

EMPLOYEE MANUAL

THIS EMPLOYEE MANUAL DOES NOT CREATE A CONTRACT OF EMPLOYMENT BETWEEN YOU AND THE ORGANIZATION.

YOUR EMPLOYMENT WITH THE ORGANIZATION IS “AT WILL” MEANING THAT EITHER YOU OR THE ORGANIZATION MAY TERMINATE YOUR EMPLOYMENT AT ANY TIME WITH OR WITHOUT CAUSE.

THIS EMPLOYMENT MANUAL SUPERSEDES AND REVOKES ANY PREVIOUSLY ISSUED EMPLOYEE MANUAL(S) OR HANDBOOK(S).

NO ONE, OTHER THAN THE ORGANIZATION DIRECTORS OR OFFICERS, HAS THE AUTHORITY TO CREATE A CONTRACT OF EMPLOYMENT WITH YOU OR TO ALTER THE AT WILL NATURE OF YOUR EMPLOYMENT RELATIONSHIP WITH THE ORGANIZATION.

ACKNOWLEDGED AND ACCEPTED:

DATE: _____

EMPLOYEE NAME (PRINT): _____

EMPLOYEE (SIGN): _____

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(1) Welcome Message from the President

Dear Employee,

Welcome to [the Organization]!

We are excited to have you as part of our organization. [The Organization] is committed to [The Organization's purpose or goals].

We value our employees and encourage them to make productive suggestions. We want you to succeed at your job.

This Employee Manual, inclusive of an Acknowledgement Form, sets forth the general administrative policies, goals, and benefits of [The Organization] and replaces and supersedes any prior manual(s). The contents of this Manual are confidential and are not to be distributed to or shown to anyone else outside the Organization, excepting your spouse or registered domestic partner, legal, financial, tax, and spiritual advisors, as required by a legal tribunal of competent jurisdiction or by any applicable law, in connection with an administrative claim or legal action, and as reasonably required by your job duties. This Manual remains the property of [The Organization] and must be returned upon request.

You should use this Manual as a reference as you pursue your career with us. Each of the policies is dated and is current as of that date, but may be unilaterally canceled or amended by [The Organization] at any time, with or without notice, and we shall also reserve the right to deviate from the policies herein in our sole discretion. When there is a change in a policy we will update this Manual as soon as possible. Feel free to discuss with us any questions you may have about this Manual or about your employment with us.

To your success at [The Organization].

Sincerely,

[President Name]

President [or other title, e.g., CEO or Human Resources Manager]

(2) Organization Operations

[Optional]: Replace with organization history and/or vision statement, or limit to just the names / titles /contact information of key management and human resources executives, and organization address, phone, and hours.]

The success of [The Organization] (hereinafter the “Organization”) is based on [the Organization’s purpose, goals, functions, approach].

The organization of the Organization can be seen in the below flow chart, with [President Name] as the President of the Organization.

Key contact information for [Organization] is as follows:

[Address(es)]

[Phone Number(s)]

[Fax Numbers(s)]

[Email Address(es)]

[Website(s)/Intranet]

[Hours of Operation]

[Security / Gate / Alarm codes]

(3) Equal Opportunity; Immigration Law

3.1. Equal Opportunity Statement

The Organization is an equal employment opportunity employer and does not discriminate against employees or job applicants on the basis of race, religion, color, sex, age, national origin, mental or physical disability, veteran or family status, genetic information, or any other status or condition protected by applicable federal, state, or local laws, except where a bona fide occupational qualification applies.

[Note for California employers: Use the following paragraph in place of the first paragraph. All others, delete the following paragraph. All employers should retain the second and final paragraph of this Section.]

The Organization is an equal employment opportunity employer and does not unlawfully discriminate against employees or job applicants on the basis of race, color, religion, religious dress practice, sex, gender identity, gender expression, sexual orientation, age, national origin, ancestry, mental or physical disability, medical condition, pregnancy/childbirth, marital status, military or veteran status, genetic information, or any other status or condition protected by applicable federal, state, or local laws, except where a bona fide occupational qualification applies.]

This policy extends to all aspects of the employment relationship, including, but not limited to, recruiting, interviewing, job assignments, training, compensation, benefits, discipline, use of facilities, participation in Organization-sponsored activities, termination, and all other terms, conditions, and privileges of employment.

[Note: Most government contractors and recipients of federal funds are obliged to have equal employment and affirmative action plans stated in writing. Some nonprofits are allowed to discriminate in certain respects under federal law. State law may protect additional classes of persons, e.g., carriers of certain diseases, gay employees. For employers of twenty or more employees, the Age Discrimination in Employment Act prohibits discrimination based on age. The Genetic Information Nondiscrimination Act makes it illegal for an employer to discriminate against employees or applicants because of genetic information and prohibits the use of genetic information in making employment decisions, restricts employers from requesting, requiring, or purchasing genetic information (including family medical history), and strictly limits the disclosure of genetic information. State law may also restrict use of genetic information; see the state-specific information in the New Hire Package, sold separately, for more information.]

Additional note for California employers: Affirmative action by California employers is generally prohibited by Proposition 209, but state contractors are generally required to comply with nondiscrimination requirements. California law also prohibits the use of genetic information, as well as discrimination based on race, religious creed, color, national origin, ancestry, physical or mental disability (where reasonable accommodation is not practical; see

Section 3.3., below), medical condition, marital status, sex, age, sexual orientation, gender identity and expression, and religious dress practice. See the California-specific information in the New Hire Package, sold separately, for additional information about permissible discrimination and testing of candidates for employment, as well as for existing employees.]

3.2. Immigration Law Compliance

In accordance with the Immigration Reform and Control Act of 1986 (IRCA), the Organization only employs individuals who are legally authorized to work in the United States. Furthermore, the Organization does not continue to employ any individual whose legal right to work in the United States has been terminated.

U.S. Citizenship and Immigration Services Form I-9 is used to verify your identity and employment eligibility. You must complete the employee section of Form I-9 and provide the required documentation supporting your identity and employment eligibility before you may begin working.

[Note: Because of the substantial potential fines and even criminal action possible for knowingly employing workers who do not have the legal right to work in the United States, employers may wish to consider utilizing the federal E-Verify program operated jointly by the Department of Homeland Security and the Social Security Administration. For more information, see the program's website at <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=75bce2e261405110VgnVCM1000004718190aRCRD&vgnnextchannel=75bce2e261405110VgnVCM1000004718190aRCRD> (also accessible at <http://tinyurl.com/ysl4b>). Some states require the use of E-Verify or have additional immigration law requirements that exceed those imposed by federal law; see the state-specific information in the New Hire Package, sold separately, for more information.]

3.3. Americans with Disabilities Act Compliance

The Organization adheres to the Americans with Disabilities Act (ADA), as amended, and makes every effort to ensure that qualified individuals with a disability are not discriminated against in any terms, conditions, or privileges of employment. The ADA requires employers to provide reasonable accommodation to qualified individuals with known disabilities in all aspects of employment, unless the accommodation would cause an undue hardship to the employer.

An exhaustive description of what does and does not constitute a disability is beyond the scope of this manual, but basically an individual with a disability is a person who:

- (1) Has a physical or mental impairment substantially limiting one or more major life activities; or

- (2) Has a record of such impairment; or
- (3) Is regarded as having such an impairment (however, no reasonable accommodation is required in this instance).

A qualified individual is a person with a disability who meets the skill, education, experience, training, and other job-related requirements of position, and who, with or without reasonable accommodation, can perform the essential functions of the position. We are committed to providing reasonable accommodation to the known physical or mental limitations of such individuals so they can perform the essential functions of a job, unless such accommodation would create an undue hardship to us.

If you need an accommodation under the ADA, you should immediately notify us.

[**Note:** The provisions of the ADA apply to employers of fifteen or more employees; therefore, employers of fewer than fifteen employees may delete this Section from the manual. Members of the Board of Directors of nonprofits do not count as employees for ADA purposes by virtue of their service on the Board alone. Some states have similar laws which have more stringent or additional provisions, or which apply to employers with fewer employees.

Additional note for California employers: FEHA's provisions apply to employers of five or more employees, including part-time employees, except its anti-discrimination provisions, which apply to all employers.]

(4) Policies and Rules

4.1. Employment – Classification

As an employee of the Organization, you are an “employee at will”. This means that either you or the Organization may choose to terminate the employment relationship at any time, with or without cause, and with or without advance notice. However, we request that whenever possible, as a courtesy, you provide two weeks’ advance notice of your intention to quit, so that we may plan accordingly.

Any information outlined in this Manual or in any other Organization document, except a written employment contract executed by the parties thereto (in which case, how and when a termination or resignation may occur will be controlled by the terms of such employment contract), does not modify the employment at will policy and should not be interpreted to mean that termination will occur only for “just cause”. This Manual does not create an express or implied contract of employment for a definite and specific period of time between you and the Organization, or otherwise create express or implied legally enforceable contractual obligations on the part of the

Organization concerning any terms, conditions, or privileges of employment. Except for an employment contract, any documents or statements, written or oral, prior, current, or future, that conflict with the employment at will policy are void.

Regular Full-Time is an employee who has no termination date and who is regularly scheduled to work (forty) 40 or more hours per week. Regular full-time employees may be either exempt or non-exempt from overtime pay.

Regular Part-Time is an employee whose position has no termination date and who is scheduled to work (ten) 10 or more hours, but less than (forty) 40 hours per week.

Temporary Employee is an employee who is hired for a certain length of time and who is paid only for their hours worked. A temporary employee will not receive any benefits or holiday or vacation pay.

Provisional Employee is an employee who has not yet completed the ninety (90) day provisional period after first being hired, as detailed in Section 4.16 of this Employee Manual. At-will employment remains at-will during and upon the completion of the provisional period.

Exempt Employee is generally an employee who is an executive, professional, administrator, outside salesperson, or manager. Exempt employees are generally paid a salary, without overtime.

Nonexempt Employee is an employee who does not qualify for exempt status, and is generally paid on an hourly basis, including overtime.

Any concerns about your employee classification should be addressed to your supervisor.

4.2. Confidential Information

As the result of your employment at the Organization, you may acquire and have access to confidential information belonging to the Organization of special and unique value. This includes such matters as the Organization's personnel information, procedures, financial information and projections, records, donor and prospect names and analysis, as well as any other information specific to the Organization. Any information which is disclosed to the public by the Organization shall not be deemed confidential information.

As a condition of employment, you must and hereby do agree that all such information is the exclusive property of the Organization, and you will not at any time use or disclose to anyone any such information, or comment to anyone outside the Organization about the information,

whether or not it has been designated specifically as “confidential”, except in the responsible exercise of your job duties, or to a government or law enforcement agency when you reasonably believe the information discloses a violation of a federal, state, or local law or regulation. Signing a separate confidentiality agreement further clarifying this policy at the Organization’s request is also a condition of your continued employment with the Organization. In the event of any conflict between the confidentiality policies in this employee manual and in a separate written confidentiality, proprietary information, or employee loyalty agreement, the terms of any such agreement(s) shall control during its term.

Violation of our confidential information policy may result in disciplinary action, up to and including termination, civil litigation, and criminal prosecution. If you are ever unsure of your obligations under this policy it is your responsibility to consult with your supervisor for clarification.

[**Note:** The nature of information that is important and confidential to your organization may result in the need to customize the description of what is confidential listed in the first paragraph of this Section.]

4.3. Personal Information and Employee Records

It is important that the personnel records of the Organization be accurate at all times. In order to avoid problems with your benefit eligibility, tax liability, or our ability to communicate with you regarding shift changes and the like, the Organization requires that you will promptly notify your supervisor or human resources representative of any change in your name, home address, telephone number, number of dependents, or any other information pertinent to your employment with the Organization. You must complete and submit a new IRS Form W-4 (<http://www.irs.gov/pub/irs-pdf/fw4.pdf>) to us any time any of the information on the form changes.

[**Note:** Many states grant employees and in some instances, also former employees, the right to inspect and/or copy their own personnel file as maintained by the employer. State law varies on how long employers must maintain employee records and may impose additional requirements beyond those required by federal law. Federal law with personnel record retention requirements ranging from one to three years for covered employers include the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, and the Genetic Information Nondiscrimination Act.

Additional note for California employers: Add this additional paragraph after the first paragraph of this Section:

Your personnel records will be kept by the Organization in California. At any time during your employment or thereafter, you or your authorized representative have the right to inspect your personnel file relating to your performance or to any grievance as maintained by the

Organization at your work place, or to receive a copy, within thirty (30) days of the request. At any time during your employment and for three (3) years thereafter, you have the right to a copy of your payroll records as maintained by the Organization, and within twenty-one (21) days of your request, we will provide you with a copy of such records. For copy requests, we may charge you the actual cost of the reproduction of the records and any postage if mail delivery is requested.]

4.4. Attendance and Punctuality

The Organization believes that a good record of attendance and punctuality is an essential component of good work performance. Except as otherwise provided by law, you are expected to be at your work station, dressed and equipped appropriately and ready to work, by your scheduled start time. If, for any reason, you are unable to report for work on time, or unable to remain at work until the end of your shift or normal work day, you must notify your supervisor directly before your regular starting time.

All time off must be requested in advance and should be submitted in writing as outlined in the appropriate categories, except for sick leave. (See Sick Leave and other categories for specific details outlined below.) Excessive absences may result in disciplinary action, up to and including termination.

All notifications of absences must be face-to-face, in writing in a letter or on an Organization-provided form, or by telephone to your supervisor, as designated from time to time. No employee may call in sick by email, text message, or social media, and, absent an emergency, it not acceptable to call in sick less than an hour before you are due to report to work.

[**Note:** Recent California case law requires employers to pay employees to put on and take off protective equipment, such as aprons, gloves, boots, hard hats, and safety glasses, at the beginning and end of the shift, but not before or after meal breaks. If this applies to the Organization, some edits to the first paragraph may be appropriate.]

4.5. Dress Code

As an employee of the Organization, you must maintain a clean, neat appearance when reasonably possible. Your attire should be consistent with the type of work you are performing and with safety considerations. Examples of inappropriate dress include bare feet, flip-flops, tanks tops, midriffs, bathing suits, cut-off and ripped jeans, and clothing with obscene or distasteful slogans or gestures. Any required uniform and/or safety equipment will be provided to you at the Organization's expense.

Management, fundraising personnel, and those employees who come in contact with the public, are expected to dress in accepted business tradition that reflects the image the Organization seeks to project. Good personal grooming and hygiene are also essential and should contribute to a professional appearance.

If you have further questions about your expected attire, please discuss these questions with your immediate supervisor.

4.6. Work Hours and Overtime Pay

Nonexempt Employees:

The normal work day is eight (8) hours, and forty (40) hours represents a normal work week, commencing 12:01 AM Monday and ending on midnight on the following Sunday. While you are generally expected to work the number of hours stated above, the Organization does not guarantee that you will actually work that many hours in any given day or week.

For nonexempt employees, overtime work is only performed when approved in advance by your supervisor. You are expected to work necessary overtime when requested to do so, and you will receive time and one-half regular pay for time worked exceeding forty (40) hours in any given work week.

When computing total hours worked in a work week for purposes of calculating overtime pay, only hours actually worked are counted. Time off from work, such as holidays, jury duty, and reporting time pay is not counted as hours worked even if you are paid for such time off.

Exempt Employees:

The normal work day is eight (8) hours, and forty (40) hours represents a normal work week, commencing 12:01 AM Monday and ending on midnight on the following Sunday. While you are generally expected to work the number of hours stated above, the Organization does not guarantee that you will actually be able to perform all of your work duties in this amount of time. You are expected to put in the amount of time over 40 hours per week necessary to complete your job duties and occasionally, substantial extra work may be required. If you are overburdened with work and unable to complete your assignments with a moderate amount of additional work each week, please speak to your supervisor; however, an increased workload is often part of having more responsibility at work and receiving increased pay.

Exempt employees are not paid overtime for hours worked above 40 hours per week; some amount of expected work over 40 hours per week is built into your compensation package as a salaried employee.

[Note: Some states have overtime and minimum wage laws that vary from federal law, and provide more pay or different treatment of non-exempt employees when compared to federal minimums (for a summary, see <http://www.dol.gov/whd/minwage/america.htm>). Effective July 24, 2009, the federal minimum wage is \$7.25 per hour. Some states require “show up” or reporting time pay when an employee is scheduled to work, reports to work, and then is sent home for lack of work.

Additional note for California employers: California and some localities including the City of San Francisco have overtime and minimum wage laws that vary from federal law, and provide more pay or different treatment of hourly employees when compared to federal minimums. When there is a conflict, the employer must apply the higher rate. Unless a greater local rate is in effect, California minimum wage is \$8.00 per hour, effective January 1, 2008. California employers should add the following three paragraphs regarding reporting time pay to this Section:

Reporting Time Pay:

When you are scheduled to work as a nonexempt employee, in some circumstances you will be paid reporting time at your regular hourly rate for a portion of the time you were scheduled to work, but were unable to do so, due to lack of available work. When you are scheduled to work, and there is no work available, you will be sent home and paid one-half of the number of hours you were scheduled to work, less any amount you actually worked and were paid for, with a minimum of two (2) and a maximum of four (4) hours of pay. If you are sent home for lack of work and later called back into work that same day, you will be paid for two (2) hours of work at your regular rate if there are two (2) or less hours of work available at that time. If you are not scheduled to work, but must report for a meeting, you will be paid for a minimum of two (2) hours at your regular rate.

Reporting time pay does not apply in the following instances: You were not scheduled to work; you were given advance notice not to come into work (It is your responsibility to keep your contact information up to date, so that we can reach you regarding schedule changes, and it is also your responsibility to check your telephone and/or email messages on a regular basis, at least once in the evening and once in the morning before coming into work, in case there are schedule changes.); you were provided with at least half of the hours of work you were scheduled to work; you were given a sufficient number of hours of work, regardless of whether the type of work provided was your usual work or not (e.g., cleaning of work stations, painting a wall, being paid to wait for work); the lack of work was due to threats to Organization employees or property, or when authorities have recommended work not begin or continue, when there is a failure of public utilities (e.g., no electricity, water, or sewer); when the work interruption is caused by an Act of God (e.g., an earthquake, flood, hurricane, or severe thunderstorm); if you

are not fit to work (e.g., intoxicated); if you have not reported to work on time and are sent home or fired as a resulting disciplinary action; or if an unexpected or unusual event has made opening for business impossible and we have made every reasonable effort to notify you not to come into work.

If you are sent home for lack of work, or notified in advance not to report to work, you may choose to use any available sick or vacation time in order to be paid for the day, or any portion thereof that you were not paid regular wages for work or reporting time pay.]

4.7. Time Clock and Time Cards

When requested by your supervisor, you must punch in at the start of your work shift and punch out at the end of your shift. You are not allowed to punch the time clock of another employee. Should your time card be incorrectly punched, your supervisor will note the correct start and/or end time, and initial the correction, or update it in the time-keeping software. Your supervisor must approve all time entries that have any corrections or adjustments. Failure to clock in and out may result in loss of pay for unverifiable work, and – for repeated failure to use the time clock – in disciplinary action, up to and including termination.

Alternatively, your supervisor may require that you keep track of your days at work, and your vacation time and other time off, on a time sheet, or that you report these items to your supervisor or other Organization representative, who will track them for you.

Vacations days, sick days, holidays, and absences such as jury duty, funeral leave, or military training, should be specifically noted on the time cards or time sheets for days on which they occur. Paid vacation and holidays should be counted and used as full workdays.

The work week commences 12:01 AM Monday and ends on midnight on the following Sunday. A new time card or time sheet should be used for each period and your card or sheet for the prior period submitted promptly to your supervisor.

Time cards and time sheets must be completed accurately. Your signature on the time card, time sheet, or printout is required to certify its accuracy as a record of the time actually worked. Falsifying a time report can lead to disciplinary action, up to and including termination.. Furthermore, the falsification of a time card or sheet is a fraudulent act for which an employee may be prosecuted.

4.8. Meal Period

Nonexempt employees are allowed a daily thirty-minute unpaid meal break. Meal breaks will generally be taken on a staggered schedule so that your absence from work does not create a

problem with the day-to-day operations of the Organization. Any other breaks during the work day must be approved in advance by your supervisor and shall also not be paid, except as otherwise required by law.

Exempt employees may take a meal break and a reasonable amount of other breaks at their discretion.

If you are unable to take your meal or other breaks in a timely fashion, please notify your supervisor or human resources representative immediately.

[**Note:** A second meal break may be required for overtime work. Some state laws provide for mandatory breaks and that mothers may express breast milk during meal or rest breaks. Some states additionally require that the employer provide additional breaks for this purpose beyond those provided to other employees and/or that a designated place to express milk is provided to mothers. Few states allow employers to prohibit mothers from expressing breast milk at work altogether. Employers covered by the Fair Labor Standards Act (FLSA) are also required to provide a private place away from other employees, that is not bathroom, for the expression of breast milk or the breastfeeding of a child up to the age of one, unless the employer employs less than 50 employees and providing such a private place would be an undue hardship. Employers with gross revenue of less than \$500,000 are not covered by the FLSA.

Additional note for California employers: Two ten-minute paid breaks during a regular eight hour work day is the minimum permitted by California law; you may provide longer breaks in your discretion. Whenever possible, meal breaks should be scheduled near the middle of the shift, and breaks should be spaced evenly between the beginning and end of the day and meal breaks. Meal breaks should always commence before the beginning of the fifth hour of an eight-hour work shift. Recent California case law provides that employers don't have to force their employees to take meal or rest breaks; rather, that the employer communicates to employees that they have been relieved of all duties and have the opportunity to do so, and does not discourage or impeded them from doing so, is sufficient.]

4.9. Safety and Accident Rules

Safety is a priority at the Organization. We strive to provide a clean, hazard-free, and safe environment in accordance with the Occupational Safety and Health Act of 1970.

As an employee, you are expected to take part in maintaining this environment. You should observe all posted safety rules, adhere to all safety instructions provided by your supervisor, and use safety equipment when required. It is your responsibility to learn the location of all safety and emergency equipment, as well as the safety and/or emergency phone numbers.

You may be required to purchase and maintain some of your own safety equipment. Any problems with Organization-provided safety equipment should be reported to your immediate

supervisor. If it is not safe to work for any reason, report the problem to your supervisor immediately.

All work related accidents are covered by Worker's Compensation Insurance pursuant to the laws of the state(s) in which we operate.

[Note for California employers: California law requires all employers to adopt a written injury and illness prevention program. Information and a sample policy can be found at <http://www.dir.ca.gov/dosh/etools/09-031/index.htm> .]

4.10. Smoking

Our goal is to provide a healthy and pleasant work environment for all employees. The Organization prohibits any form of tobacco use on Organization premises.

[Note: Increasingly, this policy is the "safe" option, but your state law may allow more liberal workplace smoking policies.

Additional note for California employers: The California Labor Code prohibits employees from smoking, and employers from allowing smoking, in any enclosed work space; however, certain exceptions exist, including one for employers of five or fewer employees if certain conditions are met. For workplaces that are open to the public, "No Smoking" or "Smoking Is Prohibited Except In Designated Areas" signs, as applicable, should be posted at each building entrance.]

4.11. Use of Organization Property

We will provide you with the necessary equipment to do your job. None of this equipment should be used for personal use, nor should any equipment be removed from Organization work premises unless approved by your supervisor. This includes Organization vehicles, telephones, and computers.

Any items or packages brought into or taken out of the work place are subject to inspection at any time. Likewise, any personal desk, filing cabinet, locker, or storage space provided to you is also subject to inspection at any time. Do not take pictures of Organization premises, property, or personnel, or make copies of Organization documents or files.

Personal telephone calls, text messages, and Internet surfing should be kept to a minimum when using Organization phones or computers, or during work hours, unless authorized by your supervisor. Any such personal use should be made at a time that does not interfere with your or your co-workers' job performance. Please see the Use of Mobile Devices policy, below (Section 4.13). Organization reserves the unilateral right to review, monitor, access, audit, intercept, and disclose an employee's use of telephone (including VOIP and videoconference) and radio

communications at any time, with or without notice, and with or without an employee's permission. You should have no expectation of privacy or confidentiality with respect to any use of the telephone, voicemail, or two-way radios at work.

Use of the Organization's stationery, office supplies, or postage for personal use is strictly prohibited.

Organization premises, telephones, and email are not to be used for employees or others to engage in the practice of soliciting collections or donations; selling raffles, goods, or services; operating betting pools; or solicitations of any kind.

Use of radios, audio headsets, and televisions, Organization-owned or otherwise, is at the discretion of supervisors only, and – if allowed – must be used in a manner that does not interfere with the safety of the work place or with the ability of others to perform their work.

Parking on Organization property shall be subject to posted parking rules and is limited to one properly insured and licensed vehicle per employee. No storing of vehicles during off hours or vacations or leave is permitted.

[Note: Although the wording above concerning accessing and monitoring employee property at work is broad, this is a developing area of the law under both federal law, and state law varies, so employers should proceed with caution and purpose when accessing and monitoring.]

4.12. Use of Organization Computers, E-mail, and Internet

Use of Organization computers, printers, peripherals, and electronic equipment is primarily for job-related or approved activities only. Inappropriate use of Organization computers, which may be defined from time to time at the discretion of the Organization, may subject you to discipline, up to and including termination.

Inappropriate use includes, but is not limited, to the following:

- A. Use of Organization computers to send or receive messages, pictures, or computer files which are illegal, pornographic, sexist, racist, harassing, discriminatory, defamatory, or physically threatening or intimidating. If you receive such material, you should notify your supervisor immediately.
- B. Creating or forwarding spam, junk, or chain emails.
- C. Loading software that is not approved in advance by management.
- D. Making illegal copies of licensed software.
- E. Using software or techniques that would provide unauthorized access to the Organization's computers or would disrupt our equipment in any way.

- F. Using Organization computers, printers, or email excessively for personal and/or non-Organization related use, for economic gain or otherwise, including personal email, shopping, blogging, and social media, unless authorized by your immediate supervisor.
- G. Sending or posting the Organization's or its vendor's or customer's confidential information, whether anonymously or otherwise, by email, text, instant message, videoconference, or posting to any Web site, blog, or social media site.
- H. Unauthorized use of Organization trademarks, names, logos, letterhead, and copyrighted material.

Employees may be disciplined or terminated for inappropriate use of technology, including the Internet, email, text messages, instant messaging, blog posts, Web sites, or social networking Web sites, even when such use does not involve Organization computers, systems, or property. You should not assume any inappropriate email or text message sent or posted to a Web site, blog, or social networking Web site is private; such communications may eventually come to our attention and, depending on the circumstances and content, result in discipline up to and including termination.

Any message or file created or sent using any Organization computer or other electronic device is the property of the Organization. You should have no expectation of privacy or confidentiality in any message or file that is created, stored, or sent using the computers or other communication equipment belonging to the Organization, and the Organization reserves the unilateral right to review, monitor, access, audit, intercept, copy, print, read, disclose, modify, retrieve, and delete any work you do on a Organization computer, including email.

If provided, your work email account(s) is primarily for Organization-related communication rather than for personal use. Except as authorized by your supervisor in the course of your work duties, you are not authorized to access the computer(s), email account(s), or files of any other Organization employee.

If provided, Internet access is likewise primarily for Organization purposes rather than for personal use. The Organization reserves the unilateral right to review, monitor, access, audit, intercept, and disclose an employee's use of the Internet at any time, with or without notice, and with or without an employee's permission. You should have no expectation of privacy or confidentiality with respect to any use of the Internet at work.

You must take reasonable precautions against receiving or spreading computer viruses, as well as against wasting computer resources, including computer time, and email server and Internet access bandwidth. Even with these precautions, the Internet contains millions of pages, and we cannot be responsible for sexually explicit, offensive, or otherwise unpleasant information or images which you may come across in accessing the Internet for work purposes.

None of the policies in this manual shall be interpreted or applied so as to interfere with the protected rights of employees to discuss or share information related to their wages, benefits, and terms of employment amongst themselves or with outside parties.

[**Note:** The National Labor Relations Act (NLRA) applies to many, but not all, private employers, and protects the right of employees to act together to address conditions at work, with or without a union. For more information on whether the NLRA applies to your organization, see <http://www.nlr.gov/rights-we-protect/jurisdictional-standards>. If the NLRA applies, you may not prohibit all personal use of work email, Internet, and other technology, as doing so may interfere with employee's rights under the NLRA to organize. Some state law also guarantees employees the right to organize. The laws of some states, including California, prohibit employers from taking adverse actions against employees on account of their lawful conduct away from work, so discipline for actions away from work in such states would properly be limited to such things as an employee disclosing the employer's confidential information from a home computer. Although the wording above concerning accessing and monitoring employee email is broad, this is a developing area of the law under federal law, and state law varies, so employers should proceed with caution and purpose when accessing and monitoring.]

4.13. Use of Mobile Communication Devices

Employee use of Organization cellular telephones, tablets, notebook, and laptop computers, and other mobile communication devices is for job-related or approved activities only. These policies apply to any communications device that makes, sends, or receives phone calls, emails, text messages, instant messages, photographs, and/or graphics, or has the capacity to browse the Internet. Inappropriate use of such devices, which may be defined from time to time at the discretion of the Organization, may subject you to discipline, up to and including termination.

Likewise, use of your personal mobile communication devices during work hours or on Organization premises is subject to restrictions and may subject you to discipline, up to and including termination. We are not responsible for the loss or damage you may occur to your mobile device at work. You are encouraged to consider leaving expensive belongings at home.

Mobile communication devices are a distraction while working at the Organization. Telephone calls during regular work hours may interfere with employee efficiency and safety while performing your job. And they also can be a distraction to other employees around you. Employees are therefore directed to make personal calls during approved breaks and meal periods. During regular work hours all cellular telephones and similar electronic communication devices must be turned off.

Exceptions:

This policy does not apply to mobile communications devices supplied by the Organization that are used exclusively for work purposes. However, when using the telephone for Organization purposes, please be mindful of other employees around you and attempt to minimize distractions for them and interference with their job duties.

This policy does not apply when there is an emergency that requires that you be accessible by phone, such as a medical emergency. If you are in doubt as to what constitutes an emergency for this purpose, please consult your supervisor before turning your mobile communications devices at work.

4.14. Substance Abuse Policy

The Organization takes seriously the problem of drug and alcohol abuse and is committed to providing a workplace free of such substances. This Substance Abuse Policy applies to all employees.

The Organization will not tolerate employees that are impaired by or under the influence of alcohol or drugs while working. No employee is allowed to consume, possess, sell, or purchase any alcoholic beverage on any property owned, leased, or operated by the Organization, or in any vehicle owned or leased by the Organization. No employee may use, possess, sell, transfer, or purchase any drug or other controlled substance that may alter an individual's mental or physical capacity while working for the Organization. The exceptions are over-the-counter pain relievers and the like, used as intended and directed, and any other drugs that have been prescribed to you, and which are being used as prescribed by your doctor.

In cases where the use of alcohol or drugs poses a threat to the safety of other people or property, you must report the violation. Employees who violate our Substance Abuse Policy will be subject to disciplinary action, up to and including termination.

As a part of the Organization's policy to ensure a drug and alcohol free workplace, within the limits of applicable federal, state, and local laws, the Organization reserves the right, in its sole discretion, to test for drugs and alcohol. Some such situations may include, but not be limited, to the following:

- A. In conjunction with an offer of employment with the Organization, where allowed by statute;
- B. Where there are reasonable grounds for believing an employee is under the influence of alcohol or drugs;
- C. As part of an investigation of any accident in the workplace in which there are reasonable grounds to suspect alcohol and/or drugs contributed to the accident;
- D. On a random basis, where allowed by statute;
- E. As a follow-up to a rehabilitation program, where allowed by statute;
- F. As necessary for the safety of employees, customers, or the general public where allowed by statute.

All tested employees will be able to receive a copy of the laboratory results that certify the results or the testing done. It is a condition of your employment and continued employment with the Organization that you comply with the Substance Abuse Policy.

[**Note:** Each state has varying rules regarding when drug testing is allowed. Consult these rules before conducting any drug or alcohol (or AIDS or lie detector) testing. For more information, see the New Hire Package, sold separately.

Additional note for California employers: Although California's Compassionate Use Act permits those with a prescription to use medical marijuana, this law has not been interpreted to require employers to permit marijuana use at work. If you wish to accommodate such use, the provisions above will need to be modified accordingly.

California employers regularly employing 25 or more employees should add the following paragraph to this Section:

The Organization will reasonably accommodate any employee who wishes to voluntarily enter and participate in an alcohol or drug rehabilitation program, so long as this does not pose an undue hardship to the Organization. The Organization reserves the right to refuse to hire or to terminate the employment of any employee who, because of his or her current use of alcohol or drugs, is unable to perform his or her work duties, or cannot perform his or her duties in a manner which would not endanger the employee's health or safety, or the health or safety of others.]

4.15. Harassment and Discrimination Policy

The Organization is proud of its work environment in which all employees are treated with respect and dignity. It is our policy that all employees have the right to work in an environment free from any type of illegal discrimination or harassment, including racial and sexual harassment. Any employee found to have engaged in any form of discrimination or harassment, whether verbal, physical, or arising out of the work environment, and whether in the work place, at work assignments off-site, at Organization-sponsored social functions, or elsewhere, is unacceptable and will not be tolerated.

The Organization's general harassment policy is designed to ensure that all individuals can work in an environment that promotes equal opportunities and prohibits discrimination and harassment on any basis, status, or condition protected by applicable federal, state, or local laws.

Remember, the Organization is multi-cultural and we must all be sensitive to and tolerant of the background of others. When in doubt, don't say it or do it.

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