position, qualifications, (education, experience, other) attributes, immediate supervisor, employee signature, C.E.O. or delegated representative's signature and date.

Written job descriptions play a key role in assuring the agencies compliance with the ADA, and other federal and state employment laws. Employees may occasionally be required to perform related duties not specified in the job description. In the event new major responsibilities or other significant changes occur, the job description will be rewritten to reflect these changes.

A salary factor chart shall be prepared and reviewed the Board's Personnel Committee as needed as basis for salary recommendations to the full Board of Directors. Whatever salary schedules are established shall be within the sole discretion of the Board of Directors of the ARC - Imperial Valley.

4.03 COMPENSATION POLICY

ARC Imperial Valley's total compensation package will align with its overall mission, strategies, and plans. Compensation policies and procedures will support ARC's viability.

Total compensation will recognize the dignity of each person. Related policies and procedures will employ equity when recognizing the relative value of each function and rewarding individual performance. ARC - Imperial Valley places a special emphasis on affordable core benefits and equivalents such as paid time off.

ARC Imperial Valley will design and administer programs in a financially sustainable manner to ensure the ARC's mission of helping individuals with mental and physical limitations reach their potential.

ARC Imperial Valley's compensation, policies and procedures will be conservatively competitive with similar local organizations based on the current market and economy.

ARC Imperial Valley will comply with all applicable laws including equal pay laws, equal employment opportunity laws, benefit regulations, Service Contract Act, and the Fair Labor Standards Act.

4.04 SALARY AND WAGES RANGES

With respect to full-time and part-time positions, the salary or wage ranges for each classification category extends from a minimum through a maximum of seven grades and is not to be construed as "automatic." Salary and wage ranges are subject to approval by the Board of Directors of ARC Imperial Valley.

No schedules or ranges are established for the casual term position.

4.05 BEGINNING SALARIES AND WAGES

Ordinarily, new employees are hired at the minimum salary for that grade. However, to secure the services of a person with exceptional abilities and experience, or for unusual reasons, the C.E.O. may negotiate a salary.

4.06 SALARY ADMINISTRATION

- A. Pay increases are based upon merit and the ability of ARC Imperial Valley to fund such increases. Pay increases are not automatic. Pay increases awarded to employees at the time of their periodic evaluation will become effective the first day of the following pay period.
- B. When an employee: (1) is promoted from one position to another position for which the salary or wage grade is higher, or (2) is in a position that is reclassified to a higher salary or wage grade, the pay will be increased to the extent necessary to place the employee within the appropriate range.
- C. When an employee is transferred from one position to different position that is paid in the same salary or wage grade, the rate of pay remains the same.
- D. When an employee is placed in a lower salary or wage grade as a result of a reduction in force, demotion or other reason, the pay will be decreased to the extent necessary to place the employee within the appropriate grade.
- E. At any time the Board of Directors may authorize other forms of compensation to ARC employees based upon specific criteria established by the Board. Amount and duration will be determined by the ARC Board of Directors. Other forms of compensation are not automatic. Wage increases are effective only at the time that they are given. There is no carryover of wage increases due to training, education or merit unless required by law or Agency policy. Lump sum amounts for merit or outstanding service payment will not exceed \$500.00 unless approved by the CEO.
- F. Furloughs: in response to budget shortfalls, ARC Imperial Valley may require employees to take unpaid furlough days. This policy is applicable to all ARC employees.

4.07 PAY DIFFERENTIALS

Employees performing working late night shifts will be provided a pay differential as may be required by a contract's wage orders.

4.08 PAY PERIODS

- A. Pay periods are the first to the fifteenth, and the sixteenth to the end of the month.
- B. Paydays will be on alternating Fridays.

ARC Imperial Valley takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

In the unlikely event that there is an error in the amount of pay either underpayment or overpayment it is the responsibility of the employee to report any discrepancy to the attention of the Human Resources Department so that corrections can be made as quickly as possible.

Persons reporting lost or stolen checks will be responsible to pay for any stop payment or check replacement costs.

4.09 PAYROLL FILES

Confidential Payroll files are maintained by the Accounting Department separately from the employee's personnel file. Employees who wish to review their own payroll file should contact the Accounting Department. With reasonable advance notice, employees may review their own payroll files in ARC Imperial Valley's offices and in the presence of an individual appointed by ARC Imperial Valley to maintain the files. The employee may take notes, but may not copy any of the file contents. The employee may request copies or related reports. (Refer to Labor Code §226).

SECTION FIVE: PERSONNEL RECORDS

5.01 PERSONNEL FILE

The Human Resources Department maintains a personnel file for every paid employee. Records for temporary employees are retained for reference in the event of future employment by the Agency.

5.02 INDIVIDUAL PERSONNEL RECORDS

- A. The system of individual record keeping may change as the Agency grows and staff is increased. A separate personnel folder for each individual employee will contain (1) the individual's completed application form, reports of employment interview, satisfactory physical examination, if required; (2) copy of the letter of appointment given at the time of employment; (3) the appointee's acceptance letter; (4) copies of written evaluations of the individual's work performance; (5) copies of any letters concerning promotions; and (6) any other pertinent documents relating to the individual's employment and job performance.
- B. Individual personnel records are strictly confidential and are under the exclusive control of the C.E.O., Board of Directors and delegated representative. Contents of an individual employee's personnel folder may be discussed with the employee but will not be available to any other member of the staff with the exception of the employee's supervisor. Under no circumstances may an employee's personnel folder be either given or made available to any group or persons outside the Agency except as provided by law. Information pertaining to the earnings of an employee will be furnished to credit agencies and such requests must be in writing. Phone requests are not an acceptable business practice.
- C. Personnel files are the property of ARC Imperial Valley and access to the information they contain is restricted. Generally, only supervisors and management personnel of ARC - Imperial Valley who have a legitimate reason to review information in a file are allowed to do so.

Employees who wish to review their own file should contact the Human Resources Department. With reasonable advance notice, employees may review their own personnel files in the Human Resource's office. The employee may take notes, but may not copy any of the file contents with the exception of documents signed by the employee. The employee must request permission to include a note of disagreements. The Human Resources department will provide a form on which disagreements may be expressed (Refer to Labor Code §1198.5).

5.03 CONFIDENTIAL FILE

Drug and/or alcohol laboratory reports or tests shall not appear in an employee's personnel file. Information of this nature, however, will be included in a separate medical folder. These reports or test results may be disclosed without the employee's consent if:

- 1. ARC management needs to know of special work restrictions that result from reasonable accommodations;
- 2. First aid and safety personnel may need the information in case emergency treatment is required;
- 3. The information is compelled by law or judicial or an administrative process;
- 4. The information has been placed at issue in a formal dispute between employer and employee;
- 5. The information is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure.

All required records shall be maintained in a secure location with limited access. Records shall be made available for inspection to authorized agents and with the permission of the CEO at the employer's principal place of business within two business days of the request.

SECTION SIX: STAFF DEVELOPMENT, PERFORMANCE ASSESSMENTS, PROMOTIONS

6.01 TRAINING

Each new employee will be given information regarding the origin and purpose of the corporation (including policies, philosophy, programs, safety, and relationship of the agency to other community agencies and groups); the duties and responsibilities of the new employee's position; the relation of those duties to the duties of the immediate supervisor, other employees, and volunteers; and other instructions necessary for sound initial performance.

6.02 PERFORMANCE ASSESSMENTS

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Formal performance evaluations are conducted at the end of an employee's initial orientation period in any new position. This period, known as the introductory period, which is no more than 180 days after hire or transfer to the position, allows the supervisor and the employee to discuss the job responsibilities, standards, and performance requirements of the new position. Additional formal performance evaluations are **conducted periodically** to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

Positive performance evaluations do not guarantee increases in salary or promotions. Salary increases and promotions are solely within the discretion of the Agency and depend upon many factors in addition to performance. After the review, you will be required to sign the evaluation report to acknowledge that it has been presented to you and discussed with you by your supervisor, and that you are aware of its contents. A copy of the evaluation will be provided to you by request only.

6.03 PROMOTIONS

In order to retain experienced staff and reward initiative and ability, promotions will be made from within ARC Imperial Valley whenever employees possess the minimum requirements and have at least equivalent qualifications of outside applicants, provided that the C.E.O. has sole discretion as to the equivalence of qualifications. The basis for promotions is similar to training, work experience, teamwork, demonstrated leadership and job performance.

A promotion which provides a salary or wage increase changes the evaluation date to the effective date of the promotion and the existing evaluation date is voided.

6.04 PROFESSIONAL DEVELOPMENT

Each employee is encouraged to pursue development opportunities whenever possible. In-service training is designed to provide staff members with the skills, training, and experience for their continued development. Training will be subject to these conditions:

- A. Attendance at conferences, classes, educational meetings, online courses, workshops and institutes must have the approval of the C.E.O. or delegated representative.
- B. Each full-time professional employee may be permitted to attend conferences as funds permit, including registration and reimbursement for lodging, meals and travel. Attendance at such a conference shall be requested by the employee by submitting an estimated cost to the C.E.O or the delegated representative who will determine the value of the conference, amount of time lost from duties, overall cost and return-on-investment (ROI).

- C. Each individual who attends a class, conference, seminar and/or in-service is expected to submit a written report summarizing what was covered, the date and who attended.

SECTION SEVEN: WORKING HOURS AND ATTENDANCE RECORDS

7.01 WORK WEEK AND HOURS OF SERVICES

- A. The workweek for all employees from 12:01 a.m. Sunday through 12:00 midnight Saturday.
- B. The residential facilities operate on a 24-hour basis. The hours of these facilities are subject to the best interest of the consumers and may be changed, if required to ensure proper care to the consumers. An employee of the residential facilities is not permitted to exchange shifts with another employee without the prior authorization of both employees' supervisor.

Non-exempt residential services staff will be entitled to time and one-half for over 40 hours in a workweek. Non – exempt employees will be entitled to two (2) times the employees' rate of pay for working over 16 hours of work in a work day and all hours in excess of 48 hours in the workweek.

Residential Services staff who works seven consecutive days will be eligible for 1 ½ time pay for the first 8 hours of the seventh day worked and double time pay for all hours in excess of eight hours on the seventh consecutive day in a workweek.

- C. The General Services Administration contract currently operates on a 24-hour basis, seven days a week.
- D. The Transportation Department currently operates from 4:00 a.m. to 6:00 p.m. Monday through Friday. The operations schedule may vary dependent on contract requirements.

Other programs operate during regular business hours. Scheduled hours may vary from time to time.

- E. Office hours for the administration department and program administration offices shall be 8:00 a.m. to 4:30 p.m. daily, Monday through Friday. Offices are closed on Saturday and Sunday.
- F. Salaried supervisors and administrative exempt employees are to meet the responsibilities of their programs or services at all times. The above schedules are dependent upon the proper management of individuals programs and employees. It is recognized that the day's duties, on occasion, may carry beyond the customary hours of work. For administratively exempt and supervisory personnel, such occasional extra services are ***not considered overtime***. (Refer to the Fair Labor Standards Act – 29 U.S.C. §203; California Labor Code §515c)

7.02 ATTENDANCE RECORDS

- A. The Human Resources Department will be responsible for maintaining records of attendance, vacation and sick leave for all Agency employees. Additionally, the Human Resources Department will maintain and update employee's personal information to include: home address, mailing address, telephone number (cell and landline) and personal contact information (i.e. spouse, relative, child, friend, etc.) in the event of illness or any other emergency. Contact information will be reviewed often and kept current.
- B. Every employee is individually responsible for giving his/her supervisor necessary information about attendance, vacation taken or planned leave, etc.
- C. Each employee shall use a time clock, time matrix or record their time of arrival and departure, including lunch or dinner breaks on a time card or time matrix form. ***Any employee who records another employee's time or alters his/her own time clock entry without the***

authorization of their immediate supervisor is subject to formal discipline up to and including immediate dismissal. This policy will be strictly enforced.

D. Employees should not report to work or record their time more than seven minutes before the beginning of their shift. In addition, employees should not work or clock out more than seven minutes after the end of their shift, unless authorization to work overtime has been given by their immediate supervisor. Persons with two or more overtime hours a week will have to provide documented authorization from their immediate supervisor or program director. Employees should record out when they start their meal period and clock in when they return to work.

E. In accordance with state and federal law, the employer rounds to the nearest one-quarter hour. (Refer to 29 C.F.R. § 785.48)

7.03 TIMEKEEPING

A grace period is provided in which an employee can report to work late up to seven minutes without being “docked” and still receive a full day’s pay. Despite this grace period, regular punctuality is expected of all employees. Even though employees will receive a full day’s pay for being no more than seven minutes late, they will be considered “late to work” by their supervisor. Excessive tardiness will be subject to disciplinary action up to and including termination.

No employee is permitted to record in or out for another employee, and such an offense may result in formal discipline up to and including immediate dismissal. (Refer to P&P 7.02C)

7.04 MEALS AND REST PERIODS

All non-exempt employees are entitled to periodic rest break periods during their workday. If you are a nonexempt employee you will be paid for all such break periods and you will not clock out. Your supervisor will advise you of the time and duration of your breaks and you are expected to return to work promptly at the end of any rest break.

Generally, you will be entitled to one (1) 10-minute rest break for every four (4) hours you work (or major fraction thereof, which is defined as two (2) hours). If you work more than six (6) hours and up to 10 hours in a work day, you will receive one (1) rest break during the first half of your shift and one (1) rest break during the second half of your shift. If you work more than 10 hours and up to 14 hours you will be entitled to an additional paid 10-minute rest break.

If you work more than five (5) hours in a workday, you are also entitled to an unpaid meal period of at least 30 minutes. If you work more than 10 hours, you are entitled to a second, unpaid meal period of at least 30 minutes. Depending upon circumstances, with a supervisor’s pre-approval, you may be able to waive your second meal if you took the first one. You must not perform any work during your meal period and you must stop working for a full, 30 consecutive minutes. Based upon various Wage Orders there may be some exceptions. (Refer to California Labor Code §512).

7.05 OVERTIME

Hourly employees will be paid for overtime or granted compensatory time. Overtime must be approved by the Program Director. Time records must indicate overtime and be approved by supervisor and the C.E. O. in advance to keep overtime to the absolute minimum. Time taken off during a regular shift for personal business must show time out and time in, and be initialed by the immediate supervisor. **Holiday, vacation and paid sick time are not considered time worked when calculating overtime pay.** (Refer to California Labor Code §201).

Non-exempt employees will be entitled to time and one-half for:

- over 8 hours in a work day
- over 40 hours in a workweek
- the first 8 hours of work on a 7th day

Non-exempt employees will be entitled to double-time for:

- over 12 hours of work in a work day
- over 8 hours of work on a 7th day

Overtime standards will not apply to alternative workweek schedules exempted by California Labor Code §201 and/or Wage Orders (i.e. Industrial Wage Order 5-2001).

7.06 ON DUTY MEAL PERIOD AGREEMENT

Employees may take on-duty meal periods in certain circumstances. An on-duty meal period is permitted only when the nature of the work prevents an employee from being relieved of all duty; on duty meal periods must be agreed to in writing by the employee and the employer, must be paid; and may be revoked at any time in writing by the employee. (Refer to California Labor Code §512).

SECTION EIGHT: EMPLOYEE BENEFITS

8.01 INTRODUCTION PERIOD

(A) NON-SERVICE CONTRACT ACT EMPLOYEES

The introductory period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. ARC Imperial Valley uses this period to evaluate employee capabilities, work habits, and overall performance. Either the employee or ARC Imperial Valley may end the employment relationship "at will" at any time during or after the introductory period, with or without cause or advance notice.

All new and rehired Grade Three (3) through Grade Seven (7) employees work on an introductory basis for the first 180 calendar days after their date of hire. All new and rehired Grade two (2) and Grade one (1) employees' work on an introductory basis for the first 60 days after their date of hire. Employees who are promoted or transferred within ARC Imperial Valley must complete a secondary introductory period of the same length of time with each reassignment to a new position. Any significant absence will automatically extend an introductory period by the length of the absence.

If the Agency determines that the employee is determined to not be successful in the new position, within the 180 day introductory period, the Agency reserves the right to terminate employment "at-will."

In cases of promotions or transfers within ARC Imperial Valley, an employee who, in the sole judgment of management, is not successful in the new position can be removed from that position at any time during the secondary introductory period. If this occurs, the employee may be allowed to return to their former job or to a comparable job for which the employee is qualified, dependent upon the availability of such positions and Agency's business needs.

Upon satisfactory completion of the initial introductory period, employees enter the "regular" employment classification.

During the initial introductory period, new employees are eligible for those benefits that are required by law. After becoming regular employees, they may also be eligible for other ARC Imperial Valley provided benefits, subject to the terms and conditions of each benefits program. Employees should read the information for each specific benefits program for details concerning eligibility requirements.

Benefits eligibility and employment statuses are not changed during the secondary introductory period that result from a promotion or transfer within ARC Imperial Valley.

(B) SERVICE CONTRACT ACT (SCA) EMPLOYEES (Federal Contract Employees)

Due to regulations specified in article 29 of the Service Contract Act (SCA), employees working with Federal contracts under the SCA are subject to a different level of benefits than other employees.

8.02 HOLIDAYS

A) To be eligible for paid holidays, an employee must be full-time and have successfully completed his/her introductory period. Part time employees must be working more than 30 hours per week to be eligible for paid holidays.

- B) Holidays will be paid at the rate of eight (8) hours for Non- SCA full-time employees and four hours (4) for part-time Non- SCA employees.

Holidays will be paid to SCA full-time and part-time employees proportionate to the amount of time an individual spends in work covered under the Service Contract Act. Payment will be based on the number of hours the employee ***worked in a previous 12 months***, prior to the named holiday and is based on an individual's hourly wage for work performed at the contract.

SCA Employees vacation. (The wage determination lists various benefits for all federal service employees). An employee's anniversary date is the reference point for vacation eligibility and issued as an employee's continuous service. An employee is eligible for vacation pay as required by the wage determination if an employee's total length of service is one year with no break in service.

- C) Non-SCA and SCA eligible ARC employees are provided 10 holidays per calendar year. The following days are to be observed as holidays without loss of pay to eligible employees and are awarded based upon contract requirements, usually consistent with funding sources. Paid holidays are subject to change by the ARC Imperial Valley or funding source.

**New Years
Martin Luther King
Presidents Day
Memorial Day
Independence Day
Labor Day
Columbus Day*
Veterans Day*
Thanksgiving Day
Day after Thanksgiving
Christmas Eve
Christmas Day**

Paid holidays are subject to change pending review by the Board of Directors at the end of each fiscal year and/or to conform to current contract requirements.

Non-exempt employees who work on company-recognized holiday shall be paid their straight-time rate of pay for hours actually worked on the holiday, plus the regular holiday pay for the day. Additionally, employees working at the StrikeZone, Mazzeorelli restaurants or other ARC businesses may have holiday schedules that are different from most ARC Imperial Valley operations.

*Denotes (2) additional paid holidays for those SCA employees working under one of the many Federal contracts.

- D) The granting of paid holidays shall be subject to the following:
- I. Observation of the holidays is understood to mean that each employee receives payment at regular rates or a designated holiday period during which he/she was not on duty.
 2. Since all of our programs and services cannot close their doors on a holiday, observation of the holiday may be in one of the following ways:
 - a. If an employee is off duty on a holiday, he/she receives payment for it.
 - b. If an employee is on duty on any given holiday, he/she may either take another day off or receive payment for holiday at their regular rate of pay along with their

rate of pay for the number of regular hours worked (by mutual agreement with his/her supervisor).

3. If the holiday falls on Saturday or Sunday, it is at the discretion of the CEO to determine when the holiday will be observed.
4. To receive pay for the holiday, eligible employees are required to work the last workday before and the first workday after the holiday. The exception is if an employee has a scheduled day off, is excused for illness, (medical verification required), and based on the discretion of the C.E.O.
5. Special holidays are those instances in which public authorities declare a holiday for some special occasion on any regular workday. The C.E.O. will determine whether the offices shall close for such special occasions.
6. An employee's absence from work on the occasion of a special religious observance must have the advance approval of his/her supervisor.

8.03 VACATION

- A. All Non-SCA employees are eligible to accrue vacation after successful completion of a six-month introductory period.

1. Vacation will begin to accrue for full-time regular status employees, grades three to seven, on the first day of the seventh month of employment at the rate of one day (8 hours) per month for each full month (30 calendar days) of service. Grade 2 and 1 full time regular status employees will begin accruing vacation on the first day of the third month of employment at the rate of day per month for each full month (30 calendar days) of services. Carryover of vacation days are not to exceed five (5) additional days for a maximum of 15 vacation days in the first year or a maximum of 17 days in subsequent years. No further vacation time will accrue until a portion of the vacation time earned is taken.

SCA employees will be eligible for paid vacation benefits in Accordance with the Title 29, Part 4 of the Code of Federal Regulations SCA employees are entitled to 10 days paid vacation after one (1) year service with the ARC Imperial Valley. Vacation pay to SCA employees is proportionate to the amount of time an individual spends in work covered under the Service Contract Act. Vacation pay is based on the number of hours in which the employee performed work in the year preceding the employee's anniversary date of employment and is based on an individual's hourly wage for work performed at the contract.

2. Upon completion of 60 calendar months of continuous employment, regular status employees who work on a full-time basis thereafter will begin to accrue vacation on the first day of the sixty-first month of employment at the rate of 1 ½ days per month for each full month of service, up to a maximum of 18 days for a 12 month period. Carry over of vacation days will not exceed five (5) additional days for a maximum of 23 days. No further vacation time will accrue until a portion of the vacation time earned is taken

SCA employees will be paid three (3) weeks or 15 days of vacation upon 60 calendar months of continuous employment based on the number of hours in which the employee performed work in the year preceding the employee's anniversary and is based on an individual's hourly wage for work performed at the contract.

3. Upon completion of 180 calendar months of continuous employment, regular status employees who work on a full-time basis thereafter will begin to accrue vacation on the first day of the 181st month at the rate of 1 2/3 days for each full month, up to a maximum of 20 days for a 12 month period. Carryover of vacation days will not exceed five (5) additional days for a maximum of 25 days.

SCA employees will be paid three (4) weeks or 20 days of vacation upon 180 calendar months of continuous employment based on the number of hours in which the employee performed work in the year preceding the employee's anniversary and is based on an individual's hourly wage for work performed at the contract.

For SCA employee's Vacation must be given or payment made for whichever of the following events occurs first:

- **The employee's anniversary date;**
- **Before completion of the current contract; OR**
- **Before the employee terminates employment**

4. Part-time regular non SCA status employees will be eligible to accrue ½ day (four hours) per month for each full month (30 calendar days) of service.
- B. Casual term employees are not eligible to accrue vacation nor are employees who are on leave of absence or on disciplinary suspension, regardless of the number of workdays absent.
- C. Vacation is intended primarily to provide a continuous time off period for staff. Employees may use their vacation time in units of one-half day (four hours) at any time during the year in which it is accrued or increments as deemed appropriate with an individual's work day schedule and **only** with the program director and CEO approval. Vacation requests should be made five (5) working days in advance and submitted in writing. Requests are granted upon approval of the supervisor and subject to the needs of the department. In some departments, it is necessary to take vacation during certain weeks of the year or to designate other weeks as "no vacation" periods.
- D. Vacation may be used to extend sick leave. Sick leave is not interchangeable to extend vacation.
- E. Vacation time cannot be used to lengthen a scheduled workweek.
- F. Cashing out vacations is a benefit that is available only to Employees who have worked for ARC – IV for one or more years and who earn vacation at the rate of one or more weeks of vacation per year.

Employees must use a minimum of five vacation days each year (computed by the anniversary date) In order to take advantage of the cash out provision. Employees who earn the rate of twelve days of vacation annually may cash out up to five days per year. Those earning eighteen or more days annually may cash out up to ten days per year. An employee who wishes to exercise this option must submit a request to their supervisor no later than the anniversary day of employment. The Payroll Manager or Clerk will verify the numbers and issue a check to the employee within a reasonable period of time. All submissions will require the approval of the CEO or delegated representative and approved only to satisfy extraordinary events that may arise while employed at ARC – IV. Only full day increments may be cashed out.

Individuals employed to serve at federal contracts will be Subject to cashing out of vacation benefits as specified in 29 CFR of the Service Contract Act.

- G. All employees of the Agency may elect to donate their vacation hours in even-hour increments to benefit a coworker and must complete and sign a Vacation Donation Request form.

- H. A former employee whose separation was caused by a voluntary separation or reduction in force and who had served continuously for 12 months or more prior to separation and is re-appointed within three months after separation is eligible immediately for the vacation leave potential they would have had if they had not been separated.

8.04 SICK LEAVE

(Refer to Labor Code §246; AB1522)

As of July 1, 2015, California law provides for mandatory paid sick leave under the Healthy Workplaces, Healthy Families Act (the Act). This paid sick leave policy is intended to comply with the requirements of the Act. Employees cannot be discriminated or retaliated against for requesting or using accrued paid sick leave. (Refer to AB1522)

- A. Beginning July 1, 2015, all non-Service Contract Act (SCA) employees who have worked in California for 30 or more days within a year from the start of their employment will be entitled to paid sick time.
- B. ***However, employees are not eligible to take paid sick time until they have worked for the ARC Imperial Valley for 90 days from their date of hire.***
- C. Part-time employees who work under thirty (30) are eligible to accrue sick leave at the rate of one hour of paid sick leave for every 30 hours worked for each month of service with a maximum accumulation of 48 hours (six days). Part-time employees who work more than thirty (30) hours a week but less than forty (40) hours earn sick leave at the rate of 1¼ day (two hours) for each full month service up to a maximum accrual of six (6) sick days.

Full-time classified, non-service contract employees hired on or before July 1, 2015 are eligible to accrue sick leave at the rate of four (4) hours for each month of service with a maximum accumulation of fifteen (15) days or 120 hours. (Exempt employees are presumed to work 40 hours per workweek for purposes of sick time accrual.)

Employees hired after July 1, 2015 will begin to accrue on the employee's first day of work at the accrual rate determined by their classification. However, employees are not eligible to take paid sick time until they have worked for ARC – IV for 90 days from their date of hire.

SCA employees are eligible for sick leave payments in accordance with Title 29, Part 4 of the CFR. It is the understanding of ARC Imperial Valley, that a maximum of 24 hours of sick leave will be added to each SCA employee's account each July 1 with a maximum accrual of 48 hours (6 days).

- D. Sick leave must be provided upon an employee's oral or written request. If the need for paid sick leave is foreseeable, an employee must provide "reasonable" advance notice. If not, the employee must provide notice "as soon as practicable." Sick leave is not to be looked upon as an extension of earned vacation to be taken under any circumstances; rather it is granted at full pay, within the limitations stated below only when a staff member's illness or physical condition, physical examination or treatments (medical, dental or optical) necessitate his/her absence from work or when he/she is quarantined according to public health regulations because of exposure to a contagious disease. Sick leave is taken in units of not less than two (2) hours at a time.
- E. Paid sick time can be used for the following reason:
- Diagnosis, care or treatment of an existing health condition for an employee or covered family member, as defined below.
 - Preventative care for an employee or an employee's covered family member.

- For certain, specified purposes when the employee is a victim of domestic violence sexual assault or stalking.

For purposes of paid sick leave, a covered family member includes;

- A child defined as a biological, foster, or adopted child; a stepchild; or a legal and, regardless of the age or dependency status of the child. A “child” also may be someone for whom you have accepted the duties and responsibilities of raising, even if he or she is not your legal child.
- A “parent” defined as a biological, foster or adoptive parent; a stepparent or a legal guardian of an employee or the employee’s spouse or registered domestic partner. A parent may also be someone who accepted the duties and responsibilities of raising you when you were a minor child, even if he or she is not your legal parent.
- A spouse
- A Registered domestic partner
- A grandparent.
- A grandchild.
- A sibling.

- F. Employees planning to keep an appointment for a physical examination or treatment should notify his/her immediate supervisor, as far in advance as possible of the time they will be off. If an employee becomes ill, they are expected to consult their supervisor before going home. When an employee cannot report to work because of illness, physical condition or exposure to a contagious disease, it is their responsibility to telephone their supervisor as soon as possible on the first and each succeeding day of absence. ***Failure to abide by this provision will result in a formal disciplinary action up to and including termination***
- G. After all authorized sick leaves have been used; time lost will be without pay unless accrued vacation time is available and requested for use by the employee.
- H. All employees will be required to submit a doctor’s note for each illness that keeps them off the job for five (5) consecutive, scheduled work days or more regardless of whether this is authorized paid or unpaid leave. The doctor’s note will indicate the days of illness and that the employee has been released to return to work.
- I. The Agency does not pay employees for unused sick leave. Employees who are rehired within one year of separation from employment may be eligible for reinstatement of previously accrued paid sick time and will begin accruing additional sick days on the date of reinstatement.

8.05 Kin Care Leave (Refer to Labor Code §233 and §245.5)

Employees may use up to one-half of their annual sick leave accrual to attend to a child, parent, spouse, domestic partner or domestic partner’s child, grandparent, grandchild or sibling who is ill. Leave for this purpose may not be taken until it has actually accrued.

A “Domestic Partner” is another adult with whom you have chosen to share your life in an intimate and committed relationship of mutual caring, and with whom you have filed a Declaration of Domestic Partnership with the Secretary of State.

For the purposes of sick leave use, a “child” is defined as a biological, foster, or adopted child; stepchild, or a legal ward. A “child” also may be someone for whom you have accepted the defined duties and responsibilities of raising.

8.06 PREGNANCY RELATED DISABILITY LEAVE
(Refer to Title 2, California Code of Regulations §37291.16)

ARC Imperial Valley will treat pregnancy, childbirth or related medical conditions like any other disability, as defined by the CFR. An employee on leave will be eligible for temporary disability benefit in the same amount and degree as any other employee on leave.

Any female employee planning to take the pregnancy disability leave should advise the Human Resources Department as early as possible. The individual should make an appointment with the Human Resources Director to discuss the following:

- When the leave is expected to begin and how long it will likely last. If the need for a leave or transfer is foreseeable, employees must provide notification at least 30 days before the pregnancy disability leave is to begin. Employees must consult with the HR personnel regarding the scheduling of any planned medical treatment or supervision in order to minimize disruption to the operations of the Agency. Any such scheduling is subject to the approval of the employee's health care physician.
- If 30 days advance notice is not possible, notice must be given as soon as practical.
- Upon the request of an employee and recommendation from the employee's physician, the employee's work assignment may be changed if necessary to protect the health and safety of the employee and her child.
- Requests for transfers of job duties will be reasonably accommodated if the job and security rights of others are not breached.
- Temporary transfer due to health considerations will be granted whenever possible. However, the transferred employee will receive the pay that accompanies the job, as is the case with any other temporary transfer due to temporary health reasons.
- Pregnancy leave begins when ordered by the employee's physician. The employee must provide ARC Imperial Valley with certification from a licensed health care provider. The certification indicating disability should contain:
 1. Date employee became disabled due to pregnancy.
 2. Probable duration of the period of disability.
 3. A statement that explains, due to the disability, the employee is unable to perform one or more of the essential functions of her position without undue risk to herself, the successful completion of her pregnancy, or to other persons.
- Leave returns will be allowed only when the employee's physician sends a release note to the Human Resources Department.
- An employee will be required to use accrued sick leave, accrued vacation or personal time (if otherwise eligible to take the time off) during a pregnancy disability leave,
- Duration of the leave will be determined by the advice of the employee's physician. Any employee disabled by pregnancy may take up to four (4) months (16 weeks) within any 12 month period. The four (4) months of leave includes any period of time for actual disability caused by the employee's pregnancy, childbirth or related medical condition. This includes leave for severe morning sickness and for prenatal care.

Benefit accruals, such as vacation, sick leave, and holiday benefits, will not continue during the approved Pregnancy Disability Leave.

ARC Imperial Valley will maintain group health insurance coverage for up to a maximum of 12 workweeks (if insurance was provided before the leave was taken) on the same terms as if you had continued to work. Leave taken under the pregnancy disability policy runs concurrent with

family and medical leave under federal law, but not family and medical leave under California law (California Family Rights Act). If you are ineligible under the federal and state family and medical leave laws, while on pregnancy disability you will receive continued paid coverage on the same basis as other medical leave which the Agency may provide and which you are eligible to take. In some instances, the Agency may recover premiums it paid to maintain health coverage for you or your dependents if you fail to return to work following pregnancy disability leave.

If you are on pregnancy disability leave and are not eligible for continued paid coverage, or if paid coverage ceases after 12 work weeks, you may continue your group health insurance coverage through the Agency in conjunction with federal COBRA guidelines by making monthly payments to the Agency or its assigned representative for the amount of the relevant premium. Contact your Human Resources Director for further information.

When a pregnancy disability leave ends, the employee will be reinstated to the same position, unless either the job ceased to exist because of legitimate business reasons or each means of preserving the job would substantially undermine the ability to operate ARC – Imperial Valley safely and efficiently. If the same position is not available, the employee will be offered a comparable position in terms of such issues as pay, location, job content, and promotional opportunities.

If an employee fails to report to work promptly at the end of the pregnancy disability leave, ARC – Imperial Valley will treat such failure as a resignation.

8.07 FAMILY MEDICAL LEAVE POLICY (FMLA)/CALIFORNIA FAMILY RIGHTS ACT (CFRA)
(Refer to Title 2, CCR §72979 & §7291.16(e); Government Code 12945.2)

A. FMLA QUALIFICATIONS

State and Federal family and medical leave laws provide up to 12 work weeks of unpaid family/medical leave within a 12-month period, under the following criteria:

- The employee has been employed by ARC Imperial Valley for at least 12 months.
- The employee has worked at least 1,250 hours during the previous 12-month period.
- The employee is employed at a work site where there are 50 or more employees within a 75 mile radius.

Leave may be taken for one or more of the following reasons:

- The birth of the employee's child, or placement of child with the employee for adoption or foster care (FMLA/CFRA);
- To care for the employee's spouse, child or parent who has a serious health condition (FMLA/CFRA);
- The care for the employee's registered domestic partner (CFRA only);
- For a serious health condition that makes the employee unable to perform his/her job (FMLA/CFRA);
- For any "qualifying exigency" (defined by federal regulation) whenever the employee is the spouse, son, daughter or parent of an individual on covered active duty, (or has been notified of an impending call or order to active duty) in the Armed Forces (FMLA only). Employee will be required to provide a copy of the covered military member's active duty orders or other documentation issued by the military; or
- An employee who is the spouse, son, daughter, parent or next of kin of a covered service member shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the service member (FMLA/CFRA) for 12 weeks if the care provider is eligible for both, followed by 14 weeks of (FMLA only) or 26 weeks of (FMLA only if leave is not a CFRA covered leave).

Please contact the Human Resources Department as soon as you become aware of the need for family/medical leave.

FMLA/CFRA leave is unpaid. Accrued Paid Leave maybe used concurrently with FMLA/ CFRA leaves.

B. MILITARY FAMILY LEAVE

1. Qualifying Exigency Leave - Eligible employees are entitled up to 12 weeks of leave because of “Any qualifying exigency” arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty or has been notified of an impending call to active duty status, in support of a contingency operation.

The employee will be required to provide a copy of the covered military member’s active duty orders or other documentation issued by the military which indicates that the covered military member is on active duty or called to active duty status in support of a contingency operation, and the dates of the covered military member’s active duty service. This information need only be provided to the Arc once. A copy of the new active duty orders or other documentation issued by the military shall be provided to the employee if the need for leave because of a qualifying exigency arises out of a different activity.

2. Military Caregiver Leave – An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. Military Caregiver Leave is available during “a single 12-month period” during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

Employees requesting Military Caregiver Leave will be required to provide certification completed by an authorized health care provider of the covered service member.

C. CALCULATING THE 12-MONTH PERIOD

For purposes of calculating the 12-month period in which FMLA leave may be awarded, ARC Imperial Valley uses the 12-month period measured, forward from the date of your first FMLA leave usage.

Under most circumstances, leave under federal and state law will run concurrently and an eligible employee will be entitled to a total of 12 weeks of family and medical leave within that designated 12-month period.

For a qualifying exigency or leave to care for a covered service member, the 12-month period begins on the first day of the leave, regardless of how the 12-month period is calculated for other leaves. Leave to care for a covered service member is limited 26 workweeks, during a 12-month period.

D. PREGNANCY, CHILDBIRTH OR RELATED CONDITIONS

Leave based upon the employee’s disability caused by pregnancy, childbirth or related medical condition is not counted as leave time within California law (the California Family Rights Act or CFRA). Time off based upon the aforementioned does count as family and medical leave under federal law (Family and Medical Leave Act – FMLA) Employees who take time off for pregnancy disability and who are eligible for family and medical leave will also be placed on FMLA that runs concurrently with their pregnancy disability leave (PDL). Once the pregnant employee is no longer disabled, or once the employee has exhausted

PDL and has given birth she may apply for leave under the CFRA for the purpose of baby bonding.

Any leave time taken for the birth of a child, adoption or foster care placement of a child does not have to be taken in one continuous period of time. CFRA leave taken for the birth or placement of a child may be granted in increments of two weeks. In return, ARC Imperial Valley will grant a two week request for any two occasions. All increment CFRA leave must be taken within one year of the birth or placement of the child with the employee.

E. LEAVE FOR THE EMPLOYEE'S OWN HEALTH CONDITION

The following procedures shall apply when an employee requests family leave:

- Contact the Human Resources Director or delegated representative as soon as you realize the need for family medical leave.
- If the leave is based on the expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or a family member, the employee must notify the Agency at least 30 days before the leave is to commence.
- Employee must consult with their immediate supervisor regarding scheduling of any planned medical treatment in order to minimize disruption to the operations of the Agency. Any scheduling is subject to the approval of the health care provider of the employee or the health care provider of the employee's child, parent, or spouse.
- If the employee cannot provide 30 days' notice, the Agency must be informed as soon as is practical.

If the FMLA / CFRA request is made because of the employee's own serious health condition, the Agency may require, at its expense, a special opinion from a health care provider that the Agency chooses. The health care provider designated to give a second opinion will not be the one who is employed on a regular basis by the Agency.

If the second opinion differs from the first opinion, the Agency may require at its expense, the employee to obtain the opinion of a third health care provider designated or approved jointly by the employer and the employee. The opinion of the third health care provider shall be considered final and binding on the Agency and the employee.

The agency requires the employee to provide certification within 15 days of any request for FMLA under state and federal law, unless it is not practical to do so. The Agency may require recertification from the health care provider if additional leave is required (For example, if an employee needs intermittent leave, a new medical certification will be requested and required). If the employee does not provide medical certification in a timely manner to substantiate the need for family and medical leave, the Agency may delay approval of the leave, or continuation thereof, until certification is received. If certification is never received, the leave may not be considered family and medical leave.

F. LEAVE TO CARE FOR A FAMILY MEMBER

1. If the leave is needed to care for a sick child, or parent, the employee must provide a certification from a health care provider stating:
 - Date of commencement of the serious health condition.
 - Probable duration of the condition.
 - Estimated amount of time for care by the health care provider.
 - Confirmation the serious health condition warrants the participation of the employee.

2. In Loco Parentis – A child under the FMLA includes not only a biological or adopted child, but also a foster child, a stepchild, a legal ward or a child of a person standing in loco parentis. Parents in loco parentis are individuals with day-to-day responsibilities to care for and financially support a child.
3. In cases where both parents are employed by the Agency and the leave requested is for the birth, adoption or foster care of a child, the Agency will not grant more than 12 work week's total of family/medical leave.

G. HEALTH AND BENEFITS PLANS

An employee taking family/medical leave will be allowed to continue participating in any health and welfare benefit plans in which they were enrolled prior to the first day of the leave up to a maximum of 12 work weeks, or 26 workweeks if the leave to care for a covered service member at the level and under the conditions of coverage as if the employee had continued in employment for the duration of such leave. The Agency will continue to make the same premium contribution as if the employee had continued working. The continued participation in health benefits begins on the date the leave first begins under FMLA (i.e., for pregnancy disability leave, qualifying exigency leave, or to care for a covered service member, etc.) or under FMLA/CFRA (i.e., for one's own serious health condition; for the care of one's spouse, parent or child or baby bonding, etc.), additionally, within the CFRA (caring for one's registered domestic partner). In some instances, the Agency may recover premiums paid to maintain health coverage for an employee who fails to return to work following family/medical leave.

Employees on family/medical leave who are not eligible for continued paid coverage may continue their group health insurance coverage through the Agency in conjunction with COBRA guidelines by making monthly payments to the Agency or designated representative/vendor for the amount of the applicable premium. Employees should contact the Human Resources Department for further information.

H. PAID FAMILY LEAVE

Employees may be eligible for Paid Family Leave (PFL) wage replacement benefits, which are funded through payroll deductions and coordinated through the Employment Development Department. PFL provides limited compensation for up to six weeks after an unpaid, seven-day waiting period when an employee needs to take leave from work to care for a parent, child, spouse or registered domestic partner who is seriously ill or for a working parent who wants time to bond with his/her newborn, foster child or newly adopted child. **The PFL programs do not provide employees with a right to a leave of absence; it is limited to a state-mandated wage replacement program. Employees may contact PFL at www.edd.ca.gov/Disability/.**

I. REINSTATEMENT

Under most circumstances upon return from family medical leave, an employee will be reinstated to their original position or to an equivalent position with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement than if he or she had been continuously employed rather than on leave. In addition, an employee's use of FMLA will not result in the loss of any employment benefits that the employee earned before using FMLA.

Reinstatement after FMLA may be denied to certain salaried 'key' employees under the following conditions:

- An employee requesting reinstatement was among the highest paid 10 percent of salaried employees within 75 miles of the work site

- The refusal to reinstate is necessary because reinstatement would cause substantial and grievous economic injury to the Agency's operations, or
- The employee is notified of the Agency's intent to refuse reinstatement if the Agency determines the refusal is necessary, and
- If leave has already begun, the Agency gives the employee a reasonable opportunity to return to work following the notice described previously.

In some instances, employees may take FMLA/CFRA leave intermittently (in blocks of time, or by reducing their normal weekly or daily work schedule) if the leave is for the serious health condition of the employee's child, parent, spouse or of the employee and the reduced leave schedule is medically necessary as determined by the health care provider of the person with the serious health condition. The smallest increment of time that can be used for such leave is four hours per day (1/2 day).

Benefit accruals, such as vacation, sick leave and holiday benefits will not continue during Family Medical Leave period.

For additional information about eligibility for family medical leave, contact the Human Resource Department.

8.08 MILITARY SPOUSE LEAVE

Employees who work more than 20 hours per week and have a spouse in the Armed Forces, National Guard or Reserves who have been deployed during a period of military conflict maybe eligible for up to 10 unpaid days off when their spouse is on leave from (not returning from) military deployment.

Employees must request this leave in writing to their immediate supervisor within two business days of receiving official notice that their spouse will be on leave. Employees requesting this leave are required to attach to the leave request written documentation certifying the spouse will be on leave from deployment.

8.09 FAMILY SCHOOL PARTNERSHIPS (Refer to Labor Code §230.7 and §230.8)

Employees who are parents, guardians or grandparents with custody of a child enrolled in kindergarten through twelfth grade are allowed up to 40 hours off per year to participate in the child's schools related activities or licensed day care facilities activities.

Employees using school activities leave are required to give reasonable notice and may use vacation or personal leave, or take unpaid time off. Documentation from the school or daycare facility regarding the date, time and type of participation maybe required. Employees are limited to taking up to eight hours per calendar month, throughout the school year. Employees are encouraged to submit a written request at least three working days in advance of the school activity and/or event. Requests are granted upon the approval of the employee's immediate supervisor and subject to the needs of the Agency.

8.10 JURY DUTY (Refer to Labor Code §230)

ARC Imperial Valley encourages employees to serve on jury selection or jury duty when called upon. Exempt and non-exempt employees who have completed their introductory periods will receive full salary or pay while serving on jury duty, not to exceed 10 working days. In the event jury duty extends 10 working days, additional pay while serving on jury duty will be at the discretion of the C.E.O. You should notify your supervisor of the need for time off for jury duty as soon as a notice or summons from the court is received. You may be requested to provide

written verification from the court clerk of having served. If work time remains after any day of jury selection or jury duty you will be expected to return to work for the remainder of your work schedule.

Any fees paid to you by the court for jury services are to be signed and made payable to the agency for the period of time you fulfilled your summons for jury selection or jury duty

This leave and hours paid to Service Contract Act employees will be considered a "Bona Fide" fringe benefit.

8.11 BEREAVEMENT LEAVE (Refer to Labor Code §230 and AB235)

Full-time employees with no less than one year of employment may be authorized to use bereavement leave. The C.E.O. at his/her discretion may grant to regular employee's occasional absence in special or unusual situations without charging such absences to accrued leave.

In the event of the death of your current spouse, registered domestic partner, child, parent, legal guardian, brother, sister, grandparent, grandchild or mother-father-sister-brother-son-or daughter-in-law and substitute parents, you may take up to three (3) consecutive scheduled work days off, three days with pay, with the approval of the C.E.O. In some instances, such as distance, employees may require a full work week off (5 days). The C.E.O. may approve additional unpaid time off.

This leave and hours paid to Service Contract Act employees will be considered a "Bona Fide" fringe benefit.

8.12 MILITARY LEAVE (Refer to Military & Veterans Code §394)

A military leave of absence will be granted to employees who are absent from work because of service in the US uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

The leave will be unpaid, unless otherwise specified in law. However, employees may use any available paid time off for the absence. The employer may request an employee to use accrued vacation time, but cannot require an employee to use accrued vacation time.

Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible.

Employees on military leave for up to 30 days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with USERRA and all applicable state laws.

Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service.

Contact the Human Resources Department for more information or questions about military leaves.

8.13 MEDICAL INSURANCE BENEFITS
(Refer to Affordable Care Act, 2010; Public Law §111-§148)

In accordance with the Affordable Care Act of 2010, ARC Imperial Valley's group health and life insurance plan provides employees and their dependents access to medical insurance benefits. Employees may, at their own expense, cover their dependents by payroll deduction. Employees in the following employment classifications are eligible to participate in the health insurance plan:

- Service Contract Employees are eligible for participation in the health insurance plan in accordance with the SCA benefits program upon hire.
- Regular full-time employees (Grades 3 through 7 with exception of Grade 6.5) after a six month introductory period
- Regular full-time employees (Grades 1 through 2) after a sixty (60) day introductory period

At the discretion of the Board of Directors, employees may be required to share in the cost of their own health care coverage.

Eligible employees may participate in the health insurance plan subject to all terms and conditions of the agreement between ARC Imperial Valley and the insurance carrier.

A change in employment classification that would result in loss of eligibility to participate in the health insurance plan may qualify an employee for benefits continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Refer to the Benefits Continuation (COBRA) policy for more information, subsection 8.17.

Details of the health insurance plan, for both full-time and part-time employees, are described in the Summary Plan Description (SPD). A SPD and information on cost of coverage will be provided in advance of enrollment to eligible employees. Contact the Human Resources Department for more information about health insurance benefits.

8.14 LEGISLATED BENEFITS

- A. All employees are covered under Unemployment Insurance.
- B. All employees participate in the State of California Disability Insurance Program. The program is financed by a tax on the employees of the Agency.
- C. The members of the staff are enrolled under the Federal Social Security Program. The program is financed by a tax on the Agency and its employees.
- D. ARC Imperial Valley provides comprehensive Workers' Compensation Insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, hospital treatment and/or ongoing treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or immediately if the employee is hospitalized. (Refer to Title 8, CCR, Division of Worker's Compensation §9881; Labor Code §3550).

Employees who sustain work-related injuries or illnesses should inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

Any person who makes or causes to be made any knowingly false or fraudulent material statement or material misrepresentation for the purpose of obtaining or denying worker's compensation benefits or payments maybe guilty of a felony.

The Agency actively promotes a return-to-work program for injured employees through interactive meetings.

A violation of this law is punishable by imprisonment for one to five years, or by a fine not exceeding \$50,000.00 or double the value of the fraud, whichever is greater, or both.

Additional civil penalties may be in order.

Neither ARC Imperial Valley nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social or athletic activity.

Upon submission of a medical certification that you are able to return to work, you will be offered the same position held at the time of leaving, unless the job has been filled in order to avoid undermining the agency's ability to operate safely, efficiently or you are not capable of performing the job responsibilities upon your return. If your former position is not available, a substantially similar position will be offered unless there is no substantially similar position available or filling the available position would undermine the Agency's ability to operate safely and efficiently or you are not capable of performing the job responsibilities. If after returning from worker's compensation disability leave, you are unable to perform the essential functions of the position due to a physical or mental condition, the Agency's obligations to you may include reasonable accommodations, as governed by the American with Disabilities Act (ADA).

8.14 FLEXIBLE SPENDING ACCOUNT (Refer to 26 U.S.C., §125)

This benefit plan is offered to employees who average 20 hours or more per week. This benefit allows employees to set aside pre-tax dollars from their paychecks in order to pay for unreimbursed medical costs (including health care premiums) and dependent childcare.

- Employees may begin contributing to the account on the first day of the month following 60 days of employment.
- Participants who are single may request up to \$2,500.00 (this amount is subject to change) per plan year unreimbursed medical expenses and \$5,000.00 if married per plan year or \$2,500.00 for married filing separate returns for dependent childcare expenses.
- Employees can only be reimbursed for eligible expenses incurred during the plan year.
- With recent changes, due to the Patient Protection and Affordable Care Act, employees may transfer up to \$500 from year-to-year plans of unused flexible spending account (FSA), without penalty. The limit of transfer is \$500 per year, per employee. Contact the
- Human Resources Department for more information regarding this benefit.
- Participant must re-enroll at the end of fiscal year for the next plan year.

8.16 EDUCATIONAL ASSISTANCE

ARC Imperial Valley recognizes that the skills and knowledge of its employees are critical to the success of the organization. When funds are available and with approval from the CEO, an educational assistance program will be made available to employees to encourage personal development through formal education. In return, those employees can maintain and improve job-related skills or enhance their ability to compete for reasonably attainable jobs within ARC Imperial Valley.

ARC Imperial Valley may provide educational assistance to all eligible full-time employees who have completed 180 calendar days of service in an eligible employment classification. To maintain eligibility, employees must remain on the active payroll and be performing their job satisfactorily through completion of each course. Employees in the following employee classification(s) are eligible for educational assistance:

- Regular full-time employees

Individual courses or courses that are part of a degree, licensing or certification program must be related to the employee's current job duties or a foreseeable-future position within the organization in order to be eligible for educational assistance. ARC Imperial Valley has the sole discretion to determine whether a course relates to an employee's current job duties or a foreseeable-future position. Employees should contact their Director or the Human Resources Department for more information or questions about educational assistance.

While educational assistance is expected to enhance employees' performance and professional abilities, ARC Imperial Valley cannot guarantee that participation in formal education will entitle the employee to automatic advancement, a different job assignment or pay increases.

ARC Imperial Valley invests in educational assistance to employees with the expectation that the investment will be returned through enhanced job performance and/or skill. However, if an employee voluntarily separates from ARC Imperial Valley's employment within one year of the last educational assistance payment, the amount of the payment will be considered only a loan. Accordingly, the employee will be required to repay up to 80% of the original educational assistance payment.

8.17 COBRA (Consolidated Omnibus Budget Reconciliation Act) (Refer to Consolidated Omnibus Budget Reconciliation Act of 1985, Public Law §99-§272, 100 Stat. 82)

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) provides employees and their qualified beneficiaries the opportunity to continue health insurance coverage under ARC Imperial Valley'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 requirement.

Under COBRA, the employee or beneficiary pays the full cost of medical coverage at ARC Imperial Valley's group rates plus an administration fee. ARC Imperial Valley provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the agency's health insurance plan. The notice contains important information about the employee's rights and obligations

8.18 SEVERANCE PAY

ARC Imperial Valley may provide severance pay to eligible employees whose employment is terminated for reasons that are not prejudicial to the agency, as determined by ARC Imperial Valley in its sole discretion. Severance pay will be provided to the following eligible employee classifications:

- Regular full-time exempt employees

Specifically excluded from benefits under this provision are employees who: were hired as temporary employees for a specified period of time; leave work due to a reduction in the work force; were offered but refused to accept another suitable position with the organization; were provided the opportunity to be retained for any length of time by a successor employer.

8.19 DOMESTIC VIOLENCE LEAVE
(Refer to Labor Code §230)

Employees who are victims of domestic violence are eligible for unpaid leave. You may request leave if you are involved in a judicial action, such as obtaining restraining orders or appearing in court to obtain relief to ensure your health, safety, or welfare or that of your child.

You should provide notice and certification of your need to take leave under this policy. Certification may be sufficiently provided by any of the following:

- A police report indicating that the employee was a victim of domestic violence;
- A court order protecting or separating the employee from the perpetrator of an act of domestic violence, or other evidence from the court or prosecuting attorney that the employee appeared in court; or
- Documentation from a medical professional, domestic violence advocate, health-care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence.

ARC Imperial Valley will, to the extent allowed by law, maintain the confidentiality of an employee requesting leave under this provision.

The length of unpaid leave an employee may take is limited to 12 weeks as defined within the Family and Medical Leave Act of 1993.

8.20 VICTIMS OF CRIME LEAVE
(Refer to Labor Code §230.2)

An employee who is a victim or who is the family member of a victim of a violent felony or serious felony may take time off from work under the following circumstances:

- The crime must be a violent or serious felony, as defined by law; and
- You must be the victim of a crime, or you must be an immediate family member of a victim, a registered domestic partner of a victim, or the child of a registered domestic partner of a victim.

An immediate family member is defined as: a spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father or stepfather.

A registered domestic partner means a domestic partner who is registered in accordance with California state law.

The absence from work must be in order to attend judicial proceedings related to a crime listed above.

Before you are absent for such a reason, you must provide documentation of the scheduled proceeding. Such notice is typically given to the victim of the crime by a court or government agency setting the hearing, a district attorney or prosecuting attorney's office or a victim/witness office.

If advance notice is not possible, you must provide appropriate documentation within a reasonable time after the absence.

Any absence from work to attend judicial proceedings will be unpaid, unless you choose to take paid time off, such as accrued vacation or personal time accrued.

8.21 Time Off for Voting
(Refer to California Elections Code §14001)

If an employee does not have sufficient time outside of working hours to vote in an official state-sanctioned election, the employee may take off enough working time to vote. Such time off shall be taken at the beginning or the end of the regular working shift, whichever allows for more free

time, and the time taken off shall be combined with the voting time available outside of working hours to a maximum of two hours combined. Under these circumstances, an employee will be allowed a maximum of two hours of time off during an election day without loss of pay. When possible, an employee requesting time off to vote shall give his or her supervisor at least two days' notice.

This leave and hours paid to Service Contract Act employees will be considered a "Bona Fide" fringe benefit.

8.22 401 (K) PROFIT SHARING PLAN

This voluntary retirement saving program offers employees of the Agency the advantage of making contributions from pre-tax wages. Employees may defer payment of federal income taxes on amounts contributed until they are withdrawn or paid as benefits. Moreover, any interest and investment earnings accumulated will remain on a tax-deferred basis until those funds are withdrawn or paid as benefits. Employee contributions are made on the first payroll period of the month by salary reduction.

The ARC Imperial Valley may also make contributions on your behalf. The following regulations apply:

- An employee must be 21 years of age to receive employer base contributions under this plan.
- There is no minimum service requirement to make salary reduction contributions to this plan, but the employee must complete at least one year of service to receive employer base contributions under this plan.
- Each plan year, the Board of Directors will determine the amount of the employer base contribution (if any) that will be made for all eligible participants who are actively employed with the Agency, on the last day of the plan year.

An employee is entitled to the value of their individual account attributable to employer contributions, even if employment is terminated before retirement, provided you have completed 5 years of vesting service.

The value of your individual account attributable to an employee's contribution is always fully and immediately vested.

ARC Imperial Valley reserves the right to amend, modify, discontinue or terminate the plan at the Agency's discretion, when deemed appropriate, without the consent of or prior notice to any employee, retiree or beneficiary, subject to the provisions of applicable laws.

SECTION NINE: OPERATIONAL CONSIDERATIONS

9.01. EMPLOYER PROPERTY

Equipment and vehicles essential in accomplishing job duties are expensive and are difficult to replace. Whenever using Agency property, employees are expected to exercise care, perform required inspections, report maintenance needs and follow all operating instructions, adhering to all safety standards and guidelines.

Please notify your immediate supervisor if any equipment, machine, tools or vehicles appear to have damages, are defective or need of repair. Prompt reporting of damages, defects and repairs can prevent deterioration of equipment and possible injury. Your immediate supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment, tools or vehicles used on the job.

Any improper, careless, negligent, destructive or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations may result in disciplinary action up to and including termination of employment.

Traffic violations incurred while driving vehicles owned by the Agency are the responsibility of the offender.

- A. Company Property Search - Lockers, desks, and vehicles and (other property) are ARC Imperial Valley's property and must be maintained according to Agency rules and regulations. They must be kept clean and are to be used for work-related purposes only. The Agency reserves the right to inspect all Agency property to ensure compliance with its rules and regulations, without notice to the employee and/or in the employee's absence.

Prior authorization, from the CEO or their designee, must be obtained before any Agency property may be removed from the premises.

- B. Personal Property Search – An employee's personal property, including but not limited to lockers, packages, purses and backpacks may be inspected upon reasonable suspicion of unauthorized possession of Agency property.

9.02 OFF DUTY USE OF FACILITIES & EQUIPMENT

Employees are prohibited from being on Agency premises or making use of Agency facilities while not on duty or without the expressed permission of their immediate supervisor. Employees are expressly prohibited from using Agency facilities, Agency property or Agency equipment for personal use. Under special circumstances, the CEO may authorize the use of Agency equipment for offsite purposes.

9.03 SECURITY

All ARC Imperial Valley employees shall become familiar with and obey all local regulations, including fire, traffic and security regulations. ARC Imperial Valley employees working within federal contracts maybe required to sign-in and sign-out in some facilities. All employees assigned to federal contracts will keep within the limits of the work and shall not enter any restricted areas, unless required to do so and who have received clearance for such entry.

ARC Imperial Valley employees will not disclose or disseminate any information concerning the operations of daily activity which could result or increase the likelihood of a breach in the security or an interruption in the continuity of its operations.

Additionally, the Agency will assure that all personnel performing contractual services, whose duties involve the operation of motor vehicles or equipment of any kind, are qualified and are able to safely operate such vehicles or equipment. All employees must possess a valid, current drivers' license and liability insurance.

The Agency shall be responsible for maintaining satisfactory standards of employee competency, conduct, appearance and integrity. The Agency will instruct its employees to promptly report any hazardous conditions and security issues such as strangers or unfamiliar people within the facility, loitering of individuals, suspicious packages or mail and any other unusual activity at all sites of operations.

Finally, ARC Imperial Valley employees will report any items needing repairs such as faucets, electrical problems, vehicle problems, equipment problems, etc. These conditions shall be reported to the Safety Coordinator on the same day as they are observed.

9.04 HEALTH AND SAFETY (Refer to Title 8, CCR, §3203)

To assist in providing a safe and healthy work environment for employees, consumers and visitors, ARC Imperial Valley has established a workplace safety program. This program is a top priority for ARC Imperial Valley. The designated Safety Officer has responsibility for implementing, administering, monitoring, and evaluating the safety program. Its success depends upon the alertness and personal commitment from every employee. Every employee is responsible for their safety as well as others in the workplace. Every employee has the responsibility for the safety of consumers. In compliance with California law, the Agency maintains and Injury and Illness Prevention Program (IIPP).

ARC Imperial Valley provides information to employees about workplace safety and health issues through regular internal communication channels such as monthly safety meetings, supervisor-employee meetings, bulletin board postings, memos or other written communications. A safety advisory group has been established to assist in these activities and to facilitate effective communication between employees and management about workplace safety and health issues.

Employees and supervisors receive periodic workplace safety training. The training covers potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards. In compliance with Proposition 65, the Agency will inform employees of any known exposure to chemical substances known to have cancer or reproductive toxicity.

Some of the best safety improvement ideas come from employees. Therefore, employees are encouraged to raise those ideas, concerns and/or suggestions for improved safety in the workplace with their immediate supervisor, with another supervisor or manager or bring them to the attention of a member of the safety advisory group. Reports and concerns about workplace safety issues may be made anonymously, if the employee wishes to do so. All reports, suggestions and recommendations can be made without fear of retaliation.

Each employee is expected to obey safety rules and to exercise caution with all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor.

Employees who violate safety standards, cause hazardous or dangerous situations, fail to report or, where appropriate, remedy such situations may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees are required to immediately notify the Safety Manager or their appropriate supervisor. Such reports are necessary to comply with laws and initiate insurance and workers'

compensation benefits procedures. A Safety Committee has been formed to monitor and review safety issues and policies that address health and safety.

9.05 **SMOKING**
(Refer to Labor Code §6404.5; AB-13)

In keeping with ARC Imperial Valley's intent to provide a safe and healthful work environment, smoking, including "vaping" or the use of e-cigarettes, in the workplace is prohibited. Employees who wish to smoke must smoke a minimum of 150 feet away from the Agency facility. In situations where the preferences of smokers and nonsmokers are in direct conflict, the preferences of nonsmokers will prevail. A "smoking area" is identified by signage at the StrikeZone.

This policy applies equally to all employees, consumers and visitors.

9.06 **USE OF PHONE AND MAIL SYSTEMS**

Personal use of any Agency telephone for long-distance and toll calls is not permitted. Employees should practice discretion when making local personal calls and may be required to reimburse ARC Imperial Valley for any charges resulting from their personal use of the telephone.

The use of ARC Imperial Valley paid postage for personal correspondence is not permitted. Employees shall not use the Agency as their personal mailing address. All mail delivered to this address will be routinely opened and routed to the addressee. Personal mail should be delivered to an address other than the Agency's street address, unless approved by the CEO.

To ensure effective telephone communications, employees should always use the approved greeting or salutation (i.e. "Good Morning, Good Afternoon," etc.) and speak in a courteous and professional manner. Please confirm all information received from the caller and only hang-up once the caller has done so.

9.07 **ELECTRONIC AND SOCIAL MEDIA POLICY**

Electronic media is defined as desktop computers, laptops, hand held devices including but not limited to iPhones, "smart phones," cameras and projectors. These items and all data transmitted through the ARC Imperial Valley servers are the Agency's property and must be maintained according to Agency rules and regulations. Prior authorization, by the CEO or their designee, must be obtained before any Agency property may be removed from the premises.

All electronic equipment is to be kept clean, maintained securely and be used only for work-related purposes. The Agency reserves the right to inspect all Agency property to ensure compliance with its rules and regulations, without notice to the employee and not necessarily in the employee's presence.

The Agency may be periodically required to assign and /or change "passwords" and personal codes for all company owned electronic media. Electronic media and related storage media and databases are to be used only for Agency business and they remain the property of the ARC Imperial Valley. ARC Imperial Valley reserves the right to keep a record of all passwords and codes "used" and/or may be able to override any such password system.

The use of employee personal computers, laptops, net books, iPhones, smart phones and other related media players are not allowed at work unless previously approved by the CEO or their designee.

Individuals working at a federal contract site are strictly forbidden to have any type of digital recording device or smartphone on site due security requirements established by the Department of Homeland Security. Individuals found to have electronically recorded law enforcement officers or federal employees, at any of the federal contract locations, can be charged with obstruction of justice in accordance with FISA Amendment Acts of 2008. Employees found using electronic devices at federal or non-federal contract locations will be subject to disciplinary action up to and including termination.

ARC Imperial Valley does not use nor does it condone the use of social media in the workplace for any purpose at this time. In the event Social Media is provided and used, it will adhere to the following criteria:

- Social media is a set of Internet tools that aid in the facilitation of interaction between people online for the sole purpose of business interactions.
- Use of Internet based sites such as Facebook, LinkedIn, Twitter, Snapchat or other forums for non-business purposes is a violation of Agency policy and use of these programs either on Agency owned property or on your personal property during working hours, while on the work premises, will result in disciplinary action up to and including termination.
- Any picture, image or video footage of a consumer and/or Agency related activity posted upon a social media forum without the explicit written release and/or approval by the CEO or their designee will result in formal discipline up to and including termination

9.08 BUSINESS EXPENSE

ARC Imperial Valley will reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location. All business travel must be approved in advance by the CEO or their designee.

Employees whose travel plans have been pre-approved should make all travel arrangements through ARC Imperial Valley's travel department.

When approved, the actual costs of travel, meals, lodging and other expenses directly related to accomplishing business travel objectives will be reimbursed by ARC Imperial Valley. Employees are expected to limit expenses to reasonable amounts. Travel expenses are not considered employee perks and/or benefits`.

Expenses that generally will be reimbursed include the following:

- Airfare or train fare for travel in coach or economy class or at the lowest available fare.
- Car rental fees, only for compact or mid-sized cars.
- Mileage costs for use of personal cars, only when less expensive transportation is not available (reimbursement will be paid at the IRS stated rate per mile).
- Cost of standard accommodations in low to mid-priced hotels, motels or similar lodging.
- Cost of meals, no more lavish than would be eaten at the employee's own expense.

Employees who are involved in an accident while traveling on business must promptly report the incident to their immediate supervisor. Vehicles owned, leased or rented by ARC Imperial Valley may not be used for personal use without prior approval. ***Traffic violations incurred while driving vehicles owned by the Agency are the responsibility of the offender.***

Cash advances to cover reasonable anticipated expenses may be made to employees, after travel has been approved. Employees should submit a written request to their immediate supervisor when travel advances are needed.

When travel is completed, employees should submit completed travel expense reports within five days upon their return. Original printed receipts for all individual daily expenses must accompany reports.

Employees should contact their immediate supervisor for guidance and assistance on procedures related to travel arrangements, travel advances, expense reports, reimbursement for specific expenses or any other business travel issues.

Abuse of this business travel expenses policy, including falsifying expense reports to reflect costs not incurred by the employee, can be grounds for disciplinary action up to and including termination of employment.

9.09 ACCEPTABLE USE POLICY

The ARC Imperial Valley's Intranet and Internet services available to most ARC staff. The Agency's goal in providing these services is to promote service delivery excellence by facilitating resource sharing, innovation and communication consistent with the goals and policy of the Agency. In return, ARC Imperial Valley will make every effort to protect its users from any misuses or abuses as a result of their experiences on the Intranet or Internet. All users must avoid inappropriate and illegal interaction while using the Agency information services. The provisions of this policy are:

- Personal Responsibility – ARC Imperial Valley network users will accept personal responsibility for reporting misuse of the network to the system administrator.
- Acceptable use – The use of assigned accounts on the ARC Imperial Valley network must be in support of ARC sponsored programs and services. Program Directors in conjunction with the CEO (System Administrator) will assign network accounts and determine the level of access to the network resources to qualified staff.
- Transmission of any material in violation of Federal, California, regional or any other State regulation is prohibited.
- Use of the Agency's network for an individual's financial gain is strictly prohibited.
- As a safety precaution, avoid revealing all personal information when using ARC Imperial Valley's Internet services.
- All Internet users are expected to limit their online time and follow network etiquette. A number of websites are blocked by the ARC firewall at all of its sites.

Violation of the aforementioned provisions, including vandalism of the network server (s), computer(s), or other networks connected to the ARC's network system, may result in disciplinary action up to and including termination, with a legal referral.

Voice mail and/or Electronic mail (E-mail) and Internet are to be used for business purposes only. Employees found to use the E-mail for excessive personal use, illegal or immoral purposes will be subject to formal disciplinary action up to and including termination.

9.10 STRIKE POLICY

Any employee or consumer-worker of ARC Imperial Valley may join employees of organizations other than the ARC Imperial Valley in lawful strike activities against their employer as non-workers during non-scheduled work hours. ARC Imperial Valley will not permit any employee or consumer-worker to participate in strike activities during their regularly scheduled work hours. Any employee participating in strike activities during their regularly scheduled work hours is subject to formal disciplinary actions, which may include termination. At no time, will any of ARC's employees or consumers' individual actions give the impression that they represent the Agency.

No employee is allowed to directly or indirectly coerce, attempt to coerce, order or advise any other employee or consumer-worker to participate, contribute or pay anything of value for any other organization or person (s) for striking or political purposes.

For safety reasons, ARC Imperial Valley will not service any contract where a threat of violence is present.

9.11 REPORTING SUSPECTED ABUSE POLICY (Refer to Penal Code §368-368.5)

All ARC Imperial Valley employees from every ARC business operation, including volunteers and interns, as providers of services for individuals with intellectual disabilities and other persons with disabilities are required by law to report immediately, or as soon as practical, any known, observed, or suspected abuse, neglect, abandonment, abduction, isolation, and financial abuse by phone to Adult Protective Services or law enforcement. This includes incidents reported by the individual with the disability. Crimes against any consumer of the Agency must be immediately reported to law enforcement. It is the ultimate responsibility of each employee to report these incidents to Adult Protective Services or law enforcement.

Employees reporting such incidents are also required to complete a standardized written report available at all program sites and fax or mail it within 48 hours to Adult Protective Services or the law enforcement agency receiving the telephone report. Adult Protective Services is at 2999 South 4th St. El Centro, Ca 92243. The phone number for APS is 760-337-7878 and their fax number is 760-336-8593.

ARC Imperial Valley employees shall advise their immediate Supervisor of any known, observed, or suspected abuse, neglect, abandonment, abduction, isolation or financial abuse. In return, Supervisors are to immediately report the abuse situation to their Program Directors. The Agency's Chief Executive Officer (CEO) shall be informed of any suspected abuse as soon as possible by the program director.

All ARC Imperial Valley employees can be held civilly and criminally liable for failing to report suspected abuse and can be fined up to \$1000.00 and six months in jail, or both. This includes all employees and volunteers who work under the ARC umbrella of programs and businesses who have knowledge of abuse, neglect, abandonment, abduction, isolation, and financial abuse. Mandated reports have full immunity and the State provides for some reimbursement of legal fees if sued. Mandated reporters cannot make anonymous reports but reports are confidential.

9.12 OUTSIDE EMPLOYMENT

Employees may hold outside jobs as long as they meet the performance standards of their job within ARC Imperial Valley. All employees will be judged by the same performance standards and will be subject to ARC Imperial Valley's scheduling demands, regardless of any existing outside work requirements.

In accordance with the Department of Transportation (DOT) and Federal Transit Authority (FTA) regulations, persons possessing a commercial license shall not drive more than 10 hours within a work period, including hours on duty or for an agency outside ARC Imperial Valley.

In order to achieve the agency's goals of maximizing the quality of service it provides, employees possessing a commercial driver's license may not work for any other employer within eight hours of the time they have been scheduled to begin a shift with the ARC Imperial Valley. This includes scheduled or unscheduled work for another organization that ends within the designated time frame.

If ARC Imperial Valley determines that an employee's outside work interferes with performance or the ability to meet the requirements of the Agency as they are modified from time to time, the employee may be asked to terminate the outside employment if they wish to remain with ARC Imperial Valley.

It is the responsibility of employees of ARC Imperial Valley to notify their immediate supervisors of any outside employment status.

Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals outside ARC Imperial Valley for materials produced or services rendered while performing their jobs.

9.13 RECYCLING POLICY

ARC Imperial Valley supports environmental awareness by encouraging recycling and waste management in its business practices and operating procedures. This support includes a commitment to the purchase, use, and disposal of products and materials in a manner that will best utilize natural resources and minimize any negative impact on the earth's environment.

ARC Imperial Valley encourages reducing and, when possible, eliminating the use of disposable products. Source reduction decreases the consumption of valuable resources through such workplace practices as:

- Communication through computer networks with e-mail
- Posting memos for all employees
- Two-sided photocopying
- Computerized business forms
- Routing slips for reports
- Minimum packaging
- Reusing paper clips, folders, and binders
- Reusing packaging material
- Turning off lights when not in use
- Turning off A/C in vacant areas and not lowering the thermostat below 78 F.

By recycling, ARC Imperial Valley is helping to solve trash disposal and control problems facing all of us today. If you have any questions or new ideas and suggestions for the recycling program contact the Recycling Center.

9.14 PERSONAL APPEARANCE

Because each employee is a representative of ARC Imperial Valley in the eyes of the public, each employee must report to work properly groomed and wearing appropriate clothing. Employees are expected to dress neatly in a manner consistent with the nature of the work performed. Employees who report to work inappropriately dressed may be asked to clock out and return in acceptable attire.

Acceptable clothing for management, sales, or office employees includes suits, sport coats, or dress shirts with ties and slacks; blouses and sweaters with skirts or dress slacks and dresses.

T-shirts with inappropriate logos or messages, tank or halter tops, low cut (revealing) tops are not permitted for any employees. All clothing should be clean and without rips or holes. Only ARC logo caps are permitted except for yard and landscape workers who are allowed to use large brim hats during the summer months.

Employees with body piercings will be asked to remove said jewelry during the hours of service with the Agency.

All employees are required to wear uniforms provided by ARC Imperial Valley must take care of their uniforms and report any wear or damage to their Supervisors. Instructions regarding cleaning and maintenance of uniforms will be provided. Uniform shirts should be neatly tucked into the pants.

Supervisors will inform you of additional requirements regarding acceptable attire. Certain employees may be required to wear safety equipment or clothing. Any deviations from these guidelines must be approved by your Supervisor.

9.15 VISITORS POLICY

To provide for the safety and security of employees and the facilities at ARC Imperial Valley, only authorized visitors are allowed in the workplace. Restricting unauthorized visitors helps maintain safety standards, protects against theft, ensures security of equipment, protects confidential information, safeguards employee welfare and avoids potential distractions and disturbances.

All visitors should enter ARC Imperial Valley through the lobby. Authorized visitors will receive directions or be escorted to their destination. Employees are responsible for the conduct and safety of their visitors.

If an unauthorized individual is observed on ARC Imperial Valley's premises, employees should immediately notify their Supervisor or, if necessary, direct the individual to the lobby area.

9.16 WORKPLACE CONDUCT

ARC Imperial Valley is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, ARC Imperial Valley has adopted the following guidelines to deal with intimidation, harassment, or other threats of (actual or implied) violence that may occur during business hours or on any of the premises.

All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of ARC Imperial Valley, without proper written authorization.

Conduct that threatens, intimidates, or coerces another employee, a customer, consumer or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, ethnicity, age, or any characteristic protected by federal, state or local law.

All threats of (actual or implied) violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor or any other member of management. This includes threats by employees, as well as threats by customers, consumers, vendors, solicitors, or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your workstation, do not try to intercede or see what is happening.

ARC Imperial Valley will promptly and thoroughly investigate all reports of threats of (actual or implied) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, ARC Imperial Valley may suspend employees, either with or without pay, pending the ongoing investigation.

Anyone determined to be responsible for threats of (actual or implied) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

ARC Imperial Valley encourages employees to bring their disputes or differences with other employees to the attention of their direct supervisor or Program Director before the situation escalates into potential violence. ARC Imperial Valley is eager to assist in the resolution of employee disputes and will not discipline employees for raising such concerns.

In accordance with Subsection 9.03, security electronic surveillance devices have been installed at some Agency worksites.

9.17 OFF DUTY CONDUCT

While the ARC Imperial Valley 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 Agency's legitimate business interests. For this reason, employees are expected to conduct their personal affairs in a manner that does not adversely impact the Agency or their own integrity, reputation or credibility. Illegal or immoral off-duty conduct by an employee that adversely affects the agency's legitimate business interest or the employee's ability to perform his or her job will not be tolerated and the employee will be subject to disciplinary action up to and including termination of employment.

9.18 VISITING MEXICO WHILE AT WORK

In cooperation with DHS, ARC Imperial Valley employees working at the International border are not allowed to travel into Mexicali or any other Mexican territory during their scheduled work shift. Visiting Mexico must occur before a work shift begins or after a work shift ends. Infringement of this policy will constitute a serious violation of ARC employee standards of conduct and is subject to immediate termination of employment.

9.19 PAY ADVANCES

ARC- Imperial Valley does not provide pay advances on unearned wages to employees.

9.20 UNIFORMS

The employer provides uniforms to all employees who are required to wear uniforms as a condition of employment. These uniforms are also laundered and maintained by the employer at no cost to the employee. However, employees are responsible for the safekeeping of all uniforms they are furnished.

When an employee's employment terminates, voluntarily or involuntarily, the employee must return all uniforms they have been issued before they are issued their final paycheck. Employees will be asked to sign an agreement that verifies their responsibility for any uniform that they are furnished. The agreement will authorize a wage deduction for the costs of any uniforms that are not returned upon separation from the employment.

9.21 DISPOSING OF RECORDS Public Law §108-159

ARC Imperial Valley in cooperation with the Fair and Accurate Credit Transactions Act (FACTA) will dispose of all employment documents that contain personal information by either shredding or burning. The purpose is to protect current, past and prospective employees' personal information such as Social Security Numbers, addresses, telephone numbers and any other information that is reported to an employer by a consumer reporting agency. In the event an outside party is contracted to dispose records, the Agency will conduct due diligence in hiring a document

destruction contract. Due diligence will include reviewing an independent audit of a disposal company's operations and/or its compliance with this rule; obtain information about the disposal company from several references, require that the disposal company be certified by a recognized trade association, review and evaluate the disposal company's information security policies or procedures.

If such information is stored on computer disks or other recordable media, it will be destroyed prior to being discarded. If data is stored on a hard drive of a computer that is being sold or donated to another party, the data must be removed in a way that makes it unrecoverable. In return, ARC Imperial Valley will restrict access to information while being stored.

9.22 USE OF PERSONAL CELL PHONES

Employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of Agency phones. Personal calls or texting can interfere during working hours and should be limited to emergencies only, regardless of the phone used. It can interfere with employee productivity and can be distracting to others. Personal cell phones should be set to vibration during working hours. Employees are able to make and receive personal calls during breaks and meal periods and are responsible for ensuring that friends and family members are aware of the Agency's policy. The Agency will not be liable for the loss of personal cellular phones brought into the workplace.

Food servers and cooks are not allowed to use cellphones while working as mandated by public health authorities.

SECTION TEN: STAFF RESPONSIBILITIES IN RESPECT TO PUBLIC RELATIONS

10.01 GENERAL GUIDELINES

All employees are looked upon as official representatives of the Agency in their contacts with the public. Employees are expected to practice courtesy and exercise good judgment in all such contacts and to render every possible assistance to persons seeking information or services from the Agency. All questions, suggestions and criticisms about services are to be received and acknowledged graciously. When an employee feels incapable of answering such questions, suggestions or criticisms personally, it is their responsibility to refer the individual to the proper staff members. An inquiring person or organization should be informed when an answer may be expected.

10.02 AGENCY STATIONARY

Agency letterheads and stationary may be used for official communication only and must not be used for personal purposes.

10.03 ACCEPTING GIFTS

Accepting gifts of any kind can cause problems when they compromise or appear to compromise ARC Imperial Valley's ability to make fair and objective decisions. ARC employees shall not solicit gratuities, favors or gifts of any kind from a program participant, coworker, business partner, individual or agency with whom ARC Imperial Valley procures goods or services unless the gift is an unsolicited item of nominal value.

At no time should an ARC employee request personal gifts, including the purchasing of beverages or meals, or contributions of gifts from program participants, contractors, businesses, parents, individuals or organizations associated with the ARC Imperial Valley.

There are many factors that influence whether a gift is normal and customary. Gifts, which may include food items, should be of nominal value, be of a style or value commonly accepted for business relationships and should not be unusual for the situation. The exchange must create no obligation or sense of obligation and should occur infrequently.

Any staff member who receives a gift shall report such gift to their immediate supervisor. The supervisor will receive input from their Program Director and/or Chief Executive Officer who will determine if the unsolicited gift is of nominal value and can be retained by the staff member or if it must be returned.

10.04 AUTHORIZED AGENTS

Employees of the Agency who have been authorized by the C.E.O. are permitted to accept donations of money, gifts or services intended for the Agency, its services, and programs. These must be reported immediately to the C.E.O. with the name and address of the donor and the gift in question. Receipts shall be sent to all donors.

10.05 CONSUMER SERVICES

Employees may provide general information on the progress of consumers of the Agency to the immediate family. Employees are requested to exercise judgment in specifics and should refer inquiries to their immediate supervisors, whenever necessary.

The Agency, with authorization from the C.E.O. and the consumer, may act as a representative payee and will account for all funds. No employee shall act as a consumer's legal guardian or representative payee. In special cases, when a consumer is in imminent danger of harm, a temporary guardian *Ad Litem* may be obtained to ensure protection of the consumer until a permanent guardianship can be established by the appropriate agency or individual. Proper release of information must be on file before any information is released to any individual, including family members.

10.06 PUBLIC INFORMATION

Employees will not release Agency information to any newspaper or for broadcast by any radio, television station, social network, or otherwise disseminate information for the general public except with the knowledge and approval of the Chief Executive Officer.

10.07 INQUIRES CONCERNING EMPLOYEES

The Human Resources Department will respond to all reference check inquiries from other employers. Responses to such inquiries will confirm only dates of employment, wage rates and position(s) held. No employment data will be released without a written authorization and release signed by the individual who is the subject of the inquiry.

10.08 CONFIDENTIALITY

All ARC Imperial Valley employees are required to keep all information pertaining to consumers, Agency internal affairs and employee personnel issues in the strictest of confidence. Information pertaining to Agency internal affairs or employee personnel issues will not be released or discussed with other employees of the Agency or public without authorization. All authorization, questions, or concerns are to be directed to your immediate supervisor via the Agency chain of command. Violation of this confidentiality statement or not following your department's chain of command may result in a formal disciplinary action up to and including termination of employment.

SECTION ELEVEN: STANDARDS OF CONDUCT

11.01 WORKPLACE CONDUCT

To ensure orderly operations and provide the best possible work environment, ARC Imperial Valley expects employees to follow rules of conduct that will protect the interests and safety of all staff, consumers and patrons of the Agency.

Violations of Agency policies and rules may warrant disciplinary action. The Agency has established a system of progressive discipline that includes verbal warnings, written warnings and suspension. For disciplinary actions, the Agency may, in its sole discretion, utilize whatever form of discipline is deemed appropriate under each circumstance, up to and including termination of employment. The Agency's policy of progressive discipline does not limit or alter the at-will employment relationship.

It is not possible to list all forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in a disciplinary action, up to and including termination of employment:

1. Failure to report to a work related duty.
2. Theft or inappropriate removal or possession of property.
3. Falsification of timekeeping records.
4. Working under the influence of alcohol or illegal drugs including marijuana.
5. Possession, distribution, sale, transfer or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-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 employer-owned or customer-owned property.
9. Insubordination or other disrespectful conduct.
10. Violation of safety or health rules.
11. Sexual or other unlawful or unwelcome harassment.
12. Possession of dangerous or unauthorized materials, such as explosives or weapons in the workplace.
13. Excessive absenteeism or any absences without notice.
14. Unauthorized absence from assigned work station during the workday.
15. Unauthorized use of telephones, mail system, computer systems or other employer-owned equipment.
16. Unauthorized disclosure of business "secrets" or confidential information.
17. Carelessness or negligence in the performance of the employee's duties.
18. Deliberately refusing to carry out a specific order or instruction of a Supervisor or other superior.
19. Violation of any section of the employee handbook.
20. Unsatisfactory performance or conduct.
21. Sleeping on the job.
22. Any other offense deemed equally serious or in violation of the spirit of the handbook enacted by ARC Imperial Valley

Employment with ARC Imperial Valley is between the mutual consent of ARC Imperial Valley and the employee. Either party may terminate that relationship at any time, with or without cause, and with or without advance notice.

An employee who has engaged in any of the offenses listed above, may be terminated with or without notice with the discretion of the C.E.O or a designated representative, taking into account the seriousness of the offense.

11.02 CONFLICT OF INTEREST

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. In return, employees should never place themselves in a position where their personal self-interests are in conflict or perceived to be in conflict with ARC Imperial Valley. This policy establishes only the framework in which ARC Imperial Valley wishes the business to operate. 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. Contact the C.E.O. or their designated representative for more information or questions concerning conflicts of interest.

A conflict of interest exists when any employee is compromised from acting solely in the best interest of the Agency or its objectives. A conflict of interest includes, but is not limited:

- Individual financial gain.
- Receiving any type of "gift," payment and/or "kickback" from a competitor, vendor or other business partner.
- A financial or other interest as an employee in other private non-profit organization(s) seeking the same funding source (s) or engaged in any operations similar to or competing either, directly or indirectly, with those carried on by this organization. This includes, but not limited to any organization(s) that can provide community employment, vocational training, transportation or residential services to persons serviced by or eligible to be served by the ARC Imperial Valley.
- Conflict with the Agency long-range goals and objectives.
- Conflict with the Mission Statement of ARC Imperial Valley.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to an officer of ARC Imperial Valley as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

Employees must report material information regarding ownership, relationship, direct or indirect association by an employee of their immediate family member that has an interest in any business or organization that competes with services provided by ARC Imperial Valley or conducts business in the form of selling and buying of goods or services from ARC Imperial Valley.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which ARC Imperial Valley does business, but also when an employee or relative receives any "kickback," bribe, substantial gift or special consideration as a result of any transaction or business dealings involving ARC Imperial Valley.

All employees must avoid situations involving actual or potential conflict of interest. Personal or romantic involvement with a competitor, supplier or subordinate employee or coworkers of ARC Imperial Valley, which impairs an employee's ability to exercise good judgment on behalf of the Agency, creates an actual or potential conflict of interest. Supervisor-subordinate romantic or personal relationships also can lead to supervisory problems, possible claims of sexual harassment, biases, misunderstandings and morale problems.

ARC employees are not to date, engage in a sexual relationship, or participate in improper social activities with program participants.

Additionally, employees must refrain from any activity that may adversely affect ARC Imperial Valley's reputation or business operations. This includes criminal activity, breaching protocols outlined within our Federal contracts, falsifying legal records, divulging confidential information either intentionally or unintentionally, defaming and/or making slanderous statements about the ARC Imperial Valley, its business partners, the Board of Directors, ARC employees and/or its consumers.

Whenever an employee is involved in any of the types of relationships or situations described within this policy should immediately and fully disclose the relevant circumstances to their immediate supervisor, or any other appropriate supervisor, for a determination about whether a potential or actual conflict exists. If an actual or potential conflict is determined, ARC Imperial Valley may take whatever corrective action appears appropriate according to the circumstances. Failure to disclose facts shall constitute grounds for disciplinary action up to and including termination of employment.

Violation of this policy will result in disciplinary action up to and including termination as outlined in Policy No. 11.01 Workplace Conduct.

11.03 ATTENDANCE AND PUNCTUALITY

To maintain a safe and productive work environment, ARC Imperial Valley expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and impacts the day-to-day operations of ARC Imperial Valley. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their immediate Supervisor as soon as possible in advance of the anticipated tardiness or absence. Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

SECTION TWELVE: ALCOHOL AND SUBSTANCE ABUSE POLICY

(Revised June 2018)

Note: Additional requirements and/or disciplinary actions established under the company's authority are entered in **bold-faced type**. Requirements of the Drug-free Workplace Act (DFWA) are in *Italics*.

12.01 POLICY STATEMENT

ARC Imperial Valley is dedicated to providing safe, dependable and efficient transportation services to our customers. We recognize that our safety-sensitive employees' use of illegal drugs and misuse of alcohol pose a significant risk to public safety, as well as the employee's health and well-being. ARC Imperial Valley has a vital interest and obligation in maintaining a safe, healthy and efficient working environment for its employees and has zero tolerance for the illegal use of alcohol or drugs. In view of this, the company has adopted this policy that is designed to:

1. Create a working environment free from that adverse effect of drug abuse and alcohol misuse.
2. Deter and detect employee's use of illegal drugs and misuse of alcohol.
3. Prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substance;
4. Encourage employees to seek professional assistance anytime personal problems, including drug or alcohol dependency, adversely impact their ability to safely perform their assigned duties;
5. Discipline employees who violate this policy, up to and including termination.

12.02 PURPOSE

The purpose of this policy is to assure worker fitness for duty and to protect our employees, passengers, and the public from the safety and health risks posed by the misuse of alcohol and use of prohibited drugs. This policy is intended to comply with all applicable State and Federal regulations governing workplace anti-drug and alcohol misuse programs within the transportation industry. They include DOT 49 CFR Part 40, as amended ("Procedures for Transportation Workplace Drug and Alcohol Testing Programs"); FTA 49 CFR Part 655 as amended ("Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations") DOT CFR Part 29 (Drug-Free Workplace Act of 1988"); and CA Govt. Code Section 8350 et seq. (Drug-Free Workplace Act of 1990"). This policy incorporates the requirements of the above regulations for safety-sensitive employees and others, when so noted.

12.03 APPLICABILITY

Unless otherwise noted in specific provisions, this policy applies to **all** employees regardless of their functions. Volunteers are exempt unless they operate vehicles that are required to be operated by a Commercial Driver's License (CDL) holder. The application of the policy to non-safety-sensitive employee comes under the company's own authority. Visitors, invitees, and vendors are also prohibited from entering the premises and from conducting any work on behalf of the company when illegal substance are present in their system, or the odor of alcohol is present on their breath. This policy applies to off-site lunch period or breaks when an employee is scheduled to return to work or is on-call.

12.04 PRE-EMPTION OF STATE AND LOCAL LAWS

If any conflict occurs between State and local laws and any requirement of the above-mentioned Federal regulations, the Federal regulations prevail. However, Federal regulations do not preempt provisions of State criminal laws that impose sanctions for reckless conduct attributed to prohibited drug use or alcohol misuse, whether the provision apply specifically to transportation employees, employers, or the public in general.

12.05 DEFINITIONS

Adulterated Specimen: A urine specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that is not consistent with human urine.

Alcohol Use: The drinking or swallowing of any beverage, liquid mixture or preparation (including any medication) containing alcohol. For purposes of this policy, alcohol is alcohol regardless of the source.

BAC: Breath Alcohol Concentration, expressed in terms of grams of alcohol per 210 liters of breath.

Breath Alcohol Technician (BAT): An individual who instructs and assists employees or applicants in the alcohol testing process and operates an Evidential Breath Testing (EBT) device.

Canceled Test: A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which Part 40 requires to be canceled. A canceled test is neither a positive nor a negative test.

Collector: A person who instructs and assist individuals at a collection site, who receives and makes an initial inspection of the specimen provided by the individual, and who initiates and completes the Custody and Control Form (CCF).

Consortium/Third-Party Administrator: A service agent that provides or coordinates the provision of a variety of drug and alcohol testing services to the company.

Controlled Substances: Any drug classified by the U.S. Drug Enforcement Agency (DEA) into the five schedules or classes on the basis of their potential for abuse, accepted medical use, and accepted safety for use under medical supervision.

Designated Employer Representative: An employee or employees authorized by the company to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, following a positive test, test refusal or other policy violations.

DHHS: Department of Health and Human Services.

Disabling Damages: Damage which precludes departure of motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs, including damage to motor vehicles that could have been driven, but would have been further damaged if so driven. "Disabling damage" does not include:

- Damage that can be remedied temporarily at the scene of the accident without special tools or parts.
- Tires disablement without other damage even if no spare tire is available.
- Headlamp or taillight damage.
- Damage to turn signals, horn, or windshield wipers, which makes them inoperative.

DOT: Department of Transportation.

Drugs: Drug testing required under DOT and FTA regulations are for marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP). Medical marijuana is not deemed a legal substance under federal regulations.

Drug Abuse: Is the use of any illegal drug or controlled substance without a valid prescription, misuse of illegal prescribed drugs or use of illegally obtained prescription drugs. This includes use of prescription drugs prescribed to another individual.

Evidential Breath Testing (EBT) Device: A device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath, for alcohol levels, under DOT Part 40 and placed on the NHTSA's Conforming Products List.

FTA: Federal Transit Administration.

Invalid Drug Test: The result of a urine drug test that contains an unidentified adulterant or an unidentified interfering substance, has abnormal physical characteristics or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing or obtaining a valid drug test result.

Medical Review Officer (MRO): A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory drug test results, who has knowledge of substance abuse disorders and has the appropriate medical training to interpret and evaluate an individual's confirmed drug and/or validity test results together with the individual's medical history and other relevant biomedical information. This individual must meet the qualification requirements under Sec. 40.121.

Positive Alcohol Test: The presence of alcohol in the body at a concentration of 0.04 BAC or greater as measured by an EBT device.

Positive Drug Test: Any urine that is chemically tested (screened and confirmed), shows the presence of controlled substances at or above the cut off level stated in Part 40 and is verified by the MRO.

Public Transportation Vehicles: Vehicles used for public transportation or ancillary services.

Refusal of Test: Includes circumstances or behaviors such as:

- Failure to appear for any test (except a pre-employment test) at the collection site in the time allotted.
- Failure to remain at the site until the testing process is completed except in pre-employment situations where leaving the site before the testing process begins is not deemed to be a test refusal.
- Failure to provide a urine, breath or saliva specimen as required by DOT Part 40.
- Failure to permit the observation or monitoring of specimen collection when it is required.
- Failure to provide a sufficient amount of urine or saliva specimen without a valid medical explanation.
- Failure or refusal to take a second test when required.
- Failure to undergo a medical evaluation when required. In the case of pre-employment test, the individual is deemed to have refused to test only if the pre-employment test is conducted following a contingent offer of employment.
- Failure to cooperate with the testing process. (Examples: refusal to empty pockets when requested or behaving in a confrontational manner that disrupts the collection process.)
- In alcohol testing, refusal to sign Step 2 of the Alcohol Testing Form.

- Leaving the scene of the accident prior to submitting to post-accident tests.
- If the MRO reports a verified adulterated or substituted test result.
- An employee's admission of adulteration or substitution to the collector or the MRO.
- For an observed collection, failure to follow the observer's instructions to raise and lower their clothing and to turn around to permit the observer to determine if the employee has a prosthetic or other device that could be used to interfere with the collection process.
- Possession/and or wearing of a prosthetic or other device that could be used to interfere with the collection process.

NOTE: A refusal to test carries the same consequences as a positive test result.

Screening Test Technician (STT): A person who instructs and assists employees with the alcohol testing process and operates an alcohol screening device such as a breath or saliva device, other than an EBT.

Split Specimen: In drug testing, a part of the urine specimen that is sent to a first laboratory and retained unopened and which is transported to a second DHHS-certified laboratory for testing upon employee request following a verified positive or a verified adulterated or substituted test result of the primary specimen.

Substance Abuse Professional (SAP): A person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing and aftercare. In order to be a qualified SAP, the individual must have certain credentials, possess specific knowledge, receive training, and achieve a passing score on an examination, as required under 49 CFR part 40.281.

Substituted Specimen: A specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.

Vehicles: Includes buses, electric buses, vans, automobiles, rail cars, trolley cars, trolley buses or vessels, non-revenue commercial motor vehicles and vehicles used by armed security personnel.

Volunteer: A non-employee who performs a service as a charitable act. A volunteer is subject to this policy only if he or she operates a vehicle designed to transport 16 or more passengers, including the driver, or the volunteer performs a safety-sensitive function and receives remuneration in excess of his or her actual expenses incurred while engaged in the volunteer activity.

12.06 EDUCATION AND TRAINING

The education and ongoing awareness component of this policy will include display of posters, the distribution to all covered employees and representatives of employee organization of the drug and alcohol policy and other informational materials and periodic information seminars. Each employee will be required to sign an acknowledgement form indicating that they have received a copy of the current policy.

As required by FTA regulations, the company will provide to all safety-sensitive employees a minimum of 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety and work environment and on the signs and symptoms that may indicate prohibited drug use.

Supervisors or company officials who may make reasonable suspicion referrals shall receive an additional 60 minutes of training on the physical, behavioral and performance indicators of probable drug use and at least 60 minutes on the physical, behavioral, speech and performance indicators of probable alcohol misuse.

12.07 CONTACT PERSON

Any questions about this policy or any aspect of the company's drug and alcohol free program should be referred to the following Designated Employer Representative:

Name: Maria Cristobal
Title: Human Resources Technician
Telephone Number: 760-352-0180
Fax: 760-352-3269

12.08 COVERED EMPLOYEES

As a condition of employment, all employees who perform a safety-sensitive function are required to submit to drug and alcohol tests administered in accordance with 49 CFR Part 40 and 655. (Non-safety-sensitive employees are covered under the company's own authority.)

A refusal to submit to a test as directed will be considered to be a positive test result and the employee will be subject to all attending consequences as stated in this policy. (Please refer to Section 12.05 - DEFINITIONS for specific circumstances or behaviors that are considered refusal to test.)

As defined by the FTA, safety-sensitive employees include those who perform, or maybe called upon to perform, the following safety-sensitive functions:

1. Operating a revenue service vehicle, even when it is not in revenue service;
2. Operating a non-revenue service vehicle when required to be operated by a Commercial Driver's License (CDL) holder.
3. Controlling dispatch or movement of a revenue service vehicle;
4. Maintaining (including repairs, overhaul and rebuilding) a revenue service vehicle or equipment used in revenue service.
5. Carrying a firearm for security purposes.

Supervisors are considered safety-sensitive only if they perform, or may be called upon to perform any of the above safety-sensitive functions.

The company has analyzed actual job duties performed, or may be called upon to perform, by all of its employees and has determined that the job classification listed below are considered safety-sensitive for purposes of this policy.

- ADA Paratransit Driver
- Transportation Dispatch Coordinator
- Vehicle Maintenance Coordinator
- Transit Service Aide
- Transportation Operations Coordinator

12.09 DRUGS (OR THEIR METABOLITES) TESTED FOR AN CONFIRMATORY CUT OFF LEVELS

<u>Confirmatory</u>	<u>Cut-Off (ng/ml)</u>
• Marijuana	15
• Cocaine	100
• Opiates	
• Codeine/Morphine	2000
• 6-Acetymorphine (6-AM)	10
• Amphetamines/includes	
○ MDMA	
○ MDA	
○ MDEA	
• Phencyclidine (PCP)	25

Medical Review Officers (MRO's) are instructed not to accept an employee's assertion that there is a medical explanation for the presence of PCP, 6-AM, MDMA, MDA or MDEA in the specimen. If the laboratory confirms the presence of any of these substances in the employee specimen at or above the cutoff level, the test result will be reported to the agency as positive.

12.10. PROHIBITED BEHAVIORS

12.10.1 Illegal

Unless legally prescribed, the prohibited drugs listed in Section 12.09 are always illegal and employees are prohibited from consuming any of them at all times. Employees may be tested for illegal drugs anytime they are on duty.

12.10.2 Prescription or Over-the-Counter Medication

ARC Imperial Valley recognizes the safety risks associated with employee use of certain prescription and over the counter medications that affect work performance. This policy is not intended to keep employees out of the workplace while they are receiving medical treatment when they are able to work. Under this policy, the appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. Safety-sensitive employees must notify their manager and may not perform any safety-sensitive function if their medication carries a warning label that mental functioning, motor skills or judgment maybe adversely affected, unless the medication is being used in accordance with the instructions of a physician who has provided a written determination that the substance will not adversely affect the employee's ability to safely perform safety-sensitive duties.

The employee is responsible for describing his or her safety-sensitive duties to the physician and obtaining from an appropriate medical professional information on whether or not the drug impairs their ability to perform their duties safely and effectively. If possible, employees must ask for alternative medicine/dosage/schedule that does not jeopardize safety.

A prescription is considered valid only if it is in writing and indicates the employee's name, date, the name of the substance, quantity or amount to be taken, and the period of authorization. Controlled substance obtained illegally outside the United States are not considered valid medical prescriptions. It is a violation of this policy to use any controlled substance in a manner that is inconsistent with the prescription. Any covered employee who violates this section of the policy is subject to disciplinary action, up to the including termination of employment.

12.10.3 Alcohol

Safety-sensitive employees are prohibited from consuming alcohol in any form:

- While performing safety-sensitive functions;
- Within four (4) hours to performing safety-sensitive functions;
- While they are on call; or
- Within eight (8) hours following an accident requiring a post-accident alcohol test, unless the test was completed within eight (8) hours.

Alcohol tests are conducted just before, during and just after the employee's performance of a safety-sensitive function. An alcohol test is considered positive if the employee's BAC is at 0.04 or greater. If a safety-sensitive employee tests positive for alcohol at a concentration equal to or greater than 0.02 but less than 0.04, the employee cannot continue to perform any safety-sensitive function until eight hours have passed, or the employee was re-tested and the result was less than 0.02.

Under the agency's own authority, the same prohibitions, as stated above for both drugs and alcohol are applicable to non-safety-sensitive employees as well.

12.10.4 Employee Assistance

An employee convicted of violating a criminal drug statute, on or off ARC premises or work site, must inform their supervisor or the personnel division (including a guilty plea or nolo contendere) within five (5) days of the conviction. It is the responsibility of the employee to seek assistance before drug/alcohol problems leads to reasonable suspicion testing. Employees who self-identify a substance/alcohol problem to their immediate supervisory or Program Director will be referred to and assisted by the Employee Assistance Program (EAP) and may be given a leave of absence to seek help. Actual discussion between the employees through EAP will be kept strictly confidential unless the employee consents to disclosure.

12.11.0 TYPES OF TESTING

12.11.1 PRE-EMPLOYMENT TESTING

All candidates for safety-sensitive employment or any employee transferring from a non-safety-sensitive to a safety-sensitive position will be required to undergo a pre-employment drug test at a time and place designated by the company. A verified negative drug test result must be received from the MRO before an employee or candidate can be allowed to perform any safety-sensitive function for the first time. If a pre-employment test is canceled, the individual will be required to undergo another test and successfully pass the test with a verified negative result.

Subject to the applicant's written consent, the company will check on the drug and alcohol testing background of applicants and employees being considered for final selection into any safety-sensitive position within the company. Specific drug and alcohol testing information will be obtained from DOT-regulated employer(s) for which the applicant/employee has worked during the previous two years. If the individual refuses to provide the written consent, they will not be hired into the safety-sensitive position. In addition, if the individual has had a positive DOT pre-employment drug or alcohol test, or has refused such a test, they will not be hired until and unless the individual has provided a documentation of successful completion of the return-to-duty process, which includes a SAP referral, evaluation and treatment plan.

An employee who has not performed any safety-sensitive function for at least 90 consecutive calendar days (regardless of the reason) and has been out of the random pool during that period must pass a pre-employment drug test before they are allowed to return to safety-sensitive work.

12.11.2 REASONABLE SUSPICION TESTING

Whenever a supervisor (or other company official) has reason to believe that an employee has used a prohibited drug and/or engaged in alcohol misuse, reasonable suspicion testing will be conducted. The referral will be made by a trained supervisor based on the specific, contemporaneous and articulable observations concerning the appearance, behavior, speech or body odors of the employee. The supervisor who made the referral need not be the employee's own supervisor, as long as they have received training in detecting the signs and symptoms of drug use and alcohol misuse. The supervisor's observation will be documented and such documentation shall be kept in the employee's confidential drug and alcohol testing file.

A reasonable suspicion alcohol test will be conducted only if the reasonable suspicion observation is made just before, during or just after the employee's performance of safety-sensitive function. If the alcohol test is not conducted within two hours, reason for the delay must be documented and kept in the employee's reasonable suspicion test file. All attempts to complete the alcohol test must cease after eight hours and documentation will be maintained as to the reason for the inability to test.

Once a supervisor or company official has made a reasonable suspicion determination, they must remove the employee from performing any safety-sensitive or non-safety functions and arrange to have the employee accompanied to the testing site immediately. Employees removed from service due to reasonable suspicion will be placed on paid leave until the test results are verified and received by the employer.

12.11.3 POST-ACCIDENT TESTING

Any covered employee operating a public transportation vehicle at the time of an accident shall be required to submit to drug alcohol tests as soon as practicable after the accident. For purposes of this policy, "accident" is defined as an accident involving a public transportation vehicle where the result is.

- An individual dies;
- An individual suffers a bodily injury and immediately receives medical treatment away from the scene;
- The public transportation vehicle (if bus, electric bus, van, or automobile) or any other vehicle(s) involved in the accident suffers a disabling damage as a result of the accident and is transported away from the scene by a tow truck or other vehicle; or
- The public transportation vehicle (if rail car, trolley car, trolley bus, or vessel) is removed from revenue service.

Under the ARC's authority, a covered employee is subject to non DOT testing if involved in an accident of any kind. This provision applies to all non-safety-sensitive employees of the Agency.

12.11.3 Fatal Accidents

Whenever there is a loss of human life, any surviving employee operating the public transportation vehicle at the time of the accident shall be tested for drugs and alcohol. Any safety-sensitive employee not in the vehicle but whose performance could have contributed to the accident also shall be tested.

12.11.3 Non-fatal Accidents

Following non-fatal accidents, the employee operating the vehicle at the time of the accident shall be tested unless their performance can be completely discounted as a contributing factor to the accident. Any safety-sensitive employee whose performance could have contributed to the accident also shall be tested.

12.11.4 Other Post-Accident Testing Requirements

Employees involved in an accident that requires testing must remain readily available for testing, including notifying the agency of their location. If they leave the scene of the accident before testing to obtain emergency medical care, or to obtain assistance in responding to the accident. They will be considered to have refused to submit to testing if they fail to do so.

Employees are prohibited from using alcohol for eight hours following an accident or until the post-accident testing is completed, whichever occurs first. Every effort will be made to conduct alcohol testing within two hours after the accident. In the event the alcohol test is delayed beyond two hours, the company will prepare and maintain a record stating the reason(s) for the delay. If an alcohol test is not administered within eight hours following the accident, the company will cease all efforts to administer the test and document the reason for the inability to test.

In the event a drug test is not administered within 32 hours from the time of the accident, the company will cease all attempts to administer the drug test and document the reason for the inability to test. This requirement should not be construed to delay the necessary medical attention for injured people following the accident.

If the agency is unable to perform post-accident tests within the required period of compliance, the agency will use the post-accident test results administered by Federal, State or local officials having independent authority for the tests, provided the tests are conducted in conformance with their testing requirements and the results are obtained by the agency.

Following post-accident tests, the employee is not allowed to perform any safety-sensitive functions until the company has received negative test results. An employee whose drug test and/or alcohol test produces a negative result shall be promptly returned to his or her regular work and be made whole for any lost wages, unless the employee is suspended for any additional purposes concurrent with the waiting of the test.

Employees suspended for any additional purposes concurrent with the waiting of the test will be placed on paid leave until test results are received or any investigation results are resolved.

12.11.4 RANDOM TESTING

Safety-sensitive employees are required to undergo random drug and alcohol tests to deter use of prohibited drugs and misuse of alcohol. The random selection will be conducted using a scientifically valid method, such as a random number table or a computer-based random number generator which gives each covered employee an equal chance of being selected every time a selection is made. As is the nature of the random method, it is possible that some employees will be selected multiple times in one year, and other employees not for several years. Management does not have any discretion on who will be selected

Every effort will be made by the company to spread random testing reasonably throughout the calendar year, all days of the week, and all hours when safety-sensitive functions are performed. The testing dates and times are unannounced and employees are required to immediately proceed to the designated collection site following notification.

The agency will conduct random drug and alcohol tests at a minimum annual percentage of covered employees as required by the FTA. The rates are subject to change on an annual basis, depending on the industry-wide positive rates determined by the FTA from the annual MIS reports submitted by covered employers.

12.11.5 RETURN-TO-DUTY TESTING

Under FTA rules, return-to-duty testing is required for an employee who has refused a required test, has a verified positive, adulterated or substituted drug test or tests positive for alcohol at 0.04 or greater. Such employee shall not be allowed to return to a safety-sensitive duty until after he or she has completed the return-to-duty process. This includes evaluation by a SAP, successful completion of the rehabilitation, treatment or education program outlined by the SAP, and obtaining a verified negative return-to-duty drug test and/or alcohol test under 0.02.

ARC Imperial Valley, in maintaining its policy of zero tolerance for illegal use of drugs or misuse of alcohol will exercise the option of immediate dismissal as identified in Section 11, Standards of Conduct, rule number 5; Possession, distribution, sale, transfer, or use of illegal drugs in the workplace, while on duty or while operating employer owned vehicles or equipment. There will be no return-to-duty testing unless the employee's return-to-duty is ordered by an outside authority (e.g. arbitrator, hearing officer or judge).

12.11.6 FOLLOW-UP

Following successful completion of the return-to-duty process as described above, the employee will be subject to follow-up testing for drugs and/or alcohol, as prescribed by the SAP, for a minimum period of 12 months, to a maximum of five years. As mandated by the FTA, the employee shall undergo at least six follow-up tests during the first 12 months of his or her return to work. Although they are both unannounced, follow-up testing is apart and separate from random testing. The duration and frequency of testing will be designated by the SAP, but the actual follow-up testing dates will be decided by the employee's manager or supervisor. The employee is responsible for payment of all costs associated with follow-up testing.

ARC Imperial Valley, in maintaining its policy of zero tolerance for the illegal use of drugs or misuse of alcohol will exercise the option of immediate dismissal as identified in Section 11, Standards of Conduct, rule number 5; Possession, distribution, sale, transfer, or use of illegal drugs in the workplace, while on duty, or while operating employer owned vehicles or equipment. There will be no follow-up testing unless the employee's return-to-duty is mandated by an outside authority (e.g. arbitrator, hearing officer or judge).

12.12.0 DRUG & ALCOHOL TESTING PROCEDURES

All DOT drug and alcohol tests required under this policy will be administered in accordance with the "Procedures for Transportation Workplace Drug and Alcohol Testing Programs (49 CFR Part 40), as amended.

Throughout the testing process, the privacy of the employee will be protected and the integrity and validity of the process will be maintained. The drug testing procedures will include a split specimen collection method and a federal Custody and Control Form with a unique identification number to ensure that the correct test result is attributed to the correct employee. An initial screening test using an immunoassay technique will be performed. If the specimen is positive for one or more of the drugs tested, then a confirmation test will be performed in accordance with current Part 40 procedures. If the test is confirmed positive, the MRO will conduct a verification process, which includes giving the employee an opportunity to provide a valid medical explanation for the positive test result.

In addition, the laboratory will conduct analysis to determine if a urine specimen has been adulterated, tampered with, or diluted. The ARC Imperial Valley requires its employees to take a second test with no advance notice if the MRO reports a "negative-dilute" test result. Depending on the level of creatinine reported by the MRO, the second test may need to be collected under direct observation. Should this test result in a negative dilute, the test will be considered a negative and no additional testing will be required unless the agency is directed to do so by the

MRO.

If the laboratory reports to MRO an “Invalid Result” or “Rejected for Testing” (because of a fatal or uncorrectable flaw), a recollection may be required by the MRO, and depending on the circumstances, the recollection may be directly observed.

Tests for alcohol concentration will be conducted using an alcohol screening device and an evidential breath testing (EBT) device if the screen test is at 0.02 BAC or greater. A DOT Alcohol Testing Form will be used and a unique sequential number will be assigned to each test. Detailed drug and alcohol specimen collection procedures are available upon request from the Contact Person identified in Section 7.0 of the policy.

12.13 DIRECTLY – OBSERVED URINE SPECIMEN COLLECTION

Under the following circumstances, the employee will be directed to undergo an immediate urine specimen collection under direct observation with no advance notice:

- If the laboratory reported to the MRO that a specimen is invalid and there was no adequate medical explanation for the result;
- If the MRO reported that the original positive, adulterated, or substituted test result had to be canceled because the split specimen testing could not be performed;
- If the MRO reported that the initial test was negative-dilute with creatinine level between 2 to 5 mg/dl;
- If the drug test is a return-to-duty or a follow-up test;
- If the collector observes employee conduct that clearly indicates an attempt to tamper with a specimen;
- If the temperature on the original specimen was out of range; or
- If the original specimen appeared to have been tampered with.

The observer shall be the same gender as the employee, but need not be a trained collector. The observer is responsible for ensuring that the specimen goes from the employee's body into the collection container. If the employee declines to allow a directly-observed collection when required under this policy, it is considered a refusal to test.

12.14 MONITORED URINE SPECIMEN COLLECTION

Under those circumstances when a multi-stall restroom has to be used for urine specimen collection and the facility cannot be adequately secured, the collector will conduct a monitored collection. The monitor shall be the same gender as the employee, unless the monitor is a medical professional. The monitor will not watch the employee void into the collection container. However, if the monitor hears sound or observes attempts to tamper with a specimen, an additional collection under direct observation will be ordered. If the employee declines to permit a collection authorized to be monitored, it is considered a refusal to test.

12.15 SPLIT SPECIMEN TESTING

After notification by the MRO of a verified positive drug test or refusal to test because of adulteration or substitution, the employee has 72 hours to request (verbally or in writing) a test of the split specimen. (Note that DOT does not authorize split specimen testing if the test result was invalid). After 72 hours have passed, the request can be considered only if the employee can present to the satisfaction of the MRO information that unavoidably prevented the employee from making a timely request.

Following the employee's timely request, the MRO shall send a written request to the primary laboratory to forward the split specimen to a second DHHS-certified laboratory for testing without

regard to the cut-off concentration. If the second laboratory fails to reconfirm the substance detected in the primary specimen or the adulterant identified, or if the spit specimen is unavailable for testing, the test shall be canceled. The MRO shall report the cancellation and the reason for it to the DOT, the agency, and the employee. In the case of the split specimen being unavailable, the employee shall be directed, with no advance notice, to submit another specimen under direct observation.

All costs related to split specimen testing will be paid by the employee or the applicant. The individual shall be reimbursed if the second test invalidates the original test, or if the test was canceled.

12.16 CONSEQUENCES

As required by FTA regulations, any safety-sensitive employee who has a verified positive drug test result, an alcohol concentration of 0.04 or above, or refuses to submit to a drug or alcohol test (including adulteration or substitution) shall be:

1. Immediately taken out of safety-sensitive duty;
2. Referred to a Substance Abuse Professional

If an employee tests positive for alcohol at 0.02 to 0.039, he/she will be removed from safety-sensitive duties until his/her next regularly scheduled workday (if at least 8 hours from the completion of the test), unless a re-test shows a result of less than 0.02.

Under the Agency's own authority, non-safety-sensitive employees will also be subject to the consequences identified above.

FTA regulations allow individual employers to determine the discipline to be imposed on employees who violate the FTA regulations or company policy. It is the policy of ARC Imperial Valley to terminate employees after the first offense. Such disciplinary action will follow the FTA required actions outlined previously above.

12.17 REFFERAL, EVALUATION AND TREATMENT

If an employee (including an applicant) tests positive for drug(s) or alcohol or refuses to submit to a test when required, the agency shall advise the individual of the resources available for evaluation and resolving problems associated with prohibited drug use and alcohol misuse and document such referral. He or she shall be given the name, address and phone number of SAP's acceptable to the agency and a list of community hot line numbers. The individual will be responsible for any costs associated with the SAP evaluation and recommendation(s).

12.18 CONFIDENTIALITY AND ACCESS TO FACILITIES AND RECORDS

Employees have a right to examine their own drug and alcohol testing records, provide information to dispute the results, and have access to any pertinent data such as EBT calibration or drug testing laboratory certification. They also have a right to obtain a copy of their own drug and/or alcohol testing result by submitting a written request to the Drug and Alcohol Program Manager identified in Section 7.0 of this policy.

The Agency will do everything possible to safeguard the confidentiality of drug and alcohol testing records and protect the privacy of the individual tested. Individual test results or medical information will be released to third parties (e.g., previous employers or unions) only with the employee's specific written consent, or to the parties authorized by the DOT or FTA to receive such information without the employee's consent. Specific written consent applies only to a particular piece of information released to a particular person or organization at a particular time. Blanket releases are specifically prohibited by DOT.

The employee's written consent is not required in administrative or legal proceeding such as:

- A lawsuit, grievance, or administrative proceeding brought by, or on behalf of the employee, resulting from a positive drug or alcohol test or a refusal to test; or
- A criminal or civil action resulting from an employee's performance of safety-sensitive duties where the alcohol or drug test information is deemed relevant.

Access to the agency facilities and drug and alcohol program records also must be provided, without the consent, to DOT or FTA agency representatives; the National Transportation Safety Board as part of an accident investigation; a Federal, State or local safety agency with regulatory authority over the agency or the employee; or State or grantee/sub-grantee required to certify to FTA compliance with 49 CFR Part 40 and 655.

12.19 DRUG-FREE WORKPLACE ACT OF 1988 (DFWA) REQUIREMENTS (Refer to 41 U.S.C. 81; Government Code, Title 2, Article 2, §8355-8357)

(A) DRUG-FREE WORKPLACE (DFWA)

*Employees are prohibited from the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in the workplace. Employees are required to notify management in writing of any criminal drug statute convictions he/she receives for a violation occurring in the workplace, no later than five-calendar days after such a conviction. Within 10 calendar days of receiving such notice, the company shall provide written notification of the conviction to the funding agency. Within 30 calendar days of receiving notice of the conviction, the ARC – IV shall take appropriate disciplinary action or require the employee to participate and successfully complete a drug rehabilitation program. **Law enforcement shall be notified, as appropriate, when criminal activity is suspected.***

(B) ABILITY ONE CONTRACTS

*Under the DFWA, Ability One contract employees are prohibited from the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in the workplace. Employees are required to notify management in writing of any criminal conviction he/she receives while working at a federal contract, no later than five-calendar days after such a conviction. The C. E. O. will be notified and provided written documentation. The company shall remove the employee immediately from the federal contract and take appropriate disciplinary actions up to and including termination. **Law enforcement shall be notified, as appropriate, when the criminal activity is suspected.***

12.20 USE OF MEDICAL AND RECREATIONAL MARIJUANA

Although medical and recreational marijuana has become a legal controlled substance within the State of California on January 1, 2018, marijuana remains a Schedule I controlled substance under federal law. ARC Imperial Valley receives both federal funding through their D.O.T. program and through a number of contracts (e.g. GSA, Border Patrol, Customs, etc.). Therefore, ARC Imperial Valley must adhere to federal guidelines by maintaining a "no tolerance" stance on the use of medical and/or recreational marijuana as defined within federal law.

Accordingly, due to the safety sensitive nature of working with and/or transporting adults with disabilities, any employee or applicant that is deemed to be "under the influence" by a trained professional, has in their possession on ARC properties, including vehicles, or tests positive for marijuana due to D.O.T. requirements, pre-employment physicals, reasonable suspicion and/or post-accident testing will result in immediate removal from their safety sensitive position until all test results are confirmed by a Medical Review Officer (MRO). A positive test report will result in immediate termination. This is in alignment with current policies for all prescription and over-the-

counter drugs, within the Employee Handbook, identified within Section XII, ALCOHOL AND SUBSTANCE ABUSE POLICY (Refer to Policies 12.0-12.18).

SECTION THIRTEEN: EMPLOYEE ASSISTANCE PROGRAM (EAP)

- 13.01 ARC Imperial Valley has a strong commitment to the health, safety, and welfare of its employees, their families, and the persons we serve. This Agency has established a program to assist all employees in a most confidential manner with respect to alcohol and substance abuse, marriage and family counseling, referrals for financial counseling, legal counseling, abusive treatment and other issues recognized as problems that may adversely affect employees' personal health, family, and job performance.

ARC Imperial Valley will make available the name, address, and phone number of the contracted Employee Assistance agency and other agencies that offer or make referrals for treatment.

13.02 VOLUNTARY REFERRAL

Employees wishing to use the services of the employee's assistance program (EAP) may contact their immediate supervisor, Program Director or the Director of Human Resources for a confidential discussion of this program and participation requirements of the program. No staff member's job security or promotion opportunity will be put in jeopardy by them seeking and conscientiously following a program of treatment.

13.03 INFORMAL MANAGEMENT REFERRAL

An informal management referral is a non-documented, verbal suggestion that an employee call the EAP. The goal of an informal referral is to encourage employees to seek assistance on their own before personal and/or professional problems begin to severely effect work performance and before a formal management referral is required.

An employee's work performance will be clearly documented and discussed by the supervisor. The supervisor then recommends that employee to call the EAP.

13.04 FORMAL MANAGEMENT REFERRAL

A formal management referral of an employee to the EAP occurs when an employee has a serious work performance problem. The supervisor will meet with the employee to describe and discuss the employees work performance problem utilizing a referral evaluation form. The supervisor in cooperation with the Human Resources Department will formally refer the employee to the EAP. The employee may choose to accept or reject the offer of strictly confidential help and services. If the employee chooses to accept, the supervisor will call the agency EAP and make the initial contact. A complete Employee's Assistance Program Referral Process will be provided to the employee at the time of their decision to accept the formal referral.

The supervisor can continue with any necessary disciplinary measure regardless of participation in the EAP. The Agency will not condone ongoing work performance problems regardless of an employee attending counseling.

All employees who are formally referred by management to the agency's Employee Assistance a program (EAP) and have accepted enrollment for a rehabilitation program, must participate and follow the guidelines as outlined:

1. Enroll within seven (7) working days, participate and comply with recommendations of the treating facility or professional as per assessment for six months.
2. If substance abuse related, consent to return to duty and follow-up testing for at least 12, but no more than 60 months. Safety sensitive employees will participate in random testing as well as the aforementioned.
3. Keep the immediate supervisor(s) apprised of the status of the rehabilitation process.
4. Acknowledge that failure to adhere to these set guidelines will result in termination.

13.05 NONCOMPLIANCE OF TREATMENT PLAN

Employees willfully not participating or attending the EAP counseling sessions will be considered noncompliant.

Refusal to comply will terminate the formal referral and the employee will be subject to disciplinary action as outlined in Section ELEVEN (XI) of this handbook.

13.06 CONFIDENTIALITY

Employees can be assured that the nature of any illness or treatment is kept strictly confidential. The privacy of an employee's records will be preserved in the same way as all other medical records. Employees will receive help on a strictly confidential, professional and humane basis without jeopardizing job opportunities, future or reputation. Disclosure of other assistance referrals to other personnel will be the sole discretion of the employee.

SECTION FOURTEEN: DISPUTE RESOLUTION/GRIVANCE PROCEDURES

14.01 PURPOSE AND SCOPE

ARC Imperial Valley has established this policy and procedure to provide all employees an opportunity to resolve “good faith” grievances that may arise from time to time. Employees can use this procedure to address any disciplinary action or any claims of unfair treatment or discrimination relating to their wages, hours, or working conditions.

A grievance is defined as the interpretation or application of any rule, regulation, or policy affecting an employee’s wages, hours, or condition of work or any alleged unlawful employment discrimination on the basis of race, religion, color, sex gender, pregnancy, sexual orientation, national origin, marital status, citizen status, age and physical intellectual or mental disability.

State law provides that all employees are employed on an at-will basis. Based upon the provisions of state law and the Agency’s policies, employees are free to sever their employment relationship with the employer, at any time, either with or without cause or advance notice. In the same manner, ARC Imperial Valley reserves the right to terminate its employment with any employee at will, either with or without cause or advance notice. ***Nothing in this grievance procedure is intended to create an express or implied agreement that alters the employment at-will relationship that exists.***

To be eligible to file a grievance, the complainant must be a regular and active employee who has been personally impacted by an act or omission that occurred within 10 calendar days prior to submitting a formal grievance, provided that the act or omission within the definition of a grievable offense.

The following actions are not subject to grievance procedures:

1. Employee performance evaluations.
2. Management of the ARC Imperial Valley.
3. Methods of financing.
4. Equipment or technology used by ARC Imperial Valley.
5. Expansion or reduction of workforce.
6. Determination of and/or change in facilities, methods, means and size of the work force by which the ARC Imperial Valley operates.
7. Work assignments or reassignments to other work areas, departments, or work schedules in accordance with the needs and requirements of the ARC Imperial Valley as determined by the Agency.
8. Reduction in force or layoffs for lack of work.
9. Establishment and approved modification of job classification or reclassifications.
10. Determination of standards, policies and procedures for selection, training and promotion of employees.
11. Establishment, implementation and modification of department organization, supervisory assignments, chain of command, reporting responsibilities, and transfers of employees to other departments or work areas.
12. Levels of compensation, pay, benefits and bonuses based on budgetary and fiscal considerations.

14.02 RESOLUTION STEPS

1. The employee is to make every attempt to resolve the matter of concern with the participating parties.

2. If there is not a resolution between the parties, the employee must submit their complaint in writing within five (5) working days to their Program Director. The reasons for the grievance must be specified in detail including the specific rule or act, regulation, or policy violated, misinterpreted, or misapplied. The date or dates on which the violation, misinterpretation, or misapplication allegedly occurred. The outcome of step one. The evidence to support the grievance including witnesses and the desired solution or remedy to the grievance. The Program Director must respond in writing within five (5) working days after receipt of the complaint. The Program Director shall investigate the grievance and shall confer with the grievant and any other employee(s) involved in an attempt to resolve the grievance. If the employee does not file their complaint within the specified time limit, then they may not file a complaint. If the supervisor does not respond to the employee's complaint within the specified time, the employee may proceed automatically to the next step of the grievance resolution procedures. Copies of complaints are to be forwarded to the attention of the Human Resources Department.
3. If the employee is not satisfied with the Program Director's response or there is failure to resolve the complaint, they may present the written complaint to the C.E.O. within five working days from receipt of the complaint appeal to review and investigate. A written determination will be rendered to the employee and their immediate supervisor. If the employee feels the determination is unfavorable, they may appeal the resolution to the Personnel Committee of the Agency's Board of Directors within five (5) working days.
4. The Personnel Committee will review the matter within fifteen (15) working days of the employee's request or as soon thereafter as possible. The written decision of the Personnel Committee is final and binding between the employee and ARC Imperial Valley.

14.02 ADDITIONAL PROVISIONS

- A. Employees are encouraged to utilize this procedure without fear of retaliation. No employee will be discriminated or retaliated against because the employee has elected to use this procedure. If an employee feels that they are being subjected to any of the above, that employee has the right to appeal directly to the C.E.O.
- B. This policy does not apply to claims involving sexual or other forms of unlawful harassment. Such claims should be filed immediately with the employee's immediate supervisor or the Director of Human Resources pursuant to the employer's policy against unlawful harassment. They will be addressed in accordance with the provisions of that policy.

This procedure is available only to existing employees of ARC Imperial Valley. Any unrelated voluntary or involuntary termination of an employee will end the grievance process.

- C. The failure of a grievant to comply with the requirement of this policy or said time limits shall constitute abandonment of grievance, unless, both parties agree extend time limits by mutual written agreement in advance.

Any grievance not taken to the next step of grievance procedures within the stated time limit shall be considered settled.

- D. If an employee is given a legitimate order that they wish to grieve, the employee must first comply with the order then file a grievance letter unless the assignment endangers the employee, others, or violates legal rights.

14.03 WHISTLEBLOWER POLICY
(Refer to Labor Code §1102.5)

Definition (Labor Code §1102.8(a))

A “whistleblower” is an employee who discloses information to a government or law enforcement agency, person with authority over the employee, or to another employee with authority to investigate, discover, or correct the violation or noncompliance, or who provides information to or testifies before a public body conducting an investigation, hearing or inquiry, where the employee has reasonable cause to believe that the information discloses:

1. A violation of a state or federal statute,
2. A violation or noncompliance with a local, state or federal rule or regulation, or
3. With reference to employee safety or health, unsafe working conditions or work practices in the employee’s employment or place of employment.

A whistleblower can also be an employee who refuses to participate in an activity that would result in a violation of a state or federal statute, or a violation of or noncompliance with a local, state or federal rule or regulation.

ARC Imperial Valley has a responsibility to conduct its affairs ethically and in compliance with the law. If you suspect that an ARC employee is engaged in activities that violate any local, state, or federal law or regulation you should report this individual(s) with the understanding that you are protected from retaliation if the need arises.

Additionally, a person who makes a good faith effort to disclose information about improper activities or threats to public health and safety can be considered a whistleblower and shall be free of retaliation, harassment, or negative employment consequence. Any ARC employee that retaliates against any individual who files a whistleblower complaint or grievance in good faith is subject to disciplinary action up to and including termination. In return, any employee who makes allegations against another employee(s) which is malicious or knowingly false is subject to disciplinary action up to and including termination.

You can “blow the whistle” concerning ARC employee by reporting to the ARC Imperial Valley’s Chief Executive Officer, Director of Human Resources or the Operations Manager as it relates to items 1, 2 and 3 of section 14.03 above.

Unethical conduct by federal government employees is to be reported to the U.S. Office of Special Council at 1-800- 572-2249. Unethical conduct by California state employees is to be reported to California State Auditor at 916- 445-0255.

SECTION FIFTEEN: TERMINATION OF EMPLOYMENT

15.01 TYPE OF TERMINATION

The following information covers termination of employment due to resignation, retirement, impaired health, death, reduction in force, termination of special projects, separation for unsatisfactory job performance and dismissal for cause.

15.02 RESIGNATION

Employees are encouraged to provide as much advance notice, as possible, of their decision to resign. Although employees have the same right as the employer to terminate the employment relationship at will, at any time, the Agency would appreciate non-exempt employees to provide at least two weeks' written notice of their intent to resign. Exempt employees are requested to provide at least 30 days written notice of their intent to resign. Failure to provide minimum required notification will be deemed negatively and the employee will not be considered for any future employment within ARC Imperial Valley or any directly aligned enterprise.

If an employee returns to work within 90 days of a voluntary resignation and are eligible for rehire, an employee shall be reinstated with no formal break in service and with all previous seniority rights.

15.03 LAYOFF AND STAFF REDUCTION

There may be times when changes in the activities or finances will force retrenchment or require consolidation, reorganization or elimination of certain positions with consequent reduction in staff. Should such a situation occur, decisions will be made on the basis of the relative importance of different activities, programs, and their relative skill, ability, general performance and productivity.

If possible, employees subject to layoff will be informed of the nature of the layoff and the foreseeable duration of the layoff, whether short-term or indefinite.

Layoffs and reduction of force shall be administered by the Agency in the following order:

1. On Call, and per-diem employees
2. Operation and requirement of position
3. Temporary employees
4. Probationary employee
5. Regular employees, including full-time and part-time employees (when feasible, the employee's length of service)

If an employee returns to work within 90 days of a layoff the employee shall be reinstated with no formal break in service and with all previous seniority rights.

15.04 TERMINATION OF CASUAL EMPLOYEES

Employment of special projects staff members is with the understanding that such employment will end upon the completion or termination of the project concerned. However, because of the funding and economic conditions surrounding such projects, it may be impossible for the Agency to give an exact date of termination or any advance notice of termination of employment. ARC Imperial Valley, therefore, assumes responsibility for giving advance notice of termination of such projects.

15.05 JOB ABANDONMENT/JUST CAUSE

Any employee that does not appear or call-in to explain their absence for two days after a scheduled work day will be considered to have terminated their employment with ARC Imperial Valley. The consequences of the “no-show, no-call” behavior will be considered as job abandonment. Exceptions to this voluntary termination will be considered only if proof of an extreme emergency has occurred.

Employees that are terminated for “just cause” will not be considered for any future employment within ARC Imperial Valley or any directly aligned enterprise. Just cause may include some but not limited to the following issues:

- Abandonment
- Abuse and/or bullying of another, especially a consumer
- Aggressive behavior
- Chronic absenteeism
- Egregious behavior
- Failed drug test
- Harassment and/or discrimination
- Intoxication
- Negligence
- Performance
- Repeated offenses
- Safety infractions
- Theft
- Unsatisfactory probationary period
- Workplace violence

15.06 EXIT INTERVIEWS

The Human Resources Department will schedule an exit interview with each employee who leaves the company, regardless of the reason. This interview allows employees to communicate their view upon their work with the company, job requirements, issues concerning benefits and insurance. Arrangements for clearing any outstanding debts with the company and to receive final pay also are to be made at this time.

A. Surrender of Property

Employees are expected to return all company property in their possession or control immediately upon termination of employment for any reasons. This includes the Employee Handbook they are provided and any keys, uniforms, tools, equipment, pager or manuals they have received.

B. Termination References

References generally will not be given to employees upon separation of service. The Human Resources Department will normally verify, upon written request, only a former employee's dates of employment position or positions held and their final rate of pay. Written disclosure authorization and release may be required before any information is furnished. Exceptions to this policy may occur only upon the written approval of the C.E.O.

C. ARC Imperial Valley does not assume the responsibility for the loss of money or property. Employees are urged to use caution in safeguarding their possessions.

- D. Payment for Accrued Vacation Leave under any condition of separation, the affected staff member's final paycheck shall include payment for any accrued and unused vacation in accordance with the aforementioned vacation regulation.

SECTION SIXTEEN: INJURY AND ILLNESS PREVENTION PROGRAM

(Refer to California Code of Regulations, Title VIII, §3203)

RESPONSIBILITY

The Injury and Illness Prevention Program (IIPP) administrator,

Martha Carrillo – Operations Manager
Safety Program Administrator

Has the authority and the responsibility for implementing and maintaining this IIP Program for

ARC IMPERIAL VALLEY

Managers and supervisors are responsible for implementing and maintaining the IIPP in their work areas and for answering employee questions about the IIPP. A copy of this IIPP is available and distributed to every manager, supervisor and employee.

COMPLIANCE All workers, including managers and supervisors, are responsible for complying with safe and healthful work practices. Our system of ensuring that all workers comply with these practices include one or more of the following checked practices:

- _____ Informing workers of the provisions of our IIPP.
- _____ Evaluating the safety performance of all workers.
- _____ Recognizing employees who perform safe and healthful work practices.
- _____ Providing training to workers whose safety performance is deficient.
- _____ Disciplining workers for failure to comply with safe and healthful work practices.

COMMUNICATION

All managers and supervisors are responsible for communicating with all workers about occupational safety and health in a form readily understandable by all workers. Our communication system encourages all workers to inform their managers and supervisors about workplace hazards without fear of reprisal.

Our communication system includes one or more of the following checked items:

- _____ New worker orientation including a discussion of safety and health policies and procedures.
- _____ Review of our IIPP.
- _____ Work Safety and Health Training Programs.
- _____ Regularly scheduled safety meetings.
- _____ Posted or distributed safety information, translation where appropriate or requested.
- _____ A system for workers to anonymously inform management about workplace hazards.
- _____ Effective communication for safety and health concerns between workers and supervisors including translation where appropriate.
- _____ A safety and health committee/team that meets regularly, prepares written records of the safety and health committed meetings, reviews results of the periodic scheduled inspections, reviews investigations of accidents and exposures and makes suggestions to management for the prevention of future incidents, reviews investigations of allege hazardous conditions and submits recommendations to assists in the evaluation of employee safety suggestions.

HAZARD ASSESMENT

Periodic inspections to identify and evaluate workplace hazards shall be performed by a competent observer in the following areas of our workplace:

Periodic inspections are performed according to the following schedule:

1. Monthly inspections of each department to be submitted to Operations Officer for review.
2. When initially established our IIPP;
3. Whenever new substances, processes, procedures or equipment which present a potential hazard occur within the workplace/site;
4. Whenever potential new hazards are introduced into our workplace;
5. Whenever new, previously unidentified hazards are recognized;
6. Whenever occupational injuries and illnesses occur; and
7. Whenever workplace conditions warrant an inspection.

ACCIDENT/EXPOSURE INVESTIGATIONS

Procedures for investigating workplace accidents and hazardous substance exposures include:

1. Visiting the accident scene as soon as possible;
2. Interviewing injured workers and witnesses;
3. Examining the workplace for factors associated with the accident/exposures
4. Determining the cause of the accident/exposure;
5. Taking corrective action to prevent the accident/exposure from reoccurring;
6. And recording the findings and actions taken.

HAZARD CORRECTION

Unsafe or unhealthy work conditions; practices or procedures shall be corrected in a timely manner based on the severity of the hazards. Hazards shall be corrected according to the following procedures:

1. When observed or discovered; and
2. When an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property, we will remove all exposed workers from the area except those necessary to correct the existing condition. Workers who are required to correct the hazardous condition shall be provided with the necessary protection.
3. All such actions taken and dates they are completed shall be documented on the appropriate forms.

TRAINING AND INSTRUCTION

All workers, including managers and supervisors, shall have training and instruction on general and job specific safety and health practices. Training and instruction is provided:

1. When the IIPP is first established;
2. To all new workers, except for construction worker who are provided training through a construction industry occupational safety and health training program approved by Cal/OSHA;
3. To all workers given new job assignments for which training has not previously been provided;
4. Whenever new substances, processes, procedures or equipment are introduced to the work place and represent a new hazard;
5. Whenever the employer is made aware of a new previously unrecognized hazard;

6. To supervisors to familiarize them with the safety and health hazards to which workers under their immediate direction and control may be exposed; and
7. To all workers with respect to hazards specific to each employee's job assignment.

General workplace safety and health practices include, but are not limited to, the following:

1. Implementation, Explanation and maintenance of the IIPP.
2. Emergency action and fire prevention plan.
3. Provisions for medical services and first aid including emergency procedures.
4. Measures for reporting any unsafe conditions, work practices, injuries and when additional instruction is needed.
5. Use of appropriate clothing, including gloves, footwear, and personal protective equipment.
6. Prevention of musculoskeletal disorders, including proper lifting techniques.
7. Proper housekeeping, such as keeping stairways and aisles clear, work area neat and orderly, and promptly cleaning up spills
8. Prohibiting horseplay, scuffling, or other acts that tend to adversely influence safety.
9. Proper storage to prevent stacking goods in an unstable manner and storing goods against doors, exits, fire extinguishing equipment and electrical panels.
10. Proper reporting of hazards and accidents to supervisors.
11. Hazards communication, including worker awareness of potential chemical hazards, and proper labeling of containers
12. Proper storage and handling of toxic and hazardous substances including prohibiting eating or storing food and beverages in areas where they can become contaminated.

RECORDKEEPING

Our establishment has twenty or more workers or has workers' compensations experience modification rate of greater than 1.1 and is not on a designated low hazard industry list. We have taken the following steps to implement and maintain our IIPP.

1. Records or hazards assessment inspections, including the person(s) conducting the inspection, the unsafe conditions and work practices that have been identified and the action taken to correct the identified unsafe conditions and work practices, are recorded on a hazard assessment and correction form; and
2. Documentation of safety and health training for each worker, including the worker's name or other identifier, training dates, type(s) of training, and training providers, are recorded on a worker training and instruction form. We also include the records relating to worker training provided by an occupational safety and health program approved by Cal/OSHA.

Inspection records and training documentation will be maintained for one year, except for training records of employees who have worked for less than one year, which are provided to the employee upon termination of employment