

# Excelsior Charter Group

Personnel Rules & Employee Handbook



21-22 Fiscal Year

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## **I. Introduction**

This Handbook summarizes Excelsior Charter Group’s (ECG) personnel policies applicable to all employees, volunteers, independent contractors, vendors and visitors. Please review these policies carefully. If you have any questions about the policies outlined in this Handbook or if you have any other personnel related questions, whether related to policies specifically addressed in this Handbook, please consult your supervisor and/or Human Resources.

This Handbook is intended only as a guide to ECG’s personnel policies, outlining and highlighting those policies and practices. It is not, therefore, intended to create any expectations of continued employment, or an employment contract, express or implied. This Handbook supersedes any previously issued handbooks, policies, benefit statements and/or memoranda, whether written or verbal, including those that are inconsistent with the policies described herein.

ECG reserves the right to alter, modify, amend, delete and/or supplement any employment policy or practice (including, but not limited to, areas involving hiring policies and procedures, general workplace policies, hours of work, overtime and attendance, standards of conduct, employee benefits, employment evaluation and separation) with or without notice to you.

Once you have reviewed this Handbook, please sign the employee acknowledgement form at the end of this Handbook, keep a copy for your files and provide the original to Human Resources. This signed acknowledgement demonstrates to ECG that you have read, understand and agree to comply with the policies outlined in the Handbook.

## **II. Hiring Policies and Procedures**

### **A. At-Will Employment Status**

Except if stated expressly otherwise by an employment agreement, it is the policy of ECG that all employees are considered “at-will” employees. Accordingly, either ECG or the employee can terminate the at-will employment relationship at any time, for any reason, with or without cause, and with or without advance notice. No one other than the ECG Board of Directors (“Board”) has the authority to enter into any agreement, express or implied, for employment for any specific period of time, or to make any agreement for employment other than at-will. Only the Board has the authority to make any such agreement and then only in writing signed by the Board President.

### **B. Equal Employment Opportunity Policy**

ECG is an equal opportunity employer. It is the policy of ECG to afford equal employment to all qualified individuals without discrimination with regard to race/ethnicity, religious creed (which includes religious dress and grooming practices), color, national origin, which includes but is not limited to national original groups and aspects of national origin such as height, weight, accent, or language proficiency), sex (which includes pregnancy, childbirth, breastfeeding and related conditions), gender, gender identity, gender expression, sexual orientation, age, physical disability, mental disability, marital status, parental status, immigration/citizenship status or related protected activities (which includes undocumented individuals and human trafficking), medical condition, genetic information or any other characteristic or condition protected by law., military or veteran. Also, in accordance with applicable law, ECG prohibits discrimination against

any qualified disabled employee or applicant, against a disabled veteran, or against a veteran of the Vietnam era. These categories include a perception that the individual has any of these characteristics or is associated with a person who has (or is perceived to have) any of these characteristics. This policy extends to all employees and to all aspects of the employment relationship, including the hiring of new employees and the training, transfer, promotion, compensation and benefits of existing employees. Furthermore, ECG prohibits all unlawful discrimination against any employee or applicant for employment in its programs or activities based on any legally protected status stated herein or otherwise protected by law.

ECG is committed to maintain a work environment which is free from discrimination, harassment, bullying and retaliation. In accordance with applicable law, ECG prohibits all forms of unlawful harassment of a sexual or other discriminatory nature. Any conduct contrary to this policy is prohibited. This policy applies to all applicants and employees of ECG.

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, ECG 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. In order to perform the essential functions of the job, any applicant or employee requiring an accommodation should contact Human Resources and request such an accommodation specifying what accommodation he or she needs to perform the job. ECG will analyze the situation, engage in an interactive process with the individual, and respond to the individual's request.

If you believe prohibited discrimination has occurred, please follow the complaint procedure outlined in III.A., *Harassment, Discrimination, and Retaliation*.

### **C. Immigration Compliance**

ECG does not discriminate against any individual because of his or her national origin, citizenship or intent to become a U.S. citizen in compliance with the Immigration Reform and Control Act of 1986. It is, however, the policy of ECG to only employ those individuals who are authorized to work in the United States. New employees, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present original documentation establishing identity and employment eligibility as outlined on the I-9 instruction forms. Former employees who are rehired must also complete the form if they have not completed an I-9 with ECG within the past three (3) years or if the previous I-9 is no longer retained or valid.

### **D. Relationships Between Employees**

ECG's policies do not permit discrimination based on an individual's marital status, the individual's relations to another ECG employee or his or her lawful off duty conduct. However, some situations can create conflicts of interest requiring ECG to take the employee's relationship with another employee into account.

An employee should not be in a supervisory role with another employee who is a relative (i.e., sibling, parent, spouse, domestic partner, etc.). Supervisors should avoid situations that result in actual or perceived conflicts of interest with supervised employees and situations of favoritism.

A supervisor should avoid forming special social relationships or dating employees under his or her direct supervision, or with other employees that would create actual or perceived conflicts of interest and situations of favoritism. If such relationship arises, both employees should notify the Human Resources Manager so that appropriate measures can be taken to prevent conflicts of interest or favoritism.

ECG reserves the right to take appropriate action if employee relationships interfere with the safety, morale or security of ECG or if the relationship creates an actual or perceived conflict of interest or favoritism.

#### **E. Tuberculosis Testing**

Before the first day of employment, all new employees must have had a tuberculosis test as described in Education Code 49406 or TB Risk Assessment (pursuant to AB1667) within the past 60 days. Employees transferring from other public or private schools within the State of California must either provide proof of an examination or a completed Risk Assessment within the previous 60 days or a certification showing that he or she was examined within the past four (4) years and was found to be free of communicable tuberculosis. The current physician's statement or Risk Assessment must be on file in the office before the first day of employment. Failure to provide documentation on time may result in delay of your ability to begin work or termination.

All individuals who volunteer at any ECG site or facility are required to provide a tuberculosis (TB) certificate of clearance prior to commencing their volunteer services and must renew their certificates at least once every four years.

No employee may work without a valid TB certificate or risk assessment on file showing the employee was examined and found to be free from active tuberculosis. If the certificate expires and the employee has not shown proof of a negative examination or risk assessment, the employee may not be at work until a valid certificate has been submitted to the Human Resources department. This may result in unpaid time.

The Human Resource Department shall have responsibility for communicating this requirement to all new hires and providing them with a testing information.

The examination for applicants for employment is a condition of initial employment. The cost of the examination required of new and existing employees may be paid for by ECG under the following conditions:

1. Employee must go to an authorized vendor (as recommended by the Human Resources department).
2. Gas mileage is not a reimbursable expense and shall be paid for by the employee.
3. Should the employee choose to use a vendor other than that authorized by ECG, the employee shall pay the cost.

#### **F. Criminal Background Checks**

As a condition of employment, ECG requires all applicants for employment to submit two sets of fingerprints to the Department of Justice for the purpose of obtaining criminal record summary information from the Department of Justice and Federal Bureau of Investigation. ECG will not employ a person who has been convicted of a violent or serious felony or a person who would be prohibited from employment under applicable laws because of his or her conviction for any crime, unless an applicable exception applies. ECG will not employ any applicant until the Department of Justice completes its check of the state criminal history file as provided by law. ECG shall also request subsequent arrest notification from the Department of Justice and take all necessary action based upon such further notification.

### **III. General Workplace Policies**

#### **A. Harassment, Discrimination and Retaliation Prevention Policy**

It is the policy of ECG to ensure equal employment opportunity harassment, or discrimination, based on sex (including pregnancy, childbirth, breastfeeding or related medical conditions), sex, race, religion (including religious dress and grooming practices), color, gender, gender identity, gender expression, national origin which includes but is not limited to, national origin groups and aspects of national origin, such as height, weight, accent, or language proficiency, ancestry, physical or mental disability, medical condition, genetic information, marital status, registered domestic partner status, age, sexual orientation, military or veteran status or any other consideration made unlawful by federal, state or local law or ordinance or regulation. These categories include perception that the individual has any of characteristics or is associated with a person who has or is perceived to have any of these characteristics.

#### **Harassment Prevention**

ECG prohibits any such discrimination or harassment. In addition, we prohibit abusive conduct/workplace bullying in the work environment. It is our mission to provide a professional work environment free of harassment, discrimination and/or workplace bullying that maintains equality, dignity, and respect for all. It shall be a violation of this policy for any administrator or other employee, including unpaid interns and volunteers of ECG to harass, discriminate against or engage in abusive conduct towards other employees or anyone associated with ECG through conduct or communication. ECG will take all reasonable steps to prevent or eliminate unlawful harassment by non-employees, including students, parents, vendors or other third parties, who have workplace contact with our employees. This policy applies to all applicants and employees, whether related to conduct engaged in by fellow employees or someone not directly connected to ECG (e.g. outside vendor, consultant or customer). Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business meetings or school related functions. The term employee includes classified staff, administrators, teachers, and unpaid interns and volunteers.

#### **What is Harassment?**

Harassment can take many forms. As used in this Employee Handbook, the terms “discrimination” and “harassment” includes all unwelcome conduct that comprises:

- Offensive remarks, comments, jokes or slurs pertaining to an individual’s race, religion, sex, sexual orientation, gender or gender identity or expression, age, national origin or ancestry, disability, citizenship, veteran status, or any other protected status as defined by law or regulation whether verbally or by electronic means including email and/or text messages.
- Offensive sexual remarks, involved and whether verbally or by electronic means
- Offensive physical conduct, including touching, regardless of the gender of the individuals involved, including threats of harm, violence, or assault
- Offensive pictures, drawings or photographs or other communications, including email, text messages, or other forms of electronic communication
- Holding company functions in inappropriate venues, sex or gender based practical jokes, sexual favoritism
- Threatening reprisal due to an employee’s refusal to respond to requests for sexual favors or for reporting a violation of this policy
- Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a



sexual nature, regardless of gender, when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment
- Submission to, or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual;
- Such conduct has the purpose or effect of substantially interfering with the individual's work performance or creating an intimidating hostile or offensive work environment.

#### What is abusive conduct/workplace bullying?

- Conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, threatening, intimidating, humiliating and unrelated to an employer's legitimate business interests.
  - Use of derogatory remarks, insults and/or epithets
  - Verbal or physical conduct that sabotages or undermines a person's work performance that is threatening, humiliating or intimidating.
- Malice is defined as conduct which is "intended by the perpetrator to cause injury to the victim or despicable conduct which is carried on by the perpetrator with a willful and conscious disregard of the rights of safety of others." (CA Civil Code 3294(c)(1))

#### Responsibility

All ECG employees have a responsibility for keeping our work environment free of harassment, discrimination and abusive conduct.

#### Reporting

ECG encourages reporting of all perceived incidents of discrimination, harassment, abusive conduct or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victims of such conduct should discuss their concerns with their immediate supervisor or contact the Human Resources Department. In addition, Excelsior encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and request that it be discontinued. Often this action alone will resolve the problem. ECG recognizes, however, that an individual may prefer to pursue the matter through formal complaint procedures. Every effort will be made to keep such reports as confidential as possible, although it is understood that an investigation will normally require the involvement of third parties. ECG is serious about enforcing its policy against harassment; however, ECG cannot resolve a harassment problem that it does not know about. Therefore, employees are responsible for bringing any such problems to ECG's attention, so it can take whatever steps are necessary to correct the problems.

#### Investigation/Complaint Procedures

All complaints of harassment, discrimination or abusive conduct will be promptly investigated. If the investigation substantiates the accusations, the appropriate corrective action will be taken. This may include, but not limited to, reprimand, suspension or dismissal, depending on the severity of the offense. Appropriate action will also be taken in the event that accusations are intentionally false or malicious in intent.

Individuals who believe they have been the victims of conduct prohibited by this policy statement or believe

they have witnessed such conduct should discuss their concerns with their immediate supervisor or contact Human Resources. ECG encourages the prompt reporting of complaints or concerns so that rapid and appropriate remedial action can be taken before relationships become irreparably strained. Therefore, while no fixed reporting period has been established early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.

Any reported allegations of harassment, discrimination, abusive conduct or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation methods and appropriate corrective actions. ECG has a compelling interest in protecting the integrity of its investigations. In every investigation, ECG has a strong desire to ensure that testimony is not fabricated, and to prevent a cover-up. If ECG reasonably imposes a confidentiality requirement and you do not maintain confidentiality, you may be subject to disciplinary action up to and including suspension or termination.

Misconduct constituting harassment, discrimination, abusive conduct, or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling and/or disciplinary action such as warning, reprimand, withholding promotion or pay increase, reassignment, temporary suspension without pay or termination, as ECG believes appropriate under the circumstances. False and malicious complaints of harassment, discrimination, abusive conduct, or retaliation as opposed to complaints, which, even if erroneous, are made in good faith, may be the subject of appropriate disciplinary action.

Retaliation against an individual for reporting harassment, discrimination, abusive conduct or for participating in an investigation of a claim is a serious violation of this policy and, like harassment or discrimination itself will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

(Reasonable accommodations are addressed in Equal Employment Opportunity Policy in this handbook).

## **B. Workplace Violence**

ECG takes the safety and security of its employees seriously, and believes that the safety and security of employees and students is paramount. Therefore, ECG has adopted this policy regarding workplace violence to help maintain a secure workplace.

Acts or threats of physical violence, including intimidation, harassment and/or coercion, that involve or affect ECG, occur on ECG's property, or occur in the conduct of ECG business off property, will not be tolerated. The prohibition against threats and acts of violence applies to all persons involved in ECG's operations, including but not limited to ECG employees, independent contractors, temporary employees, vendors, and anyone else on ECG property or conducting ECG business off property. Violations of this policy, by an individual, may result in disciplinary action, up to and including termination and/or legal action as appropriate. Suspicious persons or activities should be reported to the Human Resources department.

Secure your desk or office at the end of the day. When called away from your work area for an extended length of time, do not leave valuables and/or personal articles in or around your workstation that may be accessible. The security of facilities and the welfare of ECG's employees depend on the alertness and

sensitivity of every individual to potential security risks. You should immediately notify the Human Resources department when any person(s) are acting in a suspicious manner in or around the facilities or when keys, security passes, or identification badges are missing.

### Workplace Violence Defined

Workplace violence includes, but is not limited to, threats of any kind; threatening, physically aggressive, or violent behavior, such as intimidation or attempts to instill fear in others; other behavior that suggests a propensity toward violence, including belligerent speech, excessive arguing or swearing, sabotage, threats of sabotage of ECG property; defacing ECG's property or causing physical damage to the facilities; and bringing weapons or firearms of any kind on ECG's premises or while conducting ECG business.

### Enforcement / Complaint Procedure

Any person who violates this policy on ECG property may be removed from the premises as quickly and safely as possible, at ECG's discretion, and may be required to remain off ECG's premises pending the outcome of an investigation of the incident.

If an employee becomes aware of an imminent act of violence, a threat of imminent violence, or actual violence, emergency assistance must be sought immediately. In such situations, the employee should contact the law enforcement authorities by dialing 911. Immediately after contacting the law enforcement authorities, the employee must report the incident to the Human Resources department.

In all other situations, if any employee observes or becomes aware of any of the above listed actions or behaviors by an employee, visitor, or anyone else, he or she must immediately notify his or her supervisor and/or the Human Resources department. Furthermore, employees should notify the Human Resources department if any restraining order is in effect or if a potentially violent non-work-related situation exists that could result in violence in the workplace.

All reports of workplace violence will be taken seriously and will be investigated promptly and thoroughly. In appropriate circumstances, ECG will inform the reporting individual of the results of the investigation. To the extent feasible, ECG will maintain the confidentiality of the reporting employee. However, ECG may need to disclose information in appropriate circumstances (for example, in order to protect individual safety). ECG will not tolerate retaliation against any employee who reports workplace violence.

Compliance with this anti-violence policy is a condition of employment. Due to the importance of this policy, employees who violate any of its terms, who engage in or contribute to violent behavior, or who threaten others with violence may be subject to disciplinary action, up to and including immediate termination.

### **C. Open Door Policy**

ECG is committed to provide the most positive and productive work environment possible. To that end, it has an open door policy where it welcomes employee questions, suggestions or complaints relating to the employee's job or conditions of employment. Other than in situations involving unlawful harassment (as outlined and described above), employees should contact their supervisor with their questions or concerns. If the situation is not resolved to the employee's satisfaction, they should contact the Human Resources department that will further investigate the issue.

#### **D. Drug and Alcohol Free Workplace**

Our employees are our most valuable resource, and their own health and safety are therefore serious concerns. We will not tolerate any drug or alcohol related conduct that imperils the health and well-being of our employees. Further, the use of illegal drugs and abuse of controlled substances is inconsistent with law-abiding behavior expected of all citizens. Employees who use illegal drugs or abuse other controlled substances or alcohol tend to be less productive, less reliable, and prone to greater absenteeism resulting in the potential for increased cost and risk.

We believe our employees have the right to work in an alcohol and drug-free environment and to work with persons free from the effects of alcohol and drugs. Employees who abuse alcohol or drugs are a danger to themselves and to other employees. We are therefore committed to maintaining a safe and healthy workplace free from the influence of alcohol and drugs. We hope all employees will join with us in achieving our goal of a safe and productive drug-free workplace.

Possession or use of marijuana remains unlawful under federal law. Although California has legalized marijuana for medicinal and recreational purposes, ECG is not required to allow the medicinal or recreational use of marijuana in the workplace. Use or being under the influence of marijuana is strictly prohibited while on work time and may result in discipline, up to and including discharge. A California Medical Marijuana Identification Card is not sufficient to overcome these prohibitions. If you have a medical issue for which your doctor wants to prescribe marijuana, you may bring this to our attention and we will work with you to consider any available leave of absence or allow you to find another treatment method that does not cause you to be under the influence of marijuana while working for the ECG. We will not accommodate an employee who has already violated this policy and is now subject to disciplinary action.

ECG prohibits the following:

- Use, possession, manufacture, distribution, dispensation, purchase, or sale of illegal drugs or drug paraphernalia on ECG premises or ECG business or during working hours;
- Unauthorized use or possession or any manufacture, distribution, dispensation, purchase, or sale of a controlled substance (including medicinal marijuana) on ECG premises or ECG business or during working hours;
- Unauthorized use or possession or any manufacture, distribution, dispensation, purchase, or sale of alcohol on ECG premises or ECG business or during working hours;
- Storing in a locker, desk, automobile, or other repository on ECG premises any controlled substance or alcohol whose use is unauthorized, or any illegal drug or drug paraphernalia;
- Being under the influence of an unauthorized controlled substance, illegal drug, or alcohol on ECG premises or ECG business or during working hours;
- Refusing to submit to an inspection when requested by management;
- Failing to adhere to the requirements of any drug or alcohol treatment or counseling program in which the employee is enrolled;
- Conviction under any criminal drug statute for a violation occurring in the workplace;
- Failure to keep all prescribed medicine in its original container, which identifies the drug, date of prescription, and the prescribing doctor.

ECG may at times conduct unannounced searches of ECG property for alcohol, illegal drugs, drug paraphernalia, and/or unauthorized controlled substances or to ensure compliance with any other ECG-related policy. This

includes desks, storage areas, and rooms normally used to store employees' personal property. As a result, employees do not have an expectation of privacy in this regard.

Violation of this Drug and Alcohol Abuse Policy may result in disciplinary action, up to and including termination, at ECG's sole discretion.

Employees should be aware that participation in a rehabilitation program would not necessarily prevent the imposition of disciplinary action, including termination, for violation of this policy. Employees who undergo voluntary counseling or treatment and who continue to work must meet all established standards of conduct and job performance.

Compliance with this Drug and Alcohol Abuse Policy is a condition of employment at ECG. Failure or refusal of an employee to cooperate fully, sign any required document, submit to any inspection, or follow any prescribed course of substance abuse treatment will result in discipline, up to and including termination.

Because the use, sale, purchase, possession, or furnishing of an illegally obtained substance is a violation of the law, ECG may report such illegal drug activities to an appropriate law enforcement agency.

ECG may require a test by intoxicator, blood test, urinalysis, medical examination, or other drug/alcohol screening of those persons whom ECG reasonably suspects of using, possessing, or being under the influence of a drug or alcohol.

Any refusal to submit to such testing will be considered a positive screen. An employee's consent to submit to such a test is required as a condition of employment, and an employee's refusal to consent may result in disciplinary action, including termination for a first refusal or any subsequent refusal. ECG shall determine the manner in which such testing is conducted with the goal being to ensure that the test results are accurate.

#### **E. Smoking**

All ECG buildings and facilities are non-smoking facilities.

#### **F. Health, Safety and Security Policies**

ECG has a long-standing philosophy of taking pride in its practices to ensure the safety, health and well-being of all of our employees. This program serves to outline our commitment to this philosophy and provide guidance to all employees on the standards ECG expects its employees to adhere to.

As a condition of employment, all employees will be required to participate in online safety training, which is relevant to the employee's position and as designated by the supervisor.

ECG has also instituted an Injury and Illness Prevention Program designed to protect the health and safety of all personnel. The Injury and Illness Prevention Program is kept by the Facilities department and is available for review.

#### **Fires and Other Emergencies:**

The facility where you are assigned has an emergency procedures and evacuation plan to follow in the event of fire or other disaster. These are posted prominently in all rooms and bulletin boards of the facility. Exits,

fire extinguishers and first aid kits are located on each floor. All employees are expected to familiarize themselves with the location of such equipment.

### On-the-Job Injuries/Illnesses:

Any job-related injury or illness, regardless of severity, must be reported immediately to your supervisor or the Human Resources department for prompt medical attention as necessary. Your supervisor will complete an initial safety incident report and forward it to the Human Resources department. Even if you do not feel that you need medical attention, an incident report must be filed.

### General Safety Rules:

Our employees perform a wide range of functions in various locations. Although some safety rules apply only to specific positions, all employees are expected to comply with the rules in this procedure:

1. Use common sense in performing your duties.
2. Report any work injury/illness to your supervisor.
3. Report unsafe conditions to your supervisor or safety committee member.
4. Do not use any equipment, vehicles or materials when overly tired, nauseated, feverish or under the influence of any substance that may affect your judgment.
5. Keep your work area neat and tidy.
6. Use mechanical devices or request assistance in lifting heavy loads.
7. Wear seat belts when operating any ECG or rented vehicle or driving your own personal vehicle while on ECG business.
8. Do not use tops of cabinets or bookcases for extra storage or displays.
9. Be sure that aisles or exits are kept clear; do not let cords interfere with walkways.
10. Keep paper clips, tacks, pins and other objects off the floors.
11. Store all sharp objects properly when not in use.
12. Open and close doors cautiously and use extra caution at blind hallway intersections.
13. Open only one file cabinet drawer at a time to avoid tip-over. Cabinets should also be loaded from bottom to top and emptied in the reverse order.
14. Report or clean up all spills immediately.
15. Use stepstools, platforms or ladders for climbing. Never use chairs.
16. Report or replace frayed electrical cords.

### Emergency Evacuation Plans and Re-entry:

In any emergency, employees should follow alarms or other alerts to evacuate the building and/or area near the premises. Always follow the basic evacuation procedures but remember that personal safety is paramount and takes precedence.

1. Check work area for anything needing to be secured and store it quickly.
2. Secure locks on all secured containers and cabinets.
3. Leave your work area and report to your designated assembly area.

Administration will coordinate with fire, police or other emergency preparedness personnel to determine when the building may be re-entered.

### Improper Health and Safety Practices:

All employees are expected to abide by safe work practices and adhere to general safety rules to ensure their safety as well as the safety of coworkers.

Infractions of ECG health and safety practices will be dealt with in accordance with ECG's policies on discipline and will be based on the following factors:

- Severity of the infraction.
- Whether the infraction endangered only the employee or coworkers.
- Whether the infraction was a first or repeat violation.

In compliance with Proposition 65, ECG will inform all employees of any known exposure to a chemical known to cause cancer or reproductive toxicity.

### **G. Video Surveillance Policy**

Use of Surveillance Cameras

The Board authorizes the use of video (not audio) cameras on district property to ensure the health, welfare and safety of all staff and visitors to ECG property, and to safeguard district facilities and equipment.

Permissible Locations

Video surveillance cameras may be used or placed in the following locations:

- Outdoor facilities: such as parking lots, walkways, picnic areas, and points of ingress and egress.
- Indoor facilities: foyers, lobbies, hallways, and other common areas.

Video recording

As a general rule, the video record shall be maintained for a period of up to 30 calendar days at which time the video record is automatically destroyed. ECG's system automatically deletes the video record once the system meets a specific space allocation. Thus, there may be times when the video record may be deleted prior to the general 30 calendar days. Copying over a previous recording on videotape or in a digital file is a permissible method of destroying an out-of-date video recording.

This policy is based on the presumption and belief that neither staff nor guests have a reasonable expectation of privacy in those events that occur in plain view of other staff and guests in those public areas of ECG subject to video surveillance as described above.

If a surveillance camera records unlawful conduct or conduct in violation of the policies of ECG, the record shall be admissible as evidence in any proceeding regarding the discipline of any student or staff member.

### **H. ECG Property Inspections**

ECG is committed to providing a work environment that is safe and free of illegal drugs, alcohol, firearms, explosives and other improper materials. Additionally, ECG provides property and facilities to its employees to carry out business on behalf of ECG. Accordingly, employees do not have a reasonable expectation of privacy when using any ECG property or facilities. In accordance with these policies, all ECG facilities and property, including all items contained therein, may be inspected by ECG at any time, with or without prior notice to the employee. ECG property includes, but is not limited to, all desks,

storage areas, workstations, lockers, file cabinets, computers, telephone systems, email systems and other storage devices.

ECG provides all necessary equipment for employees to perform essential job duties. Accordingly, ECG is not responsible for any personal property that employees bring to ECG or ECG sponsored activities.

**I. Soliciting/Conducting Personal Business While on Duty**

Employees are not permitted to conduct personal business or solicit personal business for any cause or organization while on-duty, or when the employee being solicited is supposed to be working. This prohibition includes distributing literature and other material. Distribution of materials is also against ECG's policy if it interferes with access to facility premises, if it results in litter or is conducted in areas where other employees are working. Solicitation during non-work time, e.g., paid breaks, lunch periods or other such non-work periods, is permissible. Entry on ECG premises by non-employees is not permitted, unless related to official ECG business. Solicitation or distribution of written materials by non-employees is strictly prohibited.

**J. Use of ECG Communication Equipment and Technology**

ECG's electronic communications systems ("Communications Systems") includes, but is not limited to, computers, laptops, e-mail, telephones, cellular phones, tablets, PDAs, text messaging, instant messaging, video conferencing, voice mail, facsimiles, and connection to the Internet and other internal or external networks. All ECG owned Communication Systems remain the property of ECG and are provided to the employee to carry out business on behalf of ECG, unless previously authorized for non-business use. Employees have no expectation of privacy in any communications made using ECG owned equipment and technology. Communications (including any attached message or data) made using ECG owned communications equipment and technology are subject to review, inspection and monitoring at any time by ECG.

Additionally, ECG uses technology protection measures that protect against Internet access (by both minors and adults) to visual depictions that are obscene, pornographic, child pornography and/or with respect to use by minors, images harmful to minors. These measures may include, but are not limited to, installing a blocking system to block specific internet sites, setting Internet browsers to block access to adult sites, using a filtering system that will filter all Internet traffic and report potential instances of misuse and using a spam filter.

In addition, employees are required to safeguard their passwords to limit unauthorized use of computers. Employees that do not safeguard their passwords from unauthorized use, will be subject to discipline, up to and including termination.

**Prohibited Use**

Internet use is for business purposes only. Users must respect all copyrights and licenses to software and other online information, and may not upload, download, or copy software or other material through the Communications Systems without the prior written authorization of the Chief Operating Officer (COO) of ECG. Employees are not permitted to use ECG's Communication Systems to view visual images that are obscene, child pornography and/or images harmful to minors.

The e-mail system and Internet access is not to be used in any way that may be disruptive, harassing or offensive to others, illegal or harmful to morale. Users of the Communications Systems are strictly



prohibited from using the Communications Systems to deliver a message that is harassing or offensive on the basis of race, religious creed (which includes religious dress and grooming practices), color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex (which includes pregnancy, childbirth, breastfeeding, and related conditions), gender, age, sexual orientation, veteran status, or any other consideration made unlawful by federal, state or local laws, ordinances, or regulations. ECG has policies against discrimination, harassment, and retaliation, and those policies apply to the use of the Communications Systems. Users are also prohibited from using the Communications Systems for transmitting or making accessible annoying, offensive, defamatory, or harassing material or intentionally damaging or violating the privacy of information of others. The e-mail system and Internet access is not to be used in any manner that is against the policies of ECG, contrary to the best interest of ECG or for personal gain or profit of the employee against the interests of ECG. Employees must not use ECG's communications equipment and technology for the unauthorized disclosure, use and dissemination of personal information regarding students.

Users must not alter, copy, transmit, or remove ECG information, proprietary software, or other files without proper authorization from ECG.

Employees should not attempt to gain access to another employee's email files or voicemail messages without the latter employee's express permission. Each employee is responsible for the content of the messages sent via his/her ECG issued equipment. It is strictly prohibited to use another employee's account to send messages to create the appearance that they are from the latter employee, unless that employee expressly authorizes such use. Anyone who receives an electronic communication for which he or she is not the intended recipient must immediately inform the sender that the message was sent improperly and must delete the message from their e-mail and voice mail mailboxes.

For information on all other company issued equipment/property refer to the related policy located in the Standard Operation Procedure Manual.

### Confidentiality and Privileges

Information stored on the Communications Systems is intended to be kept confidential within ECG. ECG has taken all reasonable steps to assure confidentiality and security. Like other means of communication, however, it is not possible to guarantee complete security of electronic communications either within or outside ECG, and care should be exercised when sending or receiving sensitive, privileged, or confidential information electronically. For example, information sent through the Internet can be monitored by external systems enroute to its final destination. All users must keep this in mind when forwarding sensitive, confidential, and/or privileged information. Where appropriate, this fact should be disclosed to outside contacts.

### Access and Disclosure

ECG, as owner of the Communications Systems, to protect the integrity of its systems from unauthorized or improper use, reserves the right for legitimate business reasons, upon authorization of the COO or his or her designee, to monitor, access, retrieve, download, copy, listen to, or delete anything stored in, created, received, or sent over its Communications Systems without the permission of or prior notice to any user.

Although ECG entrusts you with the use of voice mail, e-mail, computer files, software, or similar ECG property, you should keep in mind that these items have been installed and maintained at great expense to ECG and are only intended for business purposes. At all times, they remain ECG property. Likewise, all records, files, software, and electronic communications contained in these systems also are ECG property. You are advised that electronic files, records, and communications on ECG computer systems, electronic communication systems, or through the use of ECG telecommunications equipment are not private. Although they are a confidential part of ECG property, you should not use this equipment or these systems for confidential messages. The use of passwords to limit access to these systems is only intended to prevent unauthorized access to voice mail, e-mail, and computer systems, files, and records. Additionally, these systems are subject to inspection, search, and/or monitoring by ECG personnel for any number of business reasons. As a result, employees do not have an expectation of privacy in this regard. Accordingly, these systems and equipment should not be used to transmit personal messages, except in necessary situations or when management specifically sanctions exceptions. Voice mail messages and e-mail messages should be routinely deleted when no longer needed. ECG is not responsible for costs incurred when employees use ECG telephones or e-mail systems for personal matters.

You should be advised to use voice mail and e-mail as cautiously as you would use any more permanent communication medium such as a memorandum or letter. You should realize that e-mail messages:

- May be saved and read by third parties.
- May be retrieved even after “deletion.”
- May be accessed by authorized service personnel.
- May be examined by management without notice for business purposes.

There will be times when ECG, in order to conduct business, will utilize its ability to access your e-mail, voice mail, computer files, software, or other ECG property. ECG also may inspect the contents of your voice mail, e-mail, computers, computer files, or software to monitor job performance, for training or quality control purposes, or when the ECG suspects that ECG property is being used in an unauthorized manner.

ECG reserves the right to use and disclose any electronic non-privileged communication on its Communications Systems without the permission of or any prior notice to any user, including disclosure to law enforcement officials.

### Discipline for Violations of Policy

Any person who discovers misuse of the Internet access or any of ECG’s Communications Systems should immediately contact the Human Resources department or the COO of ECG. Any user who violates any part of this policy will be subject to discipline, up to and including immediate termination.

### **K. Social Media, Employee Blogs, Internet Based Business and Websites**

While Excelsior Charter Group (ECG) does not wish to police Internet activities or keep employees from enjoying social-networking media and/or social media sites, ECG has a more fundamental responsibility to ensure that the integrity, safety, and reputation of ECG, its employees and its students are protected. To assist you in making responsible decisions about your use of social media, we have established these guidelines for

appropriate use.

Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow associates or otherwise adversely affects students, the effective learning environment, parents, vendors or the public may result in disciplinary action up to and including termination.

This policy applies to all employees of ECG who use the following:

- Multi-media and social networking websites such as Snapchat, Facebook, Yahoo! Groups, Twitter, Instagram, YouTube or any similar social networking site (this list is not all inclusive);
- Blogs (whether internal to ECG or external); and
- Wikis such as Wikipedia and any other sites where text can be posted.

All of these activities are referred to as “Internet postings” in this policy. Please be aware that violations of this policy may result in disciplinary action up to and including termination. Common sense is the best guide if you decide to post information in any way relating to ECG. If you are unsure about any particular posting, please refer to this policy, and contact your supervisor or the Human Resources department.

- Your Internet postings must not disclose any information that is confidential or proprietary to ECG or constitutes confidential information of any type.
- Posting of or use of any confidential information, data on decisions, plans, or any other information which might be contrary to the interest of ECG without prior written authorization, is prohibited. This includes information about students, their names, their addresses, their personal information or academic information or any other confidential information related to them.
- If you comment on any aspect of ECG’S business or any policy issue in which ECG is involved and in which you have responsibility, you should clearly identify yourself as an ECG employee in your postings or blog site(s) and include a statement that the views are not those of ECG.
- Always be fair and courteous to fellow co-workers, students, parents, vendors or others who work on behalf of ECG. Keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-worker or by utilizing our Open Door policy than by posting complaints to a social media outlet. Avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage students, co-workers, parents or vendors that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to harm someone’s reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion, gender, gender identification or any other status protected by law.
- Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about ECG, co-workers, vendors or others working on behalf of ECG.
- Do not create a link from your blog, website or other social networking site to ECG’s official website without express written permission from the COO or COO’s designee.
- Do not use ECG’s logo or trademark without express written permission from the COO or COO’s designee.

- Express only your personal opinions. Never represent yourself as a spokesperson of ECG. If ECG is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of ECG other co-workers, students or parents. It is best to include a disclaimer such as “The postings on this site are my own and do not necessarily reflect the views of ECG.
- Because you are legally responsible for your postings, you may be subject to liability if your posts are found defamatory, harassing, or in violation of any other applicable law.
- Respect copyright laws and reference or cite to sources appropriately.
- The ECG logo may not be used when engaging in or depicting in social media any conduct, which violates the ECG’S policies or is unlawful. Your Internet postings should respect copyright, trademark, privacy, fair use and other laws.
- Be respectful of ECG, other employees, students, parents, and competitors.
- The absence of, or lack of explicit reference to a specific site does not limit the extent of the application of this policy.
- Your Internet postings should not violate any other applicable policy of ECG, including those set forth in ECG’s Employee Handbook, including but not limited to the ECG prohibitions on harassment, violence in the workplace, discrimination, prohibitions set forth in the ECG’S media policy, and any other conduct that is barred by law or ECG’S policy.
- Social media activities should not interfere with your work commitments. Your access to the Internet and making postings to the Internet during work hours should comply with ECG’s Use of Communication Equipment and Technology policy as found in ECG’s Employee Handbook.
- Where no policy guidance exists, you are expected to use your professional judgment at all times and take the most prudent action possible. You are expected to consult with your supervisor in the event you are uncertain whether conduct is prohibited or if you have a question regarding whether conduct will violate this policy.
- Retaliation is prohibited. ECG prohibits taking negative action against any employee for reporting a possible violation of this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a violation of this policy or for cooperating in an investigation will be subject to disciplinary actions, up to and including termination.

If you have questions about this policy or need further guidance, please contact the Human Resources department.

#### **L. Participation in Recreational or Social Activities**

Employees may participate in recreational or social activities sponsored by or supported by ECG. Participation in such activities is strictly voluntary. As such, employees have no obligation to participate in recreational or social activities and no employee has work-related duties requiring such participation. An employee’s participation in social and recreational activities is at the employee’s own risk and ECG disclaims any and all liability arising out of the employee’s participation in these activities.

#### **M. Personnel Files and Record Keeping Protocols**

At the time of employment, a personnel file is established for each employee. An employee is responsible for notifying the Human Resources department about changes in the employee's personal information and changes affecting the employee's status (for example, name changes, address or telephone number changes, marriages or divorces, etc.). This notification by the employee must occur as close to the change as possible, but no later than 30 days following the change.

An employee or former employee (or designee) has the right to inspect or receive a copy of his or her personnel records at reasonable times, at a reasonable place, and on reasonable advance notice to the Chief Operating Officer or their designee. All requests should be put in writing preferably on the form maintained by the Human Resources department. If the request includes a request for copies the employee or former employee may be required to pay for the actual costs of copying. ECG will respond to all requests in accordance with applicable law.

Employees are not entitled to inspect or copy: letters of reference, records that relate to an investigation of possible criminal activity, ratings, reports or records obtained prior to employment, prepared by examination committee members or obtained in connection with a promotional examination.

ECG will restrict disclosure of employee personnel files to authorized individuals within ECG. Only the Chief Operating Officer or their designee is authorized to release information about current or former employees. ECG will cooperate with requests from authorized law enforcement or local, state or federal agencies conducting official investigations or as otherwise legally required.

#### **N. The CROWN Act**

It is the law of the State of California to afford all persons in public schools, regardless of their disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, immigration status or any other specified characteristic, equal rights and opportunities in the educational institutions of the state, and states that the purpose of related existing law is to prohibit acts that are contrary to that policy and to provide remedies for violations of this law.

Under the California Fair Employment and Housing Act, it is unlawful to engage in specified discriminatory employment practices, including hiring, promotion, and termination based on certain protected characteristics, including race, unless based on a bona fide occupational qualification or applicable security regulations. The act also prohibits discrimination because of a perception that a person has one of those protected characteristics or is associated with a person who has, or is perceived to have, any of those characteristics.

Senate Bill 188 provides that the definition of race for these purposes also include traits historically associated with race, including, but not limited to, hair texture and protective hairstyles that include, but are not limited to, braids, locks, and twists.

### **IV. Hours of Work, Overtime and Attendance**

#### **A. Employee Classification**

ECG's employees are classified in the following categories: Exempt, non-exempt, and full-time, part-time, temporary, and student worker.

**Exempt:** Exempt employees are those employees with job assignments that meet exemption tests under state and federal law making them exempt from overtime pay requirements. Exempt employees are compensated on a salary basis and are not eligible for overtime pay.

**Non-Exempt:** Non-exempt employees are those employees with job assignments that do not meet exemption tests under state or federal law. Thus, these employees are paid on the basis of hours worked per pay period and receive compensation for overtime.

**Full Time:** Full-time employees are those employees who are scheduled to work at least 40 hours in a week according.

**Part Time:** Part-time employees are those employees who are scheduled to work less than full-time.

**Temporary:** Temporary employees are those employees who are hired for a limited time period, or for a specific project, including but not limited to substitutes and coaches.

## **B. Work Hours and Schedules**

Your supervisor will assign your work hours and schedule.

At times, an employee may request to make up work time that is lost or would be lost as a result of a personal obligation of the employee. Should the supervisor approve the employee's request to make up time, the makeup time will not be counted towards computing the total number of hours worked in a day for purposes of the overtime requirements. Rather, an employee may work up to 11 hours per day to make up time but never more than 40 hours in a workweek. Employees should provide a signed and written request for each occasion that the employee makes a request to make up work time pursuant to this section. The form may be requested from the Human Resources department. The makeup time must be made up within the same workweek that the time is taken off.

## **C. Overtime**

ECG follows all applicable laws regarding the payment of overtime wages by compensating all non-exempt employees for overtime hours worked. For purposes of overtime calculations for non-exempt employees, ECG's workweek begins at 12:00 a.m. Monday and ends the following Sunday at 11:59 p.m. The workday begins at 12:00 a.m. (midnight) and ends the following day at 11:59 p.m. You will be informed when you are required to work overtime hours. All overtime hours worked must be preauthorized in writing by your supervisor.

## **D. Meal and Rest Periods**

### **1. Duty-Free Meal Periods**

All non-exempt employees are provided the opportunity to take an uninterrupted duty-free meal period of at least 30 minutes each day they work more than 5 hours. You must commence the meal period before you complete your fifth hour of work. Thus, if you begin working at 8:30 a.m., for example, you must take your meal period prior to 1:30 p.m. In addition, you must record the actual times that you stop and start work to take a meal period. A second meal period of not less than 30 minutes is also required whenever a non-exempt employee works more than 10 hours in a workday. You must commence your second meal period before you complete your tenth hour of work. Meal periods are unpaid. Working off the clock during any meal period is strictly prohibited. You are entitled to leave the premises for your duty-free meal period. You may not skip your duty-free meal period in order to work unauthorized overtime, to come in late or to leave early without the prior approval of your supervisor.

### **2. Duty-Free Rest Periods**

All non-exempt employees are authorized, permitted, and strongly encouraged to take a paid duty-free 10-minute rest period every 4 hours worked or major portion thereof. Your supervisor may schedule your rest periods. Rest periods should be taken as close to the middle of a work period as possible and cannot be taken

in conjunction with a meal period. Rest periods are paid work time; they cannot be waived by the employee in order to shorten the workday or used towards additional time off.

Hours Worked	Number of Rest Periods
3.5 hours to 6 hours	1 10-minute rest period
Over 6 hours to 10 hours	2 10-minute rest periods
Over 10 hours to 14 hours	3 10-minute rest periods

Non-exempt employees must observe assigned working hours, the time allowed for rest periods, and report any missed rest period on the days' time record and to the employee's supervisor immediately. Employees are encouraged to report any concerns regarding meal or rest periods to Human Resources.

### **3. Lactation Accommodation**

ECG provides a reasonable amount of break time to accommodate an employee's need to express breast milk for the employee's infant child. The school will also provide the employee with a designated area for the employee to express milk in private.

An employee who would like to request an accommodation to express milk should contact her immediate supervisor or Human Resources. The school reserves the right to deny an employee's request for a lactation break if the additional break time will seriously disrupt operations.

Employees requesting an accommodation under this policy should comply with the following requirements:

1. The employee should contact her supervisor or Human Resources to request designation for a location and time to express milk under this policy.
2. The requested break time should, if possible, be taken concurrently with other scheduled break periods. Non-exempt employees should clock out for any lactation breaks that do not run concurrently with normally scheduled rest periods. Any such breaks will be unpaid.

Retaliation for making a lactation accommodation request is strictly forbidden. If the employee believes she has been retaliated against it should be reported immediately to Human Resources or COO. Discrimination against and harassment of lactating employees in any form is unacceptable, a form of prohibited sex/gender discrimination will not be tolerated at ECG and will be handled in accordance with ECG's policy on discrimination and harassment.

#### **E. Pay Days**

All ECG employees are paid semi-monthly. Each paycheck will include earnings for all reported work performed through the end of the payroll period. Employees should promptly notify the payroll department if they have a question regarding the calculations of their paycheck; any corrections will be noted and will appear on the following pay period.

#### **F. Attendance Policy**

Regular and timely attendance is an essential function of every position at ECG. Employees are expected to adhere to regular attendance and to be punctual. If an employee finds it necessary to be absent or late, they are expected to arrange it in advance with their supervisor. If it is not possible to arrange their absence or

tardiness in advance, they must notify their supervisor no later than one-half hour before the start of their workday or as soon as reasonably practicable, if you are absent or tardy in accordance with ECG’s sick leave policy. Because voice mail messages may go unheard for significant periods of time, leaving a voice mail message is not a sufficient method of notifying your supervisor—you must personally contact your supervisor in a timely manner. If you are required to leave work early, you must also personally contact your supervisor and obtain his or her permission.

If an employee is absent from work longer than one day, they are expected to keep their supervisor sufficiently informed of their situation.

Excessive absenteeism and tardiness will not be tolerated and will lead to disciplinary action, up to and including termination. More than three (3) instances of tardiness by a nonexempt employee during any twelve-month period is considered excessive. Excessive absenteeism by a nonexempt employee is anything beyond your allotted annual leave accrual.

Except as otherwise provided by law, if you fail to report for work without any notification to your supervisor and your absence continues for a period of three consecutively scheduled workdays, ECG will, in most cases, consider that you have abandoned your employment and have voluntarily resigned.

### **G. Time Record**

All non-exempt employees are required to track and enter their regular work hours, overtime hours, and meal periods using ECG’s electronic timesheet.

All absences, tardies, and overtime must be accurately reflected on the electronic timesheet. Employees may contact the Human Resources department and/or review the Standard Operating Procedures (SOP) for additional information.

Recording inaccurate time on your timesheet or recording time on another employee’s time sheet is a violation of ECG policy and may result in discipline, including immediate termination. Employees are strictly prohibited from working “off the clock” or failing to record all time worked. Falsification of any timecard may result in disciplinary action, up to and including termination.

### **H. Travel**

At times Board/Staff members may be required to use their personal car for business purposes. Reimbursement for the operating expenses of the car will be calculated by multiplying the number of miles traveled by the currently approved Standard Mileage Rate published by the IRS. Other expenses must be substantiated by receipts. The costs of commuting (travel between home and the work site) will not be reimbursed.

Board/Staff members who use their cars for business purposes must have current and adequate automobile liability insurance coverage.

#### **Mileage**

- Mileage will be reimbursed for the round-trip distance between the Board/Staff’s work site and the location of the business function being attended. If staff depart from or return to their home instead



of their work site, only the miles in excess of the normal daily commute can be claimed as an expense.

- Employees must document their travel on the Mileage Reimbursement Form (Form BUS-2).
- Mileage amounts must be verified through the use of commercially available websites (i.e., Mapquest, Google Maps) using the shortest route option from the office and will be submitted with Form BUS-2.
- Other expenses such as parking and tolls will be reimbursed at the actual cost. Original, itemized receipts must be provided with Form BUS-2.
- ECG's vehicles will be used whenever they are available.
- The Facilities department will assist the individual in scheduling the most efficient and economical means of transportation available.
- If staff members choose to drive to a conference, ECG will pay for the "shortest route" mileage and meals up to the cost of the lowest logical air fare, with no consideration for food or lodging while driving to the conference.
- The "shortest route" for business trips involving air travel will allow 2 hours before and after flight times plus mileage to and from the airport.
- If a car rental is a preferred method of travel to and/or from the business trip, ECG will reimburse staff up to the lowest, logical, "shortest route" amount for mileage and/or air fare. General liability insurance for damages must be obtained from the car rental company.

### Allowable Mileage Expenses

Examples of allowable mileage for business purposes include:

- Meetings
- Conferences/Presentations
- Travel between sites for supervisor-approved business
- Site visits
- Work-related errands (post office, office supply store, etc.)
- Approved conferences and workshops

### Meals

ECG shall provide staff members meals while traveling or attending approved conferences and workshops subject to the following limitations:

- The employee shall not be reimbursed for more than the funds budgeted by the Board for the purposes intended.
- The maximum amount provided for meals shall be up to \$70 per day. No receipt is required for meal expenses. An advance meal check will be issued for the business trip.

### Other Transportation

ECG will reimburse staff members for other business-related transportation expenses incurred while on a business trip, such as a taxi or shuttle from the airport to the hotel. Original receipts must be provided.

### Miscellaneous

ECG will not assume any liability or expense for family members traveling with Board/Staff members during ECG-authorized business trips.

### Lodging

ECG shall pay for all necessary business related lodging expenses. Expenses such as any form of room services, room movies, spa treatments, and similar personal items are not included in paid expenses.

Original receipts must be provided.

### Other Expenses

- Registration Fees: All registration fees shall be paid by ECG for approved meetings and conferences.
- Personal Expense: No personal expense will be reimbursable.
- Taxes: All taxes paid will be reimbursable.
- Reasonable tips/gratuities and other required expenditures will be reimbursed.

### Expense Reimbursements

ECG will reimburse employees for certain reasonably necessary expenses incurred in the furtherance of ECG business. In order to be eligible for reimbursement, employees must follow the protocol set forth in ECG's policy regarding expenditures, a copy of which may be obtained from the Business Office.

In general, all expenses must have been previously approved in writing by the employee's supervisor and the COO. All reimbursement forms must be completed and submitted to the Business Office in a timely manner in accordance with ECG's policy.

### Procedure

All expense claims shall be submitted to ECG within thirty days of the date of the expenditure. Prior year claims and claims submitted without appropriate documentation may not be honored.

## **V. Standards of Conduct**

### **A. ECG Basics**

ECG expects that all employees will demonstrate professional responsibility, integrity, and ethical conduct while on duty. Rather than mandate specific behaviors, ECG has adopted Excelsior Charter Schools set of Values, Beliefs, Parameters and Meeting Guidelines that define the environment for the organization. These make up the 'ECG Basics'

Values:

#### Teamwork

- It is our responsibility to participate as a team member in a collaborative environment using ideas, resources, and information to achieve common goals.
- We consistently strive to improve ourselves and our practices in order to achieve our Vision and Goals.
- We celebrate and encourage one another by recognizing each other's accomplishments.

### Enthusiasm

- Be enthusiastic in order to inspire positive attitude, creativity, motivation and innovation so that everyone is successful.

### Communication

- We are active listeners and have positive, professional interactions at all levels and in all situations.
- We have a willingness to voice our opinions and we will listen first for understanding and then to be understood.
- Everyone has a responsibility to tactfully communicate concerns and possible solutions to the appropriate person(s).
- We communicate all activities, events, and situations to all pertinent parties with appropriate feedback and follow-up; phone calls and emails are responded to in a timely manner.

### Integrity

- We all have a responsibility to promote integrity by honoring others with respect, honesty, and trustworthiness.
- We take pride in our work which is reflected in our actions.
- We model the behaviors we expect to see in others.

### Compassion

- We treat people as individuals with dignity, respect, and sympathy to help them achieve their personal best.
- We address issues in a positive, encouraging way that promotes personal growth.
- We take pride in helping people through positive interactions and mentoring.

### Commitment

- We have the commitment to follow through, follow-up and have accountability in the quality of your work.

### Beliefs

- All students can and will achieve
- We believe in doing the right thing even when no one is looking
- Students require a safe environment to learn
- Education is an investment in the future
- Expectations determine the outcome
- Everyone has something valuable to contribute

### Parameters

- Always stay financially solvent
- Always be positive and proactive
- Always focus on the Vision
- Always be professional
- Always take responsibility for your actions and outcomes
- Always strive to improve

### Meeting Guidelines

- Have fun; be professional; take care of business
- Have an agenda and advance notice of meeting
- Start/End on time; stay on task
- Be prepared; participate; be there
- Make subject matter relevant to attendees
- Don't beat a dead horse and don't shut down
- Check for understanding, as silence equals agreement
- Mitigate outside interruptions
- Support decisions even when we agree to disagree
- Be respectful of others
- Check titles at the door
- No side conversations,
- One person speaks at a time; everyone has the right to be heard,
- Listen first for understanding and then to be understood,
- Don't monopolize the conversation,
- No put downs or criticism; don't be judgmental,
- No hidden agendas,
- No bird walking
- Reminders; important dates; timelines; and calls for action

The following conduct is prohibited and will not be tolerated by ECG. This list of prohibited conduct is illustrative only; other types of conduct injurious to security, personal safety, employee welfare, and ECG's operations also may be prohibited. Violation of the following standards may result in disciplinary action, up to and including immediate termination:

- Sexual or other harassment, retaliation or discrimination of any kind, against another employee or anyone else affiliated with ECG.
- Falsification of employment records, employment information, or other ECG records. This includes making false statements or omitting material information in the application procedure for employment.
- Falsifying time records.
- Theft, damage or destruction of any ECG property of any employee or client.
- Removing or borrowing ECG property without prior authorization.
- Unauthorized use of ECG equipment, time, materials, or facilities.
- Provoking a fight or fighting during working hours or on ECG property.
- Participating in horseplay on ECG time or on ECG premises.
- Carrying firearms or any other dangerous weapons on ECG premises at any time.
- Causing, creating, or participating in a disruption of any kind during working hours on ECG property.
- Insubordination including, but not limited to, failure or refusal to obey the legitimate orders or instructions of a supervisor or administrator, or the use of abusive or threatening language toward a supervisor or administrator.
- Using abusive, profane, threatening, indecent, or foul language and/or having inappropriate physical contact with students, parents, or other employees at any time on ECG premises.
- Unreported absences.
- Failure to observe working schedules, including meal and rest periods.
- Working overtime without authorization or refusing to work assigned overtime.
- Working "off the clock" or failing to record or report all hours worked.
- Violation of any safety, health, security, or other ECG policies, rules, or procedures.

- Committing a fraudulent act or a breach of trust under any circumstances
- Engaging in unlawful harassment, discrimination, or retaliation.
- Making false or malicious statements about ECG or its employees
- Poor attendance, including but not limited to, habitual tardiness and/or absenteeism, leaving early without permission, absence from work without permission, and abuse of time during work hours, to the extent permitted by law.
- Unsatisfactory work performance.
- Sleeping or malingering on the job.
- Failing to keep confidential information pertaining to parents, students, or vendors.
- Violation of the Drug and Alcohol Abuse Policy, including, but not limited to, refusing to submit to a drug/alcohol test mandated by ECG.

This statement of prohibited conduct does not alter ECG's at-will employment policy. ECG and you retain the right to terminate the employment relationship at any time, with or without reason or advance notice.

## **B. Personal Appearance**

Employees are expected to wear clothes that are neat, clean and professional while on duty. Employees are expected to appear well groomed and appear within professionally accepted standards suitable for the employee's position, and must at all time wear shoes. Facial Hair should be short, well-trimmed, and neat. ECG's objective in maintaining a business dress code is to enable our employees to project the professional image that is in keeping with the needs of our parents, students and community to trust us. Because education requires the appearance of trusted educators and professionals and because we serve clients at our site(s) on a daily basis, a more formal dress code is required for our employees. We must project the image of trustworthy, knowledgeable professional employees and educators for the clients who seek our guidance, input, and professional services. No dress code can cover all requirements so employees must exert a certain amount of judgment in their choice of clothing to wear to work.

The following is a list of professional acceptable dress. Accordingly, all staff shall adhere to this standard of dress:

- Clothing and jewelry must be safe and appropriate to the working environment.
- All clothing must be clean and in good repair. Slits or tears in pants or other articles of clothing are not permitted except for modest slits in dresses or skirts that are no higher than three (3) inches above the knee
- Collared shirts
- Neck ties
- Long pants (to be worn on the waist with no portion of an undergarment showing)
- Appropriate shoes worn at all times (all shoes must have a back)
- dresses (no higher than three inches above the knee & no portion of an undergarment showing)
- Skirts (no higher than three (3) inches above the knee & no portion of an undergarment showing)
- Blouses or tops appropriate for the work environment and provide proper coverage
- Head coverings, including hats of any kind, except those worn for religious or safety reasons, are not to be worn inside buildings. Hats may be worn outside for protection from the sun and inclement weather. All hats are to be removed upon entering school buildings. For exceptions

to this policy, your supervisor must grant prior approval.

- Clothing and jewelry that depict and/or promote gangs (Ed Code 35183), drugs, alcohol, tobacco, sex, violence, illegal activities, profanity, or obscenity are not permitted.
- Items that are unacceptable include exercise attire; t-shirts; tank tops; spaghetti strap blouses; low cut or revealing blouses or shirts; short blouses or shirts exposing the torso or hip area; flip-flops and other beach sandals; sweatshirts; sweatpants; provocative clothing; visible and exposed undergarments; vests worn without shirts underneath; tight clothing including leggings; skorts, shorts, excessively baggy pants
- Some exceptions may apply such as needing to wear casual attire during the course of work related to a specific school project or job.

If an employee experiences uncertainty about acceptable, professional business attire for work, they should ask their supervisor or the Human Resources department. The COO will be the final arbiter of what is considered to be inappropriate attire. You may be required to return home to change clothing if deemed necessary. Non-exempt employees will not be paid for time away from work to change attire. COO or designated representative may designate “casual days” or days to wear Excelsior polo shirts with appropriate work pants, dress or skirt. Appropriate guidelines will be provided to you on these occasions.

Excelsior will reasonably accommodate employees with disabilities and employees’ religious beliefs and observances, including accommodations for religious dress and grooming practices, gender identity and gender expression. Any employee requesting accommodation should advise their supervisor of the requested accommodation.

### **C. Confidential Information**

You may, during the course of your duties be advised of certain confidential business matters and affairs of ECG regarding its business practices, students, suppliers and employees. Your duties may also place you in a position of trust and confidence with respect to certain trade secrets and other proprietary information relating to the business of ECG and not generally known to the public or competitors. Such proprietary information includes, but is not limited to, student information, competitive strategies, marketing plans, personnel information and financial information. You shall not, either during your employment with ECG or any time in the future, directly or indirectly:

Disclose or furnish, directly or indirectly, to any other person, firm, agency, corporation, client, business, or enterprise, any confidential information acquired during your employment;

Individually or in conjunction with any other person, firm, agency, school, client, business, or corporation, employ or cause to be employed any confidential information in any manner whatsoever, except in furtherance of the business of ECG;

Without the written consent of ECG, publish, deliver, or commit to being published or delivered, any copies, abstracts, or summaries of any files, records, documents, drawings, specifications, lists, equipment and similar items relating to the business of ECG, except to the extent required in the ordinary course of your duties.

Upon termination of employment, employees are required to immediately return to ECG all property of ECG in as good condition as when received (normal wear and tear excepted) including, but not limited to, all files, records, documents, drawings, specifications, lists, equipment and supplies, promotional materials, and similar items relating to the business of ECG.

#### **D. Conflict of Interest**

All employees must avoid situations that result in actual or even potential conflicts of interest. Personal, social and economic relationships with competitors, suppliers, customers, parents, or co-employees that may impair an employee's ability to exercise good judgment on behalf of ECG or which give the appearance of such impairment create an actual or potential conflict of interest. For example, romantic or personal relationships between a supervisor and subordinate employee can lead to supervisory problems, claims of harassment and morale problems.

Any employee involved in such situations or relationships must immediately and fully disclose the nature of the situation or relationship to the Human Resources department so a determination can be made as to whether an actual or potential conflict exists, and if so, how to correct the situation.

ECG expects employees to devote their best efforts to the interests of ECG. ECG recognizes your right to engage in activities outside of your employment, which are of a private nature and unrelated to our business. However, outside activities (second jobs, side businesses, clubs, etc.) must not interfere with your ability to fully perform your job duties at ECG or create a conflict of interest with your statutory duty of loyalty to ECG. ECG prohibits employees from working with another organization or external organization that competes with ECG whether as a regular employee or as a consultant.

If you have any questions whether an action or proposed course of conduct would create a conflict of interest, you should immediately contact the Human Resources department to obtain advice on this issue. A violation of this policy will result in immediate and appropriate discipline, up to and including immediate termination.

#### **Outside Employment**

If you are a full time employee we expect that you devote your full professional effort to your position at ECG. If you wish to participate in outside work activities you are required to obtain written approval from the Human Resources department prior to starting those activities. Approval will be granted unless the activity conflicts with ECG's interests. In general, outside work activities are not allowed when they:

Prevent you from performing work for which you are employed at ECG.

Involve organizations that are doing or seek to do business with ECG including actual or potential vendors.

Violate provisions of law or ECG policies or rules.

Your obligations to ECG must be given priority. Full time employees are hired and continue employment with the understanding that ECG is their primary employer and that other employment, commercial involvement or volunteer activity that is in conflict with the business interests of ECG is strictly prohibited.

#### **E. Child Neglect and Abuse Reporting and Mandated Training**

A list of persons whose profession qualifies them as "mandated reporters" of child abuse or neglect is found in California Penal Code Section 11165.7. The list is extensive and continues to grow. It includes all ECG employees, administrators, and athletic coaches. All persons hired into positions included on the list of mandated reporters are required, upon employment, to be provided with a statement, informing them that they are a mandated reporter and their obligations to report suspected cases of abuse and neglect pursuant to California Penal Code Section 11166.5.

All persons who are mandated reporters are required, by law, to report all known or suspected cases of child abuse or neglect. It is not the job of the mandated reporter to determine whether the allegations are valid. If child abuse or neglect is reasonably suspected or if pupil shares information with a mandated reporter leading him/her to believe abuse or neglect has taken place, the report must be made. No supervisor or administrator can impede or inhibit a report or subject the reporting person to any sanction.

To make a report, an employee must contact an appropriate local law enforcement or county child welfare agency, listed below. This legal obligation is not satisfied by making a report of the incident to a supervisor or to ECG. An appropriate law enforcement agency may be one of the following:

- A police or sheriff's department (not including a school district police department or social security department)
- A county probation department, if designated by the county to receive child abuse reports.
- A county welfare department/Child Protective Services (CPS) 800-827-8724

The report should be made immediately over the telephone at (800) 827-8724 and should be followed up in writing within 36 hours. The form for reporting the incident may be obtained from the Human Resources department. The form must then be mailed, faxed, or submitted electronically, as designated by the agency taking the report over the phone.

#### What must be reported?

- Physical Abuse
- Sexual Abuse
- Emotional Abuse
- Neglect

The mandated reporter must only have reasonable suspicion that a child has been mistreated; no evidence or proof is required prior to making a report.

Failure to report concerns of child abuse or neglect is considered a misdemeanor and is punishable in California by six months in jail and/or up to a \$1,000 fine. For the complete law and a list of fully inclusive mandated reporters, please refer to California Penal Codes 11164 and 11174.3.

Mandated reporters are required to give their names when making a report. However, the reporter's identity is kept confidential. Reports of suspected child abuse are also confidential. Mandated reporters have immunity from state criminal or civil liability for reporting as required. This is true even if the mandated reporter acquired the knowledge, or suspicion of the abuse or neglect, outside his/her professional capacity or scope of employment.

After the report is made, the local law enforcement agency is required to investigate all reports. Cases may also be investigated by Child Welfare Services when allegations involve abuse or neglect within families.

## **VI. Employee Pay and Benefits**

### **A. Pay Schedules**

The members of this community are interested in attracting and maintaining a qualified, competent staff



to support the education of their children. The community members and the Board recognize the importance of an attractive salary schedule and sound salary policies in securing and holding competent staff members.

# Excelsior Charter Group

## CLASSIFIED PAY SCHEDULE

2021-2022

Range	Position
A	Food Service Worker
B	Support Specialist I
C	Custodian
D	Lab Specialist
G	Maintenance Worker
H	Support Specialist II, Facilitator Assistant
L	Computer Technician
M	Administrative Assistant I
O	Administrative Assistant II
P	Business Specialist I, HR Specialist I, LMS/Web Content Specialist
T	Business Specialist II, HR Specialist II
AA	Executive Assistant, Database Specialist

Steps	A	B	C	D	G	H	L	M	O	P	T	AA
1	\$ 15.00	\$ 15.45	\$ 15.91	\$ 16.39	\$ 17.91	\$ 18.45	\$ 20.76	\$ 21.39	\$ 22.69	\$ 23.37	\$ 26.30	\$ 31.28
2	\$ 15.45	\$ 15.91	\$ 16.39	\$ 16.88	\$ 18.45	\$ 19.00	\$ 21.39	\$ 22.03	\$ 23.37	\$ 24.07	\$ 27.09	\$ 32.22
3	\$ 15.91	\$ 16.39	\$ 16.88	\$ 17.39	\$ 19.00	\$ 19.57	\$ 22.03	\$ 22.69	\$ 24.07	\$ 24.79	\$ 27.90	\$ 33.18
4	\$ 16.39	\$ 16.88	\$ 17.39	\$ 17.91	\$ 19.57	\$ 20.16	\$ 22.69	\$ 23.37	\$ 24.79	\$ 25.54	\$ 28.74	\$ 34.18
5	\$ 16.88	\$ 17.39	\$ 17.91	\$ 18.45	\$ 20.16	\$ 20.76	\$ 23.37	\$ 24.07	\$ 25.54	\$ 26.30	\$ 29.60	\$ 35.21
6	\$ 17.39	\$ 17.91	\$ 18.45	\$ 19.00	\$ 20.76	\$ 21.39	\$ 24.07	\$ 24.79	\$ 26.30	\$ 27.09	\$ 30.49	\$ 36.26
7	\$ 17.91	\$ 18.45	\$ 19.00	\$ 19.57	\$ 21.39	\$ 22.03	\$ 24.79	\$ 25.54	\$ 27.09	\$ 27.90	\$ 31.41	\$ 37.35
8	\$ 18.45	\$ 19.00	\$ 19.57	\$ 20.16	\$ 22.03	\$ 22.69	\$ 25.54	\$ 26.30	\$ 27.90	\$ 28.74	\$ 32.35	\$ 38.47
9	\$ 19.00	\$ 19.57	\$ 20.16	\$ 20.76	\$ 22.69	\$ 23.37	\$ 26.30	\$ 27.09	\$ 28.74	\$ 29.60	\$ 33.32	\$ 39.62
10	\$ 19.57	\$ 20.16	\$ 20.76	\$ 21.39	\$ 23.37	\$ 24.07	\$ 27.09	\$ 27.90	\$ 29.60	\$ 30.49	\$ 34.32	\$ 40.81
11-13	\$ 20.16	\$ 20.76	\$ 21.39	\$ 22.03	\$ 24.07	\$ 24.79	\$ 27.90	\$ 28.74	\$ 30.49	\$ 31.41	\$ 35.35	\$ 42.04
14-16	\$ 20.76	\$ 21.39	\$ 22.03	\$ 22.69	\$ 24.79	\$ 25.54	\$ 28.74	\$ 29.60	\$ 31.41	\$ 32.35	\$ 36.41	\$ 43.30
17-19	\$ 21.39	\$ 22.03	\$ 22.69	\$ 23.37	\$ 25.54	\$ 26.30	\$ 29.60	\$ 30.49	\$ 32.35	\$ 33.32	\$ 37.50	\$ 44.60
20+	\$ 22.03	\$ 22.69	\$ 23.37	\$ 24.07	\$ 26.30	\$ 27.09	\$ 30.49	\$ 31.41	\$ 33.32	\$ 34.32	\$ 38.63	\$ 45.94

### LONGEVITY INCREMENT

At year 21 - \$1,500 added to Base Salary Schedule for full-time employee's (amount will be prorated for part time employees based upon 8 hr day).

At year 26 - \$3,000 added to Base Salary Schedule for full-time employee's (amount will be prorated for part time employees based upon 8 hr day).

A longevity increment at completion of the 20th year of continuous employment with Excelsior will be added to the base salary of classified employees. The longevity increment shall be effective the following school year. A longevity increment at completion of the 25th year of continuous employment with Excelsior will be added to the base salary of classified employees. The longevity increment shall be effective the following school year.

**Excelsior Charter Group**  
**MANAGEMENT SALARY SCHEDULE**  
 2021-2022

<b>Position</b>	<b>Days</b>	<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>
Department Supervisor	222	\$ 62,408.64	\$ 65,841.12	\$ 69,462.38	\$ 73,282.81	\$ 76,946.95
Director	205	\$ 104,103.10	\$ 109,620.56	\$ 115,430.45	\$ 121,548.27	\$ 127,990.33
Director	222	\$ 112,736.04	\$ 118,711.05	\$ 125,002.74	\$ 131,627.88	\$ 138,604.16

**LONGEVITY INCREMENT**

- At year 6 - \$2,000 added to Base Salary Schedule
- At year 10 - \$3,500 added to Base Salary Schedule
- At year 15 - \$5,000 added to Base Salary Schedule
- At year 20 - \$6,500 added to Base Salary Schedule

A longevity increment at completion of the 5th year of continuous employment with Excelsior will be added to the base salary of the employee. The longevity increment shall be effective the following school year. A longevity increment at completion of the 9th year of continuous employment with Excelsior will be added to the base salary of the employee. The longevity increment shall be effective the following school year. A longevity increment at completion of the 14th year of continuous employment with Excelsior will be added to the base salary of the employee. The longevity increment shall be effective the following school year. A longevity increment at completion of the 19th year of continuous employment with Excelsior will be added to the base salary of the employee. The longevity shall be effective the following school year.

## B. Salary Basis/ Safe Harbor Policy

The Fair Labor Standards Act (FLSA) is a federal law which requires that most employees in the United States be paid at least the federal minimum wage for all hours worked and overtime pay at time and one-half the regular rate of pay for all hours worked over 40 hours in a workweek.

However, Section 13(a)(1) of the FLSA provides an exemption from both minimum wage and overtime pay for employees employed as bona fide executive, administrative, professional or outside sales employees. Section 13(a)(1) and Section 13(a)(17) also exempt certain computer employees. To qualify for exemption, employees generally must meet certain tests regarding their job duties and be paid on a salary basis at not less than \$455 per week. Some state laws also provide for exemptions from both minimum wage and overtime pay, which have different requirements than the FLSA. Job titles do not determine exempt status. In order for an exemption to apply, an employee's specific job duties and salary must meet all the requirements of the Department's regulations, as well as any applicable state law requirements.

### Salary Basis Requirement

To qualify for exemption, employees generally must be paid at not less than \$455 per week on a salary basis. These salary requirements do not apply to outside sales employees, teachers, and employees practicing law or medicine. Exempt computer employees may be paid at least \$455 on a salary basis or on an hourly basis at a rate not less than \$27.63 an hour. State law requirements may be higher. Being paid on a "salary basis" means an employee regularly receives a predetermined amount of compensation each pay period on a weekly, or less frequent, basis. The predetermined amount cannot be reduced because of variations in the quality or quantity of the employee's work. Subject to certain exceptions delineated by the United States Department of Labor, an exempt employee must receive the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees do not need to be paid for any workweek in which they perform no work. If the employer makes deductions from an employee's predetermined salary because of the operating requirements of the business, that employee is not paid on a "salary basis." If the employer makes deductions from an employee's salary in a partial-day increment, the employee generally is not paid on a "salary basis." If the employee is ready, willing and able to work, deductions may not be made for time when work is not available.

### Company Policy

It is our policy to comply with the salary basis requirements of the FLSA and state law. Therefore, we prohibit all company managers from making any improper deductions from the salaries of exempt employees. We want employees to be aware of this policy and that the company does not allow deductions that violate the FLSA or state law.

### What To Do If An Improper Deduction Occurs

If you believe that an improper deduction has been made to your salary, you should immediately report this information to the Company's Human Resources Department.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made. The Company does not tolerate any retaliation against those who make such reports.

### **C. Sick Leave**

ECG provides Paid Sick Leave (PSL) to all full and part time employees to enable them to take paid time off for the diagnosis, care, or treatment of an existing health condition of (or preventative care for) the employee or the employee’s family member or for a mental health day for the employee. Employees may also use their PSL to take time off from work for reasons related to domestic violence, stalking, or sexual assault.

For purposes of this policy, Family is defined as spouse, registered domestic partner, cohabitant, child of any age, stepchild, grandchild, parent, stepparent, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, great grandparent, brother sister, half-brother, half-sister, stepsibling, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, or first cousin (that is a child of aunt or uncle).

New employees may transfer all accrued and unused sick leave days from any corporation that ECG supports.

Excelsior will automatically deduct from an employee’s accrued PSL, when available, for any time requested for the above-mentioned reasons.

Eligible employees accrue PSL time according to the following:

Note: PSL IS FRONT-LOADED AT THE BEGINNING OF EACH FISCAL YEAR

<b><u>Employee Classification</u></b>	<b><u>PSL Accrual rate</u></b>
Exempt, Full Time	1/2 day per each month worked – PSL may be taken in ½ or full day increments only.
Non-Exempt, Full Time	1/2 day per each month worked - PSL may be taken in hourly, partial, or full day increments.
Non-Exempt, Part Time	Pro rata basis - the rate at which their work schedule relates to full time employment.

### **Notification**

The employee must provide reasonable advance notification, orally or in writing, of the need to use PSL, if foreseeable. If the need to use PSL is not foreseeable, the employee must provide notice as soon as practicable.

### **Termination**

There is no cap limit on sick leave accrual, however, employees will not receive pay in lieu of accrued but unused PSL. Accrued but unused PSL will not be paid out upon termination of employment.

### **No Discrimination or Retaliation**

ECG prohibits discrimination or retaliation against employees for using their PSL.

### **California Paid Sick Leave (AB1522)**

Under AB1522, a newly enacted California law, any employee who works 30 days for an employer will be eligible to accrue and use sick leave, effective July 1, 2015. This section only applies to substitute, seasonal, temporary or other employees, not covered under ECG's Personal Necessity/Sick Leave policy as described in the section above.

The following criteria must be met in order to qualify for the leave and applies to this section only:

1. The employee must work a minimum of 30 days in a one-year period.
2. The one-year period is based on a fiscal year (July 1st – June 30<sup>th</sup>).
3. Newly Hired Employees must satisfy a 90-day waiting period before sick leave may be taken.

### **Accrual/Up Front Method and Use of Sick Leave**

#### **Long Term Substitutes and Temporary Employees**

Long-term substitutes and/or temporary employees hired to work at least 75% of the fiscal year (July – June) will receive 24 hours of paid sick leave at the beginning of the fiscal year.

#### **Seasonal and Short-term Substitute Employees**

Employees who work less than 75% of the fiscal year will earn 1 hour of sick leave for every 30 hours worked within the fiscal year (including regular and overtime hours).

The employee is eligible to accrue and take sick leave effective July 1, 2015.

- Classified Employees may use sick leave in hourly increments.
- The employee may carry over no more than 48 hours in a fiscal year period.
- Sick leave is not a payable benefit upon termination.
- If the employee resigns from ECG or if the employee's work assignment with ECG ends, whatever sick leave balance is on record at the time of separation will be restored to the employee if the employee returns to ECG within 1 year from the date of separation.
- Sick leave may be used for diagnosis, care, or treatment of an existing health condition, preventative care for the employee or the employee's family member, victims of domestic violence, sexual assault, or stalking.

Family member includes:

Family is defined as spouse, registered domestic partner, cohabitant, child of any age, stepchild, grandchild, parent, stepparent, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, great grandparent, brother sister, half-brother, half-sister, stepsibling, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, or first cousin (that is a child of aunt or uncle).

### **D. Vacation Leave**

All employees shall earn vacation time with full pay on a fiscal year basis (July – June). An employee shall earn vacation time during any month that he/she is in paid status

Full-time Employees –

Vacation time shall be computed and maintained by the payroll department in increments of a half-day (1/2) for each month worked.

Part-time employees –

Vacation time shall be computed and maintained by the payroll department and shall earn vacation credit on a prorated basis.

Employees shall complete a minimum of six (6) months of service before being authorized to use accumulated vacation time and shall not become a vested right until after six (6) months of service, unless otherwise authorized by the supervisor.

Pay for vacation days shall be at the same rate of pay for the employee as when employee is in working status.

#### Time Limit on Use

Vacation should not be used as a savings account. Rather, employees deserve time off throughout the year for rest and recreation and ECG wants employees to take their earned time off.

A maximum of two (2) years vacation accrual may be carried over into the new fiscal year. Any vacation balance in excess of two (2) years in a fiscal year, will be paid out on the June 30<sup>th</sup> payroll. Pay for vacation days shall be at the same rate of pay for the employee as when employee is in working status.

#### Vacation Pay on Termination

When an employee is terminated for any reason, he/she shall be paid for all earned vacation time accumulated up to and including the effective date of termination.

Pay for vacation days shall be at the same rate of pay for the employee as when employee is in working status.

#### Vacation Scheduling

Vacations shall be scheduled to meet ECG's work requirements. Employees may request times when they would prefer to take their vacation.

### **E. Retirement Matching Program 403(b)**

ECG offers two (2) 403(b) matching programs in order to help ECG Employees further their financial security.

The goal of the program is to encourage staff to consider a well-designed financial plan that will provide financial security and ensures that personal financial goals are met.

#### 403(b) Plan I –

**The annual limit for this 403(b) matching program is set at \$25,000.00, for each year and is subject to change with or without notice. Eligible employees' contributions to the 403(b) will be matched up to \$250 per year.**

The Business Department authorizes the matching from ECG funds allotted for Staff 403(b) Matching

program, and is responsible for administration, interpretation and approval for this program.

### Eligibility

You are eligible for this program if:

- You are a regular, active, full-time or part time employee.
- Must participate in a 403(b) savings program.

### Amount of Reimbursement

ECG will match the employee's contribution to the 403(b) program up to a maximum of \$250.00 per year.

*Based on the amount of matching requests for a specific fiscal year, all or percentage of the amount will be paid until the amount allotted for the yearly matching is completely spent. Administration is allowed the discretion to limit the matching amount during the year for budgetary considerations. The fiscal year runs from July 1<sup>st</sup> to June 30<sup>th</sup>.*

### 403(b) Plan II-

All full and part-time ECG employees are automatically enrolled in this plan unless the employee opts out or chooses to make a different contribution rate. Six percent (6%) will be taken from the employee's pay on a pretax basis and contributed to the employee's account. ECG will match 100% of the employee's first 6%.

Please consult the Human Resources department for additional information on additional/maximum contributions, additional employer match, and vesting schedules relevant to this plan.

## **F. Insurance Benefits**

### **1. Health Insurance**

Full-time employees are entitled to health insurance benefits in accordance with ECG's health insurance plan. The coverage chosen by the employee will determine how much of the employee's portion of monthly premiums will be deducted from the employee's paycheck, if any.

If medical insurance premium rates increase, employees may be required to contribute to the cost of increased premiums to retain coverage.

Full time employees are eligible for health insurance benefits on the first day of the month after their date of hire.

Health insurance benefits end on the last day of the month in which the employee worked.

All employees who work an average of 30 hours per week or 130 hours per month and work more than 120 days in a year are eligible to purchase health benefits offered by ECG, and in accordance with the Affordable Care Act, for the employee and his or her dependents.

Independent contractors and consultants are not employees of ECG and are not eligible for benefits provided by ECG.

Eligible staff members will be entitled to a "cash option" in lieu of health benefits. This is based on a



plan year from July 1 through June 30. Eligibility for the “cash option” is based on the following criteria:

- Married couples that are both full-time staff members of ECG (only one would be eligible to waive benefits).
- Eligible staff members whose health benefits are covered by a spouse’s employer, or elsewhere (with verification).

For those staff members who are eligible for the “cash option” in lieu of health benefits and who waive medical benefits, a specified amount is available to be contributed to a 403(b) plan. This specified amount will consist of two installments, which will be included in the November and May payrolls and will be distributed, in a timely manner, to the pre-designated 403(b) account.

Eligible staff members who wish to waive benefits and receive the “cash option” must sign and return a waiver to the payroll department prior to or during the open enrollment period.

## **2. Disability Insurance**

All employees are enrolled in California State Disability Insurance (SDI), which is a partial wage-replacement insurance plan for California workers. Employees may be eligible for SDI when they are ill or have non-work related injuries, or may be eligible for work related injuries if they are receiving workers’ compensation at a weekly rate less than the SDI rate. Specific rules and regulations relating to SDI eligibility are available from the Employment Development Department State of California website.

## **3. Family Leave Insurance**

Employees covered by the California Disability Insurance program are also covered by the California Paid Family Leave Insurance program. Eligible employees are entitled to receive up to six weeks of wage replacement benefits when they suffer a wage loss for taking time off to care for a seriously ill child, spouse, parent or domestic partner or to bond with a new child within one year of birth or placement of the child in connection with foster care or adoption. Specific rules and regulations relating the Family Leave Insurance are available from the Employment Development Department State of California website.

## **4. Workers’ Compensation Insurance**

Eligible employees are entitled to Workers’ Compensation Insurance benefits when suffering from an occupational illness or injury. This benefit is provided at no cost to the employee. See below for a further description of making a claim for Workers’ Compensation Insurance benefits.

## **G. Leaves of Absence**

This Handbook summarizes leave that may be available to employees. Most leave policies have differing requirements for eligibility, duration, benefits, etc. Therefore, employees should contact the Human Resources department to request specific information relating to a particular leave policy. Employees must submit requests for leaves of absence in writing to their supervisor as far in advance as is practicable. Employees on job-protected leave must notify their supervisor if their return to work date changes or they need an extension of their current leave status. Employees on non-job protected leaves (unpaid personal leave/sabbatical leave) should occasionally keep in contact with their supervisor. If an employee’s leave expires and he/she fails to return to work without contacting their supervisor it will be presumed that the employee abandoned his/her position with ECG and employment may be terminated. If an employee is unable or unwilling to return to work at the expiration of his/her leave of absence, his/her

employment may be terminated.

While out on a leave of absence, employees may not accept employment with another company or person unless agreed to in advance in writing by ECG's COO. Acceptance of employment in violation of this policy will be considered an abandonment of the employee's position with ECG, and employment may be terminated. Employees shall not apply for unemployment compensation insurance while out on leave.

### **1. Family Care and Medical Leave**

Eligible employees may request a family and medical leave of absence under the circumstances described below. Eligible employees are those who have been employed by ECG for at least 12 months (not necessarily consecutive), have worked at least 1250 hours during the 12 months immediately prior to the family and medical leave of absence, and are employed at a worksite where there are 50 or more employees of ECG within 75 miles.

Ordinarily, you must request a planned family and medical leave at least 30 days before the leave begins. If the need for the leave is not foreseeable, you must request the leave as soon as practicable. You should use the ECG request form, which is available upon request from Human Resources, and as outlined below. Failure to comply with this requirement may result in a delay of the start of the leave.

A family and medical leave may be taken for the following reasons:

- the birth of an employee's child or the placement of a child with the employee for foster care or adoption, so long as the leave is completed within 12 months of the birth or placement of the child;
- the care of the employee's spouse, child, parent, or registered domestic partner with a "serious health condition";
- the "serious health condition" of the employee;
- the care of the employee's spouse, child, parent, or next of kin who is a member of the Armed Forces, including a member of the National Guard or Reserves, and who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- any qualifying exigency as defined by the applicable regulations arising out of the fact that the employee's spouse, child, or parent is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.

A "serious health condition" is one that requires inpatient care in a hospital or other medical care facility or continuing treatment or supervision by a health care provider. You may take a leave under paragraph (2) above only if due to a serious health condition, your spouse, child, parent, or registered domestic partner requires your care or assistance as certified in writing by the family member's health care provider. If you are seeking a leave under paragraph (3) above, you must provide ECG with a medical certification from your health care provider establishing eligibility for the leave, and you must provide ECG with a release to return to work from the health care provider before returning to work. You must provide the required medical certification to ECG in a timely manner to avoid a delay or denial of leave. You may obtain the appropriate forms from the Human Resources department.

Family and medical leave may be taken for up to 12 workweeks during the designated 12-month period (with the exception of qualifying leaves to care for a member of the Armed Services who has a serious illness or injury, which may be taken for up to a total of 26 workweeks of leave during a single 12-month period). The 12-month period will be defined as a "rolling twelve months" looking backward over the preceding 12 months

to calculate how much family and medical leave time has been taken and therefore determine the amount of leave that is available. Qualifying leaves to care for a member of the Armed Services who has a serious illness or injury will be calculated on the 12-month period looking forward. All time off that qualifies as family and medical leave will be counted against your state and federal family and medical leave entitlements to the fullest extent permitted by law.

You will be required to use any accrued PSL during unpaid family and medical leave that is due to your own or a family member's serious health condition. However, if an employee is receiving benefit payments pursuant to a disability insurance plan (such as California's State Disability Insurance plan or Paid Family Leave program) or workers' compensation insurance plan, the employee and ECG may mutually agree to supplement such benefit payments with available PSL.

Benefit accrual, such as PSL, will be suspended during the approved leave period and will resume upon return to active employment. During a family and medical leave, group health benefits will be maintained as if you were continuously employed. However, you must continue to pay your share of applicable premiums (for yourself and any dependents) during the leave.

If you do not return to work on the first workday following the expiration of an approved family and medical leave, you will be deemed to have resigned from your employment. Upon returning from such a leave, you will normally be reinstated to your original or an equivalent position and will receive pay and benefits equivalent to those you received prior to the leave, as required by law. In certain circumstances, "key" employees may not be eligible for reinstatement following a family and medical leave. ECG will provide written notice to any "key" employee who is not eligible for reinstatement.

#### Procedures for Requesting and Scheduling FMLA Leave

An employee should request FMLA leave by completing a Request for Leave form and submitting it to the Human Resources department. An employee asking for a Request for Leave form will receive a copy of ECG's then-current FMLA leave policy.

Employees should provide not less than 30 day notice or if such notice is not possible, as soon as is practicable, for foreseeable childbirth, placement or any planned medical treatment for the employee or his/her spouse, child or parent. Failure to provide such notice is grounds for denial of a leave request, except in situations where the need for FMLA leave is an emergency or otherwise unforeseeable.

If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment for the employee or a family member, the employee may be transferred temporarily to an available alternative position for which he/she is qualified that has equivalent pay and benefits and that better accommodates recurring periods of leave than the employee's regular position.

In most cases, ECG will respond to a FMLA leave request within five (5) business days of acquiring knowledge that the leave is being taken for an FMLA-qualifying reason and, in any event, within ten (10) days of receiving the request. If an FMLA leave request is granted, ECG will notify the employee in writing that the leave will be counted against the employee's FMLA leave entitlement. This notice will explain the employee's obligations and the consequences of failing to satisfy them.

#### Return to Work

Upon timely return at the expiration of the FMLA leave period, an employee is entitled to the same or

comparable position to the employee's original position in terms of pay, benefits and working conditions, including privileges, perquisites and status, unless the same position and any comparable position(s) have ceased to exist because of legitimate business reasons unrelated to the employee's FMLA leave.

## **2. Pregnancy Disability Leave**

ECG provides pregnancy disability leaves of absence without pay to eligible employees who are temporarily unable to work due to a disability related to pregnancy, childbirth, or related medical conditions. Employees should make requests for pregnancy disability leave to their supervisor at least 30 days in advance of foreseeable events and as soon as possible for unforeseeable events. A health care provider's statement must be submitted, verifying the need for such leave and its beginning and expected ending dates. Any changes in this information should be promptly reported to ECG. Employees returning from pregnancy disability leave must submit a health care provider's verification of their fitness to return to work.

ECG will make a good faith effort to provide reasonable accommodations and/or transfer requests when such a request is medically advisable based on the certification of a health care provider. When an employee's health care provider finds it is medically advisable for an employee to take intermittent leave or leave on a reduced work schedule and such leave is foreseeable based on planned medical treatment because of pregnancy, ECG may require the employee to transfer temporarily to an available alternative position. This alternative position will have equivalent rate of pay and benefits and must better accommodate recurring periods of leave than the employee's regular job.

Eligible employees are normally granted unpaid leave for the period of disability, up to a maximum of four months (or 17 1/3 weeks or 693 hours) per pregnancy. Employees will be required to use any accrued sick time during any unpaid portion of pregnancy disability leave. If an employee is receiving benefit payments pursuant to a disability insurance plan (such as California's State Disability Insurance plan or Paid Family Leave program), the employee and ECG may mutually agree to supplement such benefit payments with available sick leave.

Benefit accrual, such as sick leave, and holiday benefits, will be suspended during the approved pregnancy disability leave period and will resume upon return to active employment. Group health benefits will be maintained during the approved pregnancy disability leave as if you were continuously employed. However, you must continue to pay your share of applicable premiums (for yourself and any dependents) during the leave.

So that an employee's return to work can be properly scheduled, an employee on pregnancy disability leave is requested to provide ECG with at least one week's advance notice of the date they intend to return to work.

When an approved pregnancy disability leave ends, the employee will be reinstated to the same position, unless the job ceased to exist because of legitimate business reasons. An employee has no greater right to reinstatement to the same position or to other benefits and conditions of employment than if they had been continuously employed in this position during the pregnancy disability leave or transfer. 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 one exists. An employee has no greater right to reinstatement to a comparable position or to other benefits or conditions of employment than an employee who has been continuously employed in another position that is being eliminated.

If you have any questions regarding pregnancy disability leave, please contact Human Resources.

## Coordinating CFRA Leave, PDL and PFL

If you have been employed by ECG for at least one year (not necessarily continuous) and worked at least 1,250 hours in the year preceding your request for leave, you may request CFRA leave of up to twelve work weeks to bond with your new child and (if applicable) after your physician has released you from your post-delivery PDL. This unpaid CFRA leave is separate from the right to take PDL (and concurrent FMLA leave, if applicable), which is explained in the preceding sections of this handbook. There is no need to establish a serious health condition for you or your child to take CFRA leave. Your baby-bonding leave must be taken in minimum increments of two weeks and is available to you only within one year after your child's birth.

The maximum possible combined unpaid leave for a pregnant woman is up to four months for pregnancy disability if medically required (which includes any period of disability certified by a physician after the birth of the child), plus 12 work weeks to care for and bond with the newborn child. CFRA leave may overlap with the Paid Family Leave referenced in the previous section.

For more information regarding your eligibility for an unpaid CFRA leave, the impact of the leave on your benefits and coordination with PDL, please contact the Human Resources Department.

## Disability Leave

In addition to any legally mandated leave to which you may be entitled, we will make every effort to reasonably accommodate your need for an unpaid leave of absence in the event of a disability, as long as it will not pose an undue hardship for ECG. If you require a disability leave, submit a written request to the Human Resources.

You must notify the Human Resources of your intent to resume work at least one week prior to your expected return date. Before returning to work after a disability leave of absence, you must provide a written statement from your physician, stating your ability to return to your regular duties and any restrictions you may have.

Although we cannot guarantee that your job will be held open for you until you return from a disability leave, we will make every effort to return you to the same or a similar job position. If no job opening exists for which you are qualified, you will be separated from employment.

### **3. Medical Leave of Absence**

An unpaid medical leave of absence may be granted to employees who are not eligible for other leaves. ECG may grant unpaid medical leave in lieu of or beyond other qualified leave, for a maximum of 12 workweeks. Employees should ask their supervisor or the Human Resources department for information on medical leaves of absence and any implications unpaid medical leave may have on their eligibility for employee benefits, including medical benefit plan coverage.

ECG strives to assist employees to return to work at the earliest possible date following an injury or illness. However, this policy is not intended to supersede or modify the procedures applicable to employees eligible for reasonable accommodation or covered under the Americans with Disabilities Act (ADA) or leave benefits under the Family and Medical Leave Act (FMLA).

Inquiries about the ADA or FMLA should be directed to the Human Resources Department.

This policy applies to all eligible workers and will be followed whenever appropriate. If this type of medical

leave is granted, medical benefits may be continued by ECG for up to but no more than 3 months. In the event that an employee needs to request additional unpaid medical leave, HR will contact the employee to schedule a reasonable accommodation meeting. If the additional unpaid medical leave is granted, ECG will require the employee to pay all medical benefits during the duration of their additional leave.

#### Requirements and Status upon Returning from Medical and/or Worker’s Compensation Leave

In order for the employee to return to work, the attending physician must release the employee to return to work on full duty. The employee cannot return to work without a full work release of the attending physician.

In the event that the employee is released to work light/modified duty, the employee’s physician’s statement must specify what the work restrictions are. During a scheduled reasonable accommodation meeting, ECG will make every effort to accommodate a light/modified assignment, but it will be determined on a case-by-case basis. Ultimately, it is at ECG’s discretion and based upon business needs. If an employee’s additional leave cannot be accommodated and their position is filled (due to the needs of Excelsior), Excelsior will place the employee on a inactive rehire list for up to 1 year from the time of inactivation. If during the year a position becomes open, that the employee meets the qualifications for, the Human Resources Department will contact the employee about potentially filling the position.

#### **4. Paid Family Leave**

Under California’s Paid Family Leave Act (“PFL”), you may be eligible to receive payments from the state Employment Development Department while you are on leave for up to six weeks of leave to care for an ill family member (defined as parent, parent-in-law, child, spouse, sibling, grandparent, grandchild or domestic partner) or for bonding with a newborn or recent adoptee.

For further information on this benefit, please contact the Human Resources department.

#### Funeral/Bereavement Leave

Full and part time employees will be allowed paid bereavement leave to arrange and attend the funeral of an immediate family member. Employees will be allowed three (3) days if travel is within the state of California, and five (5) days if travel is outside the state of California. For purposes of this policy, an employee’s immediate family member includes a current spouse, parent, legal guardian, sibling, child, stepchild, uncle, aunt, niece, nephew, current parent- daughter-, son-, sister-, or brother-in-law, grandparent, grandchild, domestic partner or any other member of the employee’s household.

#### **5. New Parent Leave Act**

Employees are eligible for parental leave under the New Parent Leave Act if they: (1) have worked for their employer at least 12 months, (2) have worked at least 1,250 hours over the past 12 months, and (3) work at a location where the company employs between 20 – 49 employees within 75 miles.

An eligible employee may take up to 12 weeks of job-protected parental leave to bond with a new child in the 12 months following the child’s birth, adoption, or foster care placement. (Parental leave under the New Parent Leave Act is counted separately from leave taken under California’s Pregnancy Disability Leave law, so leave under the New Parent Leave Act is in addition to any time you take off from work for pregnancy or childbirth

related health conditions). Employees may take the leave intermittently or all at once. Upon return, an employer must reinstate an employee to his or her same or a comparable position.

If both parents are employed by the same employer, the employer is not required to grant more than 12 weeks total of bonding leave to the parents. In addition, the employer is not required to, but may, grant simultaneous leave to both employees.

An employer must maintain and pay for coverage under a group health plan for an eligible employee who takes parental leave under the New Parent Leave Act at the same level and under the same conditions that coverage would have been provided if the employee had continued to work. An employer may recover the premium that the employer paid for maintaining coverage for the employee under the group health plan during his or her leave if: (1) the employee fails to return to work after the period of job-protected leave ends; and (2) the failure of the employee to return from leave is for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the control of the employee.

Employees may use accrued vacation pay, paid sick time, other accrued paid time off, or other paid or unpaid time off negotiated with the employer, during their parental leave. Employees who pay into State Disability (SDI) may apply for partial wage replacement during New Parent Leave Act bonding leave through California's Paid Family Leave program (PFL). Visit: <http://www.edd.ca.gov/>. Otherwise, the leave is unpaid. Check your paystub to see if you pay into State Disability Insurance.

It is unlawful for an employer to interfere with or deny an employee's right to leave or to retaliate or discriminate against an employee for exercising rights under the New Parent Leave Act.

#### *Interactions with PDL/FMLA, CFRA*

After a baby is born, an employee is entitled to additional leave under CFRA for baby bonding. No medical certification is required.

## **6. Military Leave of Absence**

If you are on full-time duty in the armed services, ECG will give you all leave of absence, benefits and reinstatement rights guaranteed to you by current laws. If you are a member of a National Guard or Military Reserve (including State Military Reserve) unit, we will give you an unpaid leave of absence for your annual military training (typically two weeks per year). You must give your official duty orders to the Human Resources department and submit a written request for a military leave of absence. You may apply your accrued paid time off benefits to receive pay for any leave period not covered by your military base pay, or you can choose to take the time off without pay. We will not discriminate or retaliate against you based upon your membership or service in any state or federal military force, as it pertains to any term, condition or privilege of employment with our Organization.

### **a. Military Family Leave**

You are entitled to up to ten days of unpaid leave when your military spouse or registered domestic partner is home on leave from active service in the Armed Forces, National Guard or Reserves. Your leave must take place while your military spouse or registered domestic partner is on leave from deployment to an area of "military conflict," defined as a period of war declared by Congress or authorized under the federal Armed Forces Code. To be eligible for this leave, you must be working an average of 20 or more hours per week,

and you must request leave from Authorized Person within two business days of receiving official notice that your military spouse or registered domestic partner will be on leave from deployment. You can apply any accrued paid leave time to this leave.

**7. Drug and Alcohol Rehabilitation Leave**

ECG will reasonably accommodate an employee who voluntarily enters and participates in an alcohol or drug rehabilitation program, including potentially providing unpaid leave to participate in the program. ECG will not pay for the costs incurred in attending a rehabilitation program. An employee who wishes to identify him or herself as an individual in need of the assistance of an alcohol or drug rehabilitation program may contact the Human Resources department. ECG will take all reasonable steps necessary to maintain the employee's privacy in this situation. The employee may use accrued sick leave, if any, during requested leave.

Nothing in this policy shall prohibit ECG from refusing to hire or discharge an employee who, because of his or her current use of alcohol or drugs, is unable to perform his/her duties or cannot perform the duties in a manner that would not endanger his/her health or safety or the health or safety of others.

**8. Time Off to Attend Child's School Discipline**

We will give you unpaid time off if you are a parent or guardian of a student and you have been summoned to appear at the student's school under the Education Code or there is a childcare provider or school emergency under the Labor Code. You must provide reasonable notice and documentation of the appearance to Authorized Person.

**9. Time Off to Attend Child 's School Activities**

If you are the parent, stepparent, foster parent, grandparent ,guardian or a person standing in loco parentis of a child who is in school up to grade 12, or who attends a licensed day care facility, you may take up to 40 hours of unpaid leave per year to participate in the activities of the school or day care facility, to find, enroll or reenroll your child in a school or with a licensed child care provider and/or to address a child care provider or school emergency. You may take no more than eight hours off for this purpose in any one calendar month. Unless it is to address an emergency, you should schedule this time off with your supervisor in advance.

You may be asked to provide documentation from the school or day care facility that you participated in the activity to confirm your attendance at its facility for reasons covered under this policy on the specific date and time that you took the leave. On the specific date and at the specific time that you took the leave. This time off is unpaid.

**10. Time Off to Serve as Election Official**

Any employee who serves as an election official is eligible for unpaid leave on Election Day for purposes of service. Employees should notify their supervisor of their commitment to act as an election official as far in advance as possible.

**11. Time Off for Jury and Witness Duty**

Full and part time employees will be allowed up to twenty (20) paid days during any one fiscal year to serve on a jury. Staff members are paid for the time they are absent (up to 20 days) less any monies received



from the court for their jury duty service. Employees shall not be reimbursed for mileage or other expenses.

Jury duty shall be granted without any loss of credit to the employee's length of service with ECG. Sick Leave and other benefits will continue to accrue while the staff member is on jury duty. ECG shall have the right to request that the court consider postponing jury service if the staff member's absence would seriously interrupt the operations of ECG.

Staff members must give advance notice of the need for time off due to jury duty. A copy of the summons should accompany the request. Should a staff member be dismissed from jury duty at least four (4) hours prior to the end of the business day, the staff member is required to report back to work. Staff members are required to submit proof of their jury duty service for each day they report to jury duty.

ECG will also provide employees unpaid leave to appear in court or other judicial proceeding as a witness, as permitted by law, to comply with a valid subpoena or other court order. Employees should notify their supervisor of their commitment to serve on a jury or as a witness as far in advance as possible.

## **12. Time Off for Victims of Crime or Domestic Violence**

If you are a victim of domestic violence, sexual assault, or stalking, you may take unpaid time off to help ensure the health, safety, or welfare of you and/or that of your child. Specifically, you may take such leave for the following reasons:

- To obtain a temporary or permanent restraining order or other court assistance;
- To seek medical attention for injuries caused by domestic violence, sexual assault, or stalking;
- To obtain services from a shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking;
- To obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking; or
- To participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.
- If you need to take time off for any of the above reasons, you should notify your supervisor in advance, if possible. If your absence is unscheduled, you may be asked to provide documentation, such as a police report, court order, or other evidence that you appeared in court, or documentation from a counselor or domestic violence advocate. Although this leave is unpaid, you may use your accrued PSL, as appropriate, if you wish to receive compensation for this time off.

You may also take unpaid time off to recover from domestic violence, sexual assault, or stalking pursuant to the ECG's family and medical leave policy.

ECG does not tolerate any acts of discrimination, harassment, or retaliation against employees who are victims of domestic violence, sexual assault, or stalking. If you believe you have been the victim of any such act, please contact your supervisor, the Human Resources Department, or any another manager, as appropriate. ECG will maintain the confidentiality of requests for time off due to domestic violence, sexual assault, or stalking to the extent possible and as allowed by law.

## **13. Time Off for Victims of Crime**

An Employee who is a victim of certain crimes (violent felonies, felony thefts and serious felonies as

defined by law) or is an immediate family member of a victim, is a registered domestic partner of a victim or the child of a registered domestic partner of a victim will be given time off as necessary in accordance with the law. Employees may be required to provide reasonable advanced notice of the need for time off if feasible and documentation establishing the right to such time off may be requested. ECG will take all reasonable steps to maintain the confidentiality of any employee requesting crime victim leave. Employees should notify their supervisor of their need for time off as far in advance as possible. As applicable, an employee may use accrued sick leave for crime victim leave purposes.

**14. Volunteer Firefighter/Peace Officer/Rescue Personnel**

If you are a volunteer firefighter, reserve peace officer or emergency rescue personnel (including any officer, employee or member of a disaster medical response team sponsored by the state), you may take all necessary unpaid time off from employment to perform your emergency duty. You may also take up to 14 days of unpaid leave each calendar year for the purpose of engaging in fire, law enforcement or emergency rescue training. You must provide as much advance notice as possible to the Human Resources department and you must provide documentation of your need for leave. If you are a health care provider you must notify us at the time you become designated as “emergency rescue personnel” and when you are notified of deployment based on that designation.

**15. Time Off for Voting**

ECG encourages its employees to fulfill their civic responsibilities by participating in elections. Because polls are open from 7:00 a.m. until 8:00 p.m., employees generally are able to find time to vote either before or after their regular work schedule.

Employees who do not have sufficient time outside of their regular working hours to vote in a statewide election may request time off to vote. If possible, employees should make their request at least two days in advance of the election. Up to two hours of paid time off will be provided, at the beginning or the end of the employee’s regular shift, whichever will allow the most time for voting and the least time off work. Employees should notify their supervisor of their request and schedule time off to vote. Employees must submit a voter’s receipt on the first working day following the election to qualify for paid time off.

**16. Worker’s Compensation Leave**

Employees that are temporarily totally disabled due to a work-related illness or injury will be placed on workers’ compensation leave. The duration of their leave will depend upon the rate of their recovery and the business needs of ECG. Workers’ compensation leave will run concurrently with FMLA/CFRA or any other applicable medical leave of absence when the Workers’ Compensation leave will extend beyond 2 workweeks. Medical benefits will remain active during the FMLA/CFRA leave.

If an Employee’s Workers’ Compensation leave will extend beyond the 12 workweeks of FMLA/CFRA leave; the Human Resources Department will contact the employee to set up a reasonable accommodation meeting to determine if any additional leave can be accommodated. If any additional leave can be accommodated, they employee will be placed on inactive status and their medical benefits will be terminated; COBRA letters will be sent to the employee for the option of purchasing medical insurance.

If any additional leave cannot be accommodated, the employee will be placed on inactive status for the remainder of their Workers’ Compensation leave, their benefits will be terminated and their position will be filled, and COBRA be sent. At this time the employee will also be placed on a Rehire List for up to 1 year.

Anytime during the employee's inactive status if they are released from Workers' Compensation leave and there is a position open that they meet the qualifications for, Human Resources will contact them about filling the position. If at any time during the employee's Workers' Compensation leave or time on the rehire list, they employee finds other employment or wishes to resign their position at Excelsior, they will need to submit an official letter of resignation to the Human Resources Department.

### **17. Organ Donor/Bone Marrow Leave**

If you volunteer to donate an organ you may take up to thirty (30) days paid leave per year for this process or up to five (5) days paid leave for the donation of bone marrow.

You must give as much notice as is practicable and must provide certification of the medical necessity of the procedure. You will be required to use up to two weeks of any accrued paid leave (sick and/or vacation) for organ donation and up to five (5) days accrued paid leave (sick and/or vacation) for bone marrow donation. Depending upon the circumstances of the leave, FMLA/CFRA may apply to your request for donor leave.

You may take this leave incrementally, as medically necessary, or all at one time. All health benefits shall be maintained during this leave to the extent they exist at the time of the leave. This leave shall not be considered a break in service and the employee shall continue to accrue paid time off and other benefits as if they had continued working. The Employee shall be required to pay any portion of their benefits they are currently paying.

An employee shall not have any greater rights during this leave than if he or she had been actively working during this time but will be reinstated to their same or equivalent job prior to the leave. No employee shall be discriminated or retaliated against for taking an organ donation or bone marrow leave.

### **18. Civil Air Patrol Leave**

If you are a member of the California Civil Air Patrol, you are entitled to time off to serve when called, and you will be reinstated to your position when your service is complete. To request a leave of absence, submit documentation of your service to the Human Resources department.

### **19. Adult Literacy Leave**

Pursuant to California law, ECG will reasonably accommodate any eligible employee who seeks to enroll in an adult literacy education program, provided that the accommodation does not impose an undue hardship on ECG. ECG does not provide paid time off for participation in an adult literacy education. However, you may utilize accrued vacation if you want compensation for this time off. If you do not have accrued vacation available, you will be permitted to take the time off without pay.

### **20. Sabbatical Leave**

Sabbatical leave may be requested by management employees for a period not to exceed six months. Approval is determined on a case-by-case basis and at the sole discretion of ECG's COO.

Applicants must have been employed full-time with ECG for at least three years and must meet the following criteria:

- The employee's evaluations within past three years must have all been satisfactory or above with no unsatisfactory marks in any of the three previous years.
- The employee has not taken an unpaid leave of absence in the prior three years (not to include FMLA/CFRA related leaves or any other protected leave of absence).
- The employee shall complete HMR-22 (Work Sabbatical Leave Form) and turn it to the COO for consideration.
- The employee shall provide a detailed description and documentation of the work opportunity at least 1 month, when possible, prior to requesting the sabbatical leave.

No more than one employee per calendar year may be granted a work sabbatical.

Classified staff is not eligible for work sabbaticals.

Based on the above conditions, if leave is approved by the COO, the following conditions apply:

- The employee's compensation/ benefits will cease at time of leave for sabbatical.
- Sick time and personal necessity time is not accrued during sabbatical leave.
- ECG's workers' compensation coverage does not apply during sabbatical leave.
- Once the time period for a sabbatical leave is approved in writing, it cannot be extended without a written request from the employee and approval by the COO. (Under no circumstances will the leave be approved for a period exceeding 6 months).
- The employee shall notify his/her supervisor in writing at least two weeks in advance, if the sabbatical leave is being shortened to a period less than originally approved.

#### Requirements and Status upon Returning from Sabbatical Leave

At the expiration of a sabbatical leave, the employee may be restored to his/her "at-will" position or to a position of like nature on a case-by-case basis at the sole discretion of the COO.

Upon return the employee remains eligible for reinstatement of his/her at-will employment under policies, rules and regulations applicable at the time of employee's return.

NOTE: This leave is not intended to be an extension of FMLA/CFRA, STD/LTD workers' compensation and/or any other current benefit provided by ECG. This policy does not constitute a guarantee of continued employment. Rather employment with ECG is on "at will" basis.

## **VII. Employment Training, Evaluation and Separation**

### **A. Employee Reviews and Evaluations**

ECG will conduct performance reviews annually. The frequency of performance evaluations may vary depending upon length of service, job position, past performance, changes in job duties or recurring

performance problems.

The performance evaluations are intended to make the employee aware of his/her progress, areas for improvement and objectives or goals for future work performance. Favorable performance evaluations do not guarantee increases in salary or promotions or job retention. Salary increases and promotions are solely within the discretion of ECG and depend upon many factors in addition to performance. After the review, the employee will be required to sign the evaluation report simply to acknowledge that it has been presented to them, that they have discussed it with their supervisor, and that they are aware of its contents. The employee may make a written response to the evaluation. The response shall be attached to the evaluation and permanently placed in the employee's personnel file. The evaluation system in no way alters the at-will employment relationship.

## **B. Tuition Reimbursement**

The Staff Tuition Reimbursement Program has been developed to help ECG Employees further their knowledge, skills and job effectiveness through higher education in fields of interest to the organization.

The goal of the program is to reimburse eligible employees for educational expenses not covered by any other source of educational assistance.

The Human Resources department authorizes payment from ECG funds allotted for tuition reimbursement, and is responsible for administration, interpretation and approval/disapproval for this program. Only courses taken at nationally recognized accredited colleges, universities and technical schools will be approved for reimbursement.

### Eligibility

You are eligible for this program if:

- You are a regular, active, full-time or part time employee.
- Must have clear alignment between the employee's educational ambitions and the organization's needs.

### Amount of Reimbursement

Eligible employees will be reimbursed up to a maximum of \$1,000.00 per year.

*Based on the amount of reimbursement requests submissions for a specific fiscal year, all or percentage of the amount will be paid until the amount allotted for the yearly reimbursements is completely spent. Administration is allowed the discretion to limit tuition reimbursement to employees during the year for budgetary considerations. The fiscal year runs from July 1<sup>st</sup> to June 30<sup>th</sup>.*

### Allowable Reimbursement Costs

This program reimburses eligible employees for educational expenses not covered by any other source of educational assistance.

In order to be reimbursed, the employee must show proof of payment of educational expenses along with

proof of satisfactory course completion.

### Other Educational Assistance Benefits

This program does not duplicate other educational assistance an employee may receive. On the Benefit Application and on the Request for Payment Form, an employee must report any veterans' education benefits, scholarship or other financial aid received for course or degree program to be considered under this program.

If an employee receives education assistance, the amount reimbursable under this program will be based on the amount less any and all financial aid received as shown in the examples above.

### Acceptable Hours

Approved course(s) and or program(s) are not to be taken during regular working hours. Class attendance should not conflict with your job in any way. Any other arrangements during work hours must be discussed and approved by the employees' supervisor.

### Taxation of Reimbursement

Please check with your tax consultant regarding taxation rules and regulations for tuition reimbursement.

### Terminating Employees

If a staff member's employment ends with ECG for any reason, he/she will only be eligible for reimbursement if he/she satisfactorily completes said course(s) of study before his/her official date of termination.

### Appeal Process

If a Benefit Application is denied, an employee has the right to appeal the denial. Human Resources will notify the employee in writing as to the reason(s) behind the applications denial.

If an employee wishes to appeal the decision, the employee must submit, in writing, the reason(s) why the course(s) or program should be considered eligible for reimbursement. An Appeals Committee comprised of three (3) staff members will review appeals of this nature.

*NOTE: The Appeals Committee will notify the employee in writing of their decision upon review. Time constraints may make it impossible for the Appeals Committee to review an employee's appeal prior to course registration.*

## **C. Discipline and Involuntary Termination**

Violation of ECG's policies and rules may warrant disciplinary action, which may take multiple forms, including verbal warnings, written warnings, suspensions or termination. ECG's disciplinary system is informal and ECG may, in its sole discretion, utilize any form of discipline it deems appropriate under the circumstances, up to and including termination of employment upon the first offense. ECG's use of varying forms of discipline does not alter the at-will employment relationship in any way. Employment is at the mutual consent of the employee and ECG. Accordingly, either the employee or ECG can terminate the employment relationship at-will, at any time, with or without reason and with or without notice.

## **D. Voluntary Termination**

Either the employee or ECG may terminate the employment relationship at any time, with or without

notice and with or without cause. While it is not required, ECG requests that employees electing to resign give as much advance notice as possible (preferably two weeks) to allow ECG to plan for your departure. The Board authorizes the COO or designee to accept an employee's written resignation and to set its effective date. Once the COO or designee has accepted and set an effective date for this resignation, the employee may not thereafter withdraw the resignation.

An exit interview or survey may be scheduled on the last day of work with the Human Resources department. The purpose of the exit interview is to review eligibility for benefit conversion, ensure that all necessary forms are completed, collect any ECG property (including keys, equipment, documents and records) that may be in the employee's possession, review the employee's obligations regarding confidential information, and provide the employee with the opportunity to make any constructive comments and suggestions on improving the working environment at ECG. ECG appreciates receiving candid opinions of the employee's employment. Final pay will be provided in accordance with state law.

**EMPLOYEE HANDBOOK ACKNOWLEDGMENT**  
**AND AT-WILL AGREEMENT**

**ALL EMPLOYEES MUST READ THIS EMPLOYEE HANDBOOK AND FILL OUT AND RETURN THIS PORTION TO HUMAN RESOURCES WITHIN ONE WEEK OF RECEIPT.**

I have received a copy of the ECG’s Employee Handbook. I understand that it is my responsibility to carefully read and understand its contents and I agree to follow the policies stated therein. Unless specified otherwise in an agreement between ECG, and me I agree that ECG and I both have the right to terminate my employment at any time, with or without notice, and with or without cause. I further understand that transfers, demotions, suspensions, employee discipline, and changes in the terms and conditions of employment may be administered at the sole and absolute discretion of ECG. Unless specified otherwise in an agreement between ECG and me, I understand that I am an at-will employee.

I understand that these conditions of my employment may not be modified orally and may only be modified in a writing signed by the COO of ECG and me.

I understand that nothing in the Handbook is intended, nor should be construed, as a limitation of my right and ECG’s right to terminate the employment relationship at any time, with or without notice, and with or without cause, or ECG’s absolute right to transfer, demote, suspend, administer discipline, and change the terms and conditions of employment at its sole discretion. I understand that nothing in the Handbook is intended, nor should be construed, to create an implied or express contract of employment contrary to this express at-will agreement or to ECG’s absolute right to transfer, demote, suspend, administer discipline, and change the terms and conditions of employment at its sole discretion. I understand that ECG reserves the right to depart from and modify the policies stated in the Handbook at its sole discretion, with the exception of my at-will status and ECG’s absolute right to transfer, demote, suspend, administer discipline, and change the terms and conditions of employment. The foregoing constitutes the entire terms of the agreement between me and ECG regarding the duration and at-will nature of my employment and ECG’s absolute right to transfer, demote, suspend, administer discipline, and change the terms and conditions of employment at its sole discretion.

\_\_\_\_\_  
Employee Name (print)

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

\_\_\_\_\_  
Date