

**California Association for Bilingual  
Education**

**Employee Handbook**



January  
2017

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# 1. INTRODUCTION

## A. Introduction

Welcome to the California Association for Bilingual Education (CABE), a non-profit corporation made up of members and chapters statewide who are committed to educational equity through effective bilingual education for all limited English proficient students.

This handbook is a summary of CABE's personnel policies, work rules and benefits. Please understand that this Handbook explains organizational policies, practices and benefits for your personal benefit and is not intended to be an official policy and procedures manual. The handbook is not intended to be a contract (express or implied), nor is it intended to otherwise create any legally enforceable obligations on the part of CABE or its employees. This handbook supersedes and replaces all previous personnel policies, practices and guidelines.

The Board of Directors may change policies from time to time as needed. The Board reserves full discretion to add to, modify, or delete provisions of this handbook, or the policies and procedures on which they may be based, at any time without advance notice. After Board action, employees will be given written notice of any changes in policies, procedures and practices. Although updated pages of the Handbook will be provided to all employees as policies and provisions of this Handbook are revised, it is the responsibility of the employee to check with the Chief Executive Officer to obtain current and specific information regarding any particular policy, procedure or practice.

The Chief Executive Officer is responsible for administering the policies and procedures for CABE. Recommendation for changes in the policies and procedures are brought to the Executive Committee (which also serves as the Personnel Committee) of the Board of Directors for review. The Administrative Committee's recommendations are then presented to the Board of Directors for final approval.

This Handbook is the property of CABE and is intended for each employee's own personal use and reference as an employee of CABE. Each employee will be given a copy of this Employee Handbook and is responsible for knowing its contents. At the back of this Handbook are two copies of an Acknowledgement of Understanding, Confidentiality Statement, Email/Internet Policy and Use of CABE's Computers forms. Please sign one copy of the form and return it to the Chief Executive Officer. Retain the other copy as part of your handbook. CABE will keep forms on file as a record that you received the handbook and read and understand the Confidentiality, Email/Internet and Use of CABE's Computer Policies. If you have any questions concerning any employment related matter, please discuss the matter with your immediate supervisor or the Chief Executive Officer.

## **B. Members of the Board of Directors**

President

Vice President

President Elect

Director of State & Legislative Affairs

Director of Financial Affairs

Director of Community Affairs

Director of Paraprofessional Affairs

Director of Secondary & I.H.E. Affairs

Director of Parent Relations

Region I Representative

Region II Representative

Region IV Representative

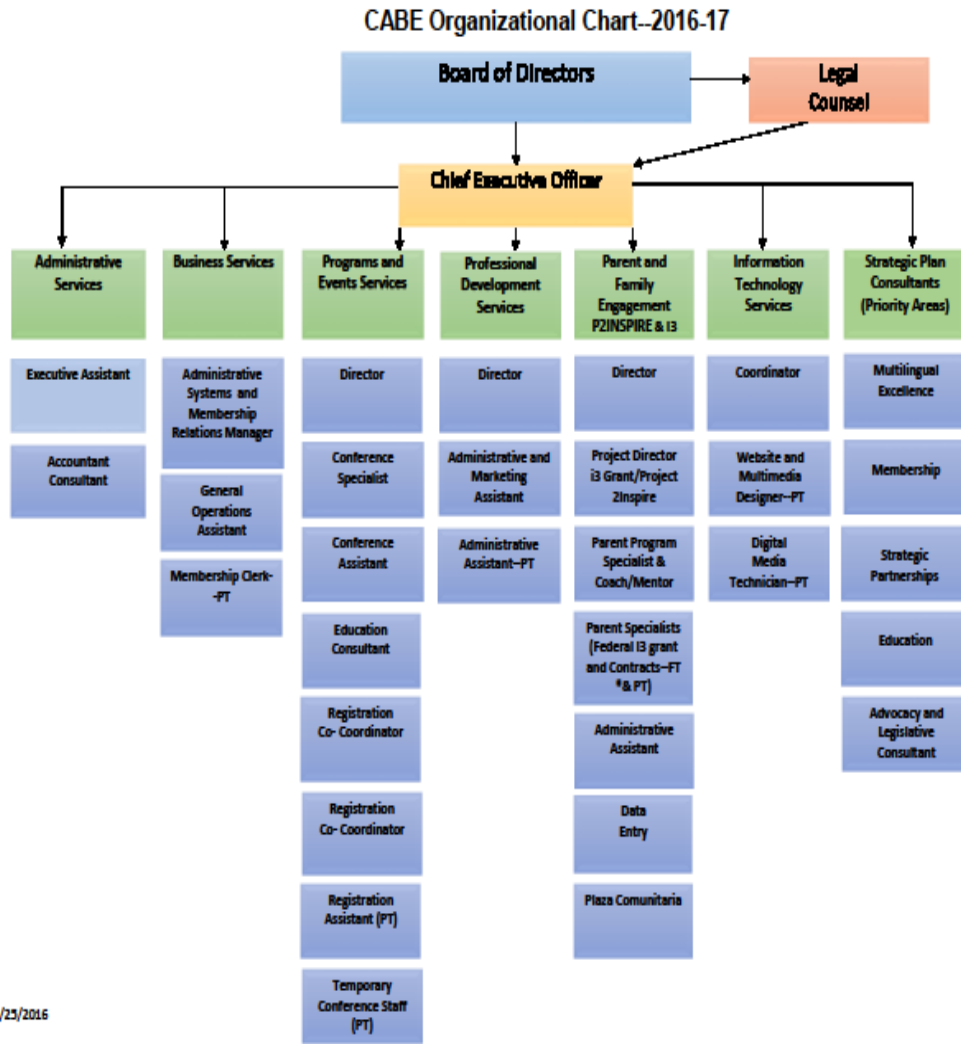
Region V Representative

## **C. Equal Opportunity Policy**

It is CABE's policy to provide equal employment opportunity for all applicants and employees. CABE does not unlawfully discriminate on the basis of race, color, religion, sex (including pregnancy, childbirth or related medical conditions), national origin, ancestry, age, physical disability, mental disability, medical condition, family care status, veteran status, marital status, or sexual orientation. CABE also makes reasonable accommodations for disabled employees. Finally, CABE prohibits harassment of any individual on any of the bases listed above. For information about the types of conduct that constitute impermissible harassment and CABE's internal procedures for addressing complaints of harassment, the legal remedies available through and complaint procedures of the appropriate state and federal agencies, and directions on how to contact these agencies, please see Section 7, *Policies and Customs* in this handbook.

This policy applies to all areas of employment including recruitment, hiring, training, promotion, compensation, benefits, transfer, CABE-sponsored programs and social and recreational programs. It is the responsibility of all managers and employees to conscientiously follow this policy.

## D. Organization Chart



## 2. EMPLOYMENT

### A. Employment Criteria and Procedures

In conjunction with the Equal Opportunity Policy, CAFE seeks to recruit, select and recommend for employment the best available individual for any given position solely on terms of qualifications and CAFE staffing and program needs.

All job applicants will be required to fill out a job application for initial screening. Those applicants passing the screening process may be invited for an interview. In addition to interviews given an applicant, employee references and information contained in the application form are used in determining the qualifications for employment.

All information submitted by applicants is subject to verification. Applicants who provide false information will be eliminated from consideration for the position. If employed, falsification of information is cause for immediate termination.

Each employee will be required to complete the Form I-9 Employment Eligibility Verification. All employees are required to produce ~~this~~ documentation of their legal right to work in the United States within three (3) days of date of hire.

At the time of hiring, a CAFE employee is required to fill out a W-4 Employees Withholding Allowance Certificate. This information will be submitted to HR and used for processing payroll. An employee may change his or her withholding depending on specific events such as change in marital status, or exemptions, adjustments, deductions, or credit s/he expects to claim.

If an event changes the employee's withholding status or the number of allowances the employee is claiming, s/he must give the employer a new W-4 form within 10 days after the event. If the submission of a W-4 adjustments includes exemption of state and federal income tax, a CAFE Personal Action Notification form needs to be processed by HR.

As an employer, CAFE normally will allow up to four W-4 adjustments per year to support clear and accurate HR and payroll procedures. New W-4s submitted will become effective on the first payment of wages after the next status determination date (January 1, May 1, July 1 and September 1). While the employee has the right to change their withholding status, CAFE as an employer, also is required to monitor that all W-4 forms submitted are valid per IRS Guidelines:

*If an employee claims exemption from withholding, CAFE will not withhold federal income tax from their wages. The exemption applies only to income tax, not to Social Security or Medicare tax. An employee can claim exemption from withholding for the current year only if the employee verifies that both of the following situations apply.*

- *For the prior year, she/he had a right to a refund of all federal income tax withheld because she/he had no tax liability.*
- *For the current year, the employee expects to a refund of all federal income tax withheld because she/he expects to have no tax liability.*

(IRS Guidelines-<http://www.irs.gov/Individuals/Employees/Tax-Withholding>)



If CAFE questions the accuracy of a W-4 adjustment submitted by an employee, he/she will be invited to a meeting with administrative and fiscal staff to discuss the information submitted.

Each new employee will receive a written job description approved by the Chief Executive Officer. The employee will sign and return the job description. Employees will be given a copy of the signed job description. A copy of all job descriptions may be obtained from the Administrative Systems/Membership Manager.

## **B. Employment Relationship**

1. All employees, with the exception of the Chief Executive Officer Manager.

During the course of employment with CAFE, each employee is free to leave at any time for any reason, and CAFE reserves a similar right. Both the employee and CAFE have the right to terminate the employment relationship at any time, with or without advance notice and with or without cause. This is called "employment at will," and no one other than the Board of Directors has the authority to alter this arrangement, to enter into an agreement for employment for a specified period of time, or to make any agreement contrary to this policy. Furthermore, any such agreement must be in writing, approved by the Board of Directors and signed by the President of the Board of Directors or the Board's designee.

2. Chief Executive Officer

The Board of Directors determined that the CEO position is a contract position:

3. Relatives of current employees may not occupy a position that will be working directly for or supervising their relative. For purpose of this policy, "relatives" are any persons who are related to each other by blood or marriage or whose relationship is similar to that of persons who are related by blood or marriage or whose relationship is similar to that of persons who are related by blood or marriage. CAFE also reserves the right to take prompt action if an actual or potential conflict of interest arises involving relatives or individuals involved in a dating relationship who occupy positions at any level (higher or lower) in the same line of authority that may affect the review of employment decisions. If a relative relationship is established after employment between employees who are in a reporting situation described above, it is the responsibility and obligation of the supervisor involved in the relationship to disclose the existence of the relationship to management. In other cases where a conflict or the potential for conflict arises because of the relationship between employees, even if there is no line of authority or reporting involved, the employees may be separated by reassignment or terminated from employment. Employees in a close personal relationship should refrain from excessive personal conversation.

The terms and conditions of employment for the employees serving in these positions are set forth in a written employment contract with CAFE. Any written employment contract must be approved by the Board of Directors and signed by the President of the Board or the Board's designee.

### **C. Introductory Period**

With the exception of those employees under written employment contract as specified in paragraph B. 2) above, each new employee must satisfactorily complete an introductory period of six (6) months, measured from his or her initial date of employment. At CABE's discretion, the introductory period may be extended one or more times.

CABE or the employee may terminate the employment relationship during the introductory period, with or without cause and with or without prior notice.

A review meeting with the supervisor will be conducted prior to the end of the six (6) month period. An employee who received an unsatisfactory review may either be terminated or the introductory period may be extended at the discretion of the management.

The successful completion of the introductory period, however, does not mean that the employee is guaranteed employment for any specific duration, nor does it change the at-will status of regular employment.

### **D. Communication with the Supervisor**

The success and strength of any agency and the progress and well-being of its individual employees depend in a large measure upon an open, responsive and on-going two-way system of communication fostering an effective, mutual, respectable and beneficial exchange of ideas.

In the supervisor's day-to-day contact with the employee, he/she is responsible not only for keeping the employee informed on CABE matters relevant to the employee's work, but also for bringing to the attention of management those problems and areas of concern and interest which may affect, directly or indirectly, the relationship between CABE and its personnel. Therefore, in order to maintain a meaningful dialogue, the communication between employee, supervisor, and CABE must be candid and free-flowing, responsive to employee mutual concerns, and sensitive to both.

### 3. GUIDELINES AND PROCEDURES FOR WORK HOURS

CABE may permit flexible work arrangements for its employees with the approval of the respective supervisor and Chief Executive Officer. CABE Hours of Operations: Monday through Thursday, 8:30 a.m. to 5:30 p.m., excluding holidays.

Before a flexible work arrangement is authorized for an individual, the supervisor should evaluate whether or not the proposed schedule change will create workflow complications. Flexible work arrangements are generally implemented upon a request from the employee. However, supervisors may also suggest flexible work arrangements for employees. Flexible work arrangements that would result in a loss of supervisory oversight should not be granted to any employee where there are performance concerns. The quality of work must remain satisfactory during the flexible work arrangement. Documented concerns about performance or conduct may be cause of withdrawing or denying flexible work arrangements.

The supervisor and/or Chief Executive Officer can revoke alternative work arrangements if the needs of the department change or if performance concerns develop. **No assignment of a flexible work arrangement is to be considered permanent by the employee or supervisor.**

A pilot period is advised when trying out a flexible work arrangement prior to making a longer term commitment by either the employee or the supervisor. Usually, a pilot period will not exceed 30 days, but may be extended.

#### Flexible Work Arrangement Request Procedures

Flexible work arrangements are established by each department, in cooperation with the Chief Executive Officer and/or director. The immediate supervisor, with the approval of Chief Executive Officer or director, determines if a flexible work arrangement is appropriate for his/her department and for which positions.

1. The employee initiates a request for a flexible work arrangement by complete the Work Schedule Form
2. The supervisor must authorize or deny the request based upon the operational needs of the department and considering other requests.
3. If the proposal is approved, the supervisor and Chief Executive Officer sign the Work Schedule Form. Copies are then given to: the employee, the Business Manager, the Chief Executive Officer and a copy is kept in employee's file.
4. Management reserves the right to end or modify the flexible work arrangement at any time.

#### **A. Pay Period**

Salaries and wages for full-time and part-time employees shall be paid biweekly or as stipulated in a contract. In the event payday falls upon a holiday, the checks will be distributed on the day prior to the holiday.

#### **B. Full-Time: Work Schedule**

CABE offers employees different weekly work schedules based on the time of year and/or required

schedules: 1) Four-day work week -10 hr./day; 2) Five-day work week – 8 hr./day; 3) 9:80-Monday-Thursday. Alternate Fridays off.

The beginning work time is customarily no earlier than 7:00 a.m. and no later than 6:30 p.m. with half hour (30 minutes) meal period and two 10 minute breaks (one in the morning and one in the afternoon). **Note: An employee is not permitted to work through lunch to leave early.** Employees may request and adjusted work schedule to be approved by CEO.

### **C. Supervisor/Chief Executive Officer Responsibilities**

It is the supervisor's responsibility to manage flexible work arrangements with other requests such as annual leave, compensatory time off (CTO) and sick leave to ensure proper coverage for the department. There may be times when a supervisor will have to temporarily adjust an individual's schedule in order to meet the operational needs of the department/organization. In such cases, the employee will be given as much notice as possible, but may not receive less than one day notice of a schedule change.

Flexible work arrangements may limit the supervisor's ability to directly observe the employee's performance. In such instances, the supervisor must develop alternative methods for evaluating the employee's performance.

The supervisor should clearly define for the employee what steps should be taken when a problem arises during the flexible work arrangement period if the supervisor is not present.

### **E. Timekeeping Practices and Timesheets**

All employees are required to clock in and out virtually on the Telepayroll website and/or to maintain their own personal and accurate time card of actual time worked. This records shall include electronic time record, where applicable, the beginning and ending work time, overtime, vacation, and absences, including authorized and unauthorized absences.

Timesheets must accurately reflect time worked on an hourly basis for non-exempt employees. Supervisors are prohibited from setting up informal tracking systems that are different then the time reported on the timesheets. All staff are provided a 30-minute lunch period included in their work day.

Completed and signed time sheets and electronic timekeeping and are due Monday morning and should be submitted to the employee's supervisor for approval.

### **F. Sick Time**

All full-time employees are eligible for up to 10 days paid sick leave for each calendar year. These benefits are accumulated at the rate of 6.67 hours per calendar month of service. Permanent part-time employees working 20 hours or more a week are eligible for sick leave Employees accrue sick leave during their introductory periods of employment. Employees may not use sick leave during their introductory period except with approval by the Chief Executive Officer. Temporary employees are ineligible to earn or receive sick leave benefits.

- Sick leave may be taken for personal illness or injury or disability.
- Hours absent for medical and dental appointments will be treated as sick leave.
- CAFE reserves the right to request medical verification from a licensed health care provider for any absence due to illness, injury or disability. For absences which exceed three working days, medical verification from a licensed health care provider will be required upon return to work. Sick pay may be denied if a satisfactory medical verification is not received.

No employees will receive pay in lieu of sick leave under any circumstances, nor can sick leave be used as additional vacation days. Employees will **not** receive pay for unused sick leave on termination of employment.

All employees must notify their supervisor or the office if the supervisor is not available, of an absence as soon as the circumstances allow.

## **G. Personal Necessity**

Four (4) days per year of leave may be used for personal necessity. Employees will not receive pay for unused personal time upon termination of employment.

Use of a Personal Holiday should be approved by the supervisor in advance. The immediate supervisor will monitor the hours of all employees under his or her supervision.

## **H. Overtime Work**

Overtime work is work ordered or approved in advance by management and is in excess of the compressed work schedule's (10 hours per day) basic work requirement.

### **Nonexempt Employees**

All nonexempt employees who work more than eight (8) hours in one workday or more than forty (40) hours in one workweek will receive overtime pay computed as follows:

1. Approved overtime compensated at a rate of 1½ times the employee's regular rate of pay will be provided for:
  - a. all hours worked in excess of forty (40) in one workweek;
  - b. the first four (4) hours in excess of eight (8) in any one workday;
  - c. the first eight (8) hours on the seventh day of work in one workweek.
2. Approved overtime compensated at the rate of two (2) times the employee's regular rate of pay will be provided for:
  - a. all hours worked in excess of twelve (12) in one workday;
  - b. all hours worked in excess of eight (8) on the seventh day of work in one workweek.

Nonexempt employees may receive compensatory time off at their regular rate of pay for all hours worked on CAFE authorized holidays as defined in this Handbook. Compensatory time off for

all hours worked, other than those hours worked on CABE authorized holidays, is not authorized.

A nonexempt employee may not work overtime without **prior** written approval of his or her supervisor.

A workday on which overtime calculations will be based is defined as a consecutive 24-hour period beginning at 12:01 a.m. every day. A work week is defined as the period in any given week between 12:01 a.m. Monday through 12:00 a.m. Sunday.

### **Exempt Employees**

Exempt employees are paid a monthly salary as stated in their contracts or as required due to their position with CABE. They are not covered by the overtime provisions and do not receive overtime pay.

Flex Time: Exempt employees may receive Flex Time off for all weekend hours worked beyond those required to carry out their regularly assigned/scheduled duties. Examples:

- a. weekend meetings/events not part of a typical or regularly expected schedule
- b. Extended hours required to supervise staff, but not required to complete work load

Flex Time Policy: Hours worked are accrued as flex time and approval must be obtained before using these earned flex time hours. Once your flex time is accrued, an Flex-time must be submitted within one (1) week of worked weekend day for approval by Chief Executive Officer and used within six (6) months from the time accrued.

Flex-time files are maintained by supervisor and Administrative Systems/Membership Relations Manager and entered manually into electronic payroll system (i.e. Telepayroll)

## **I. Increase in Hours for Part-Time Employees**

A temporary increase in the hours of the assignment of a regular part-time employee does not entitle the employee to a permanent increase in hours, nor does it entitle the employee to a temporary increase in vacation benefit, medical, dental and life insurance coverage, leaves of absence, and any other benefits provided by CABE.

## **J. Breaks and Mealtime**

All nonexempt and exempt employees who work an eight (8) hour day are entitled to a minimum of at least thirty (30) minutes for mealtime which is compensated and two (2) ten (10) minute breaks per day, one during each four hour period. According to CABE Policy, employees are entitled to a one-half hour meal break. For the benefit of the employee, working through lunch without taking a meal break is not permitted. An employee may take more than a one-half hour lunch period with prior approval of his or her immediate supervisor for one occasion with work schedule adjusted to reflect the extra time. If more than one occasion is needed, prior approval of the Chief Executive Officer is required.

## **K. Lateness/Tardiness**

All employees are expected to be present and prepared to commence work at the predetermined time established upon employment. If an emergency is likely to be the cause of tardiness for more than one half-hour, employee is expected to telephone his/her supervisor first and give the expected time of his/her arrival.

Repeated or unexcused lateness/tardiness, or both, may subject an employee to discipline, up to and including termination.

Any time off taken without proper verification (i.e. through phone contact or email) will be computed as vacation for payroll purposes until otherwise clarified.

## **L. Absenteeism**

In order that CABE may meet its high workload requirements, each employee is needed and expected to be regularly on the job, at their work area, ready to work, when the workday begins and to work up to the time that the workday ends. If for any reason an employee is unable to work all or part of a workday, the employee is responsible for notifying his/her supervisor in advance, when possible, but not later than the beginning of that day. If the employee is unable to notify his/her supervisor in advance, the notification should be at the earliest practical time.

Absences are excused when they are authorized by the immediate supervisor or approved as a leave of absence in accordance with the *Leave of Absence* policy on Section 6, pages 24-27. Unexcused absences may result in discipline, up to and including termination.

Failure to notify your supervisor for one or more day(s) of absence is an unexcused absence.

## **M. Payroll Deductions**

CABE and Federal and state laws require the following payroll deductions from every paycheck:

- Federal withholding tax
- State withholding tax
- Social Security taxes (FICA) up to the required annual amount
- State Disability Insurance (SDI)
- Federal and State Unemployment Insurance
- Insurance premiums for coverage of the employee's dependent(s)
- Other items as required by law

Other deductions may be made from an employee's paycheck with the employee's written permission.

## **O. Garnishments**

When notice of garnishment is received, an employer must retain funds due. The employer must disclose to the creditor the amount of wages currently due the employee. The Business Manager

should immediately notify the employee of the garnishment and its effect on his/her pay. The specified garnishment will be held from the employee's pay until a release from the creditor is received by the employer or a court order is received discontinuing payment to the creditor.



## 4. SICK LEAVE POOL POLICY AND GUIDELINES

The Sick Leave Pool is a benefit that provides eligible employees with additional sick leave in the event of a catastrophic injury or illness that exhausts all other accrued paid leave. Employees must complete a Sick Leave Donation Form and contribute leave annually for continued eligibility for Sick Leave Pool benefits.

The policy is intended to benefit all regular employees of CABA who normally work 40 or more hours per week.

The Sick Leave Pool shall be administered by a Coordinating Council (*composed of Business Manager, CEO, and Department Managers*).

### Contributing Leave to the Sick Leave Pool

1. Any full-time employee may donate sick time minimum 4 hours up to 40 hours. An employee who has less than 160 hours of sick time may only give a maximum of four (4) hours. Contributions to the Pool are strictly voluntary and must be submitted in writing to the Coordinating Council. The Coordinating Council will review the contribution for compliance with the policy.
2. Employees who completed six (6) months of service as a regular employee may contribute not less than 4 hours and no more than 40 hours of sick or personal leave to the Pool per fiscal year.
3. Employees may not stipulate who is to receive their contributions to the Pool.
4. Employees who contribute leave to the Pool cannot take back donated hours unless they become eligible to use it in accordance with the Sick Leave Pool policy.
5. Contributions to the Pool are not tax deductible.

### Withdrawing Leave from the Sick Leave Pool

1. A CABA employee must be a member of the Sick Leave Pool in order to receive sick leave donation.
2. An employee must complete a Sick Leave Donation Form to become a member of the Sick Leave Pool.
3. An employee may qualify for leave from the Sick Leave Pool if he/she, or dependent family member, has experienced a catastrophic injury or illness or no longer has the use of sick leave, vacation and personal leave time available.
4. “Dependent family member” is defined as a parent, spouse or child (stepchild, adopted child or foster child).
5. A “catastrophic injury or illness” is defined as a severe condition affecting the physical or mental health of the employee or dependent family member.
6. While an employee must have applied for Family and Medical Leave (FMLA) in order to qualify for Sick Leave Pool benefits, an employee who is eligible for FMLA due to a “serious medical condition” may or may not be eligible for Sick Leave Pool benefits. The definition of catastrophic illness or injury in this policy is more severe than a “serious medical condition” as defined by FMLA.

7. Requests for leave must be made in writing to the Coordinating Council approximately two (2) weeks before the employee is expected to exhaust paid leave, and must include supporting documentation. Of need from the treating physician who is a board certified specialist in the treatment of such illness or injury.
8. Should an employee's condition make it impossible for them to submit a request in writing, then a family member, friend or co-worker may make the submission on their behalf.
9. An employee who has been granted Sick Pool Leave will continue to be eligible up to the maximum leave available for the catastrophic illness/injury for which they were approved regardless if they cross plan years, and cannot renew membership because they have exhausted all paid leave.
10. Requests may not be made retroactively for leave already taken prior to the current pay period.
11. The Coordinating Council will review requests for eligibility and grant leave on a first-come, first-served basis. All requests will be reviewed and approved/denied within ten (10) working days of receipt.
12. Assuming that the applicant has met all the stated requirements of this policy and provided certification of need from a physician, Coordinating Council will grant the applicant's request for leave for up to four (4) weeks leave or 1/3 of the remaining balance in the Sick Leave Pool, whichever is less.
13. Any unused sick leave granted to an employee will be returned to the Sick Leave Pool. Leave is considered to be unused if the employee is able to work for one consecutive month without drawing on the sick leave granted under terms of this policy.
14. Employees will not accrue sick and personal leave while using leave from the Sick Leave Pool.
15. Employees are required to participate, based on physician evaluation, in work flextime, part-time or light-duty schedules while drawing leave from the Sick Leave Pool.
16. Use of Sick Leave Pool hours will not be considered "hours worked" in the calculation of overtime.
17. Employees are not eligible to withdraw leave from the Sick Leave Pool when leave is due to an employee's work-related injury while eligible for workers' compensation benefits
18. Employees may not receive disability benefits (any type of disability benefits) and Sick Leave Pool leave if the combination of benefits will be more than your pre-disability earnings.

Granting of leave from the Sick Leave Pool, or use of such leave, will not change the terms of employment, nor will it alter policies that regulate employment.

## 5. EMPLOYEE BENEFITS

### A. Holidays

CABE provides for the following paid holidays for all employees regardless of the day of hire:

New Year's Eve Day	Independence Day
New Year's Day	Labor Day
Martin Luther King Day	Thanksgiving Day
President's Day	Day after Thanksgiving
Good Friday	Christmas Eve Day
Cesar Chavez Day	Christmas Day
Memorial Day	

Full-time employees will receive the applicable day off with pay for the above recognized holidays. Permanent part-time employees working a minimum of twenty (20) hours per week and who are normally scheduled to work the day of the week of the recognized holiday will receive pay for the hours they would normally work. Temporary part-time employees are not eligible for paid holidays on days they are not scheduled to work.

Per Board approval, the CABE office is closed for two-weeks during the Christmas/New Year's holiday season. Permanent FT and PT employees receive compensation during this time off.

When a scheduled holiday falls on Sunday, CABE will observe the holiday on the following Monday. When a scheduled holiday falls on a Friday or Saturday, CABE will observe the holiday on the preceding Thursday or Friday.

- Holidays that occur during vacation will not be counted as vacation days;
- All employees are ineligible for holiday benefits that occur while on leave of absence; and
- Temporary employees are not entitled to paid holidays.

Per Board approval, the CABE office is closed for 5 working days following the annual conference. Full-time exempt staff are fully compensated. Non-exempt and PT employees receive two compensated days off and must use personal/vacation/flextime to cover remaining days.

### B. 403B Pension Plan

CABE will contribute 1% of the employee's salary to the designated CABE Pension Plan after becoming eligible six (6) months, and 4% in all subsequent years. The Accounting Department works in conjunction with the Plan Administrator to enroll eligible employees into this service. Employees will be fully vested after three years of service in the pension plan. No matching funds are necessary from employee to participate.

### C. Vacation Benefits

CABE has established a vacation policy to provide those full-time employees who have completed a six (6) month period of introduction with a period of rest and relaxation without loss of pay or

benefits. Vacation days will be granted as follows:

- First year of employment 1 week @ 3.33 hours accrued per month
- 2-5 years of employment 2 weeks @ 6.67 hours accrued per month
- 6 or more years of employment 3 weeks @ 10.00 hours accrued per month

All full-time employees begin accruing vacation benefits on the date of hire.

All part-time employees working a minimum of twenty (20) hours per week begin accruing vacation benefits on the date of hire. Temporary employees and employees who work less than twenty (20) hours per week do not accrue vacation benefits.

Employees are required to submit in writing to their immediate supervisor their proposed vacation plans for approval at least two (2) weeks before they would like to take their vacation.

All employees may choose to receive pay in-lieu-of vacation when more than 80 hours are accrued and if pay-out allows at least 80 hours of vacation time to remain available for use. This pay in-lieu-of vacation can only be requested one time per year in June.

Employees positions are allowed to carry over no more than 160 hours of accrued vacation. Once this maximum is reached, all further vacation days must be taken before June 30; otherwise, employee must apply for a vacation payout (Please refer to the *Vacation Payout Guidelines and Procedures* below). On termination of employment, the employee will be paid all accrued but unused vacation.

#### Vacation Payout Guidelines and Procedures

1. On the last pay period of May any person with excess hours (more than 80 hours) may request a vacation payout in writing.
2. A Request for Payout form must be submitted to accounting for review and approval of the Chief Executive Officer by the first pay period in June if payout is requested.
3. Pay in-lieu-of vacation will be included in the employee's payroll check in the second pay period in June.

### **D. Group Medical, Dental, Vision and Group Life Insurance**

CABE pays the premiums for the employee's medical, dental, vision and life insurance coverage as provided in "Section E, Eligibility for Insurance Coverage" below. For any questions concerning coverage, employees may speak with the in-office benefits administrator (Executive Assistant).

### **E. Eligibility for Insurance Coverage**

#### **Full-time Employees**

Full-time employees are eligible for group medical, dental, vision and life insurance coverage after a 60-day waiting period. Medical, dental, vision and life insurance coverage will begin in accordance with the terms of the insurance carrier contracts. Employees are advised of the details

of coverage by the in-office benefits administrator (Executive Assistant). CABE pays the premiums for all eligible full-time employees for group medical, dental, vision and life insurance coverage. These premiums are not to exceed the benefit allocation predetermined by CABE Management or the level allowed for all staff members.

### **Part-time Employees**

Part-time employees who are hired to work 30 hours or more a week on a regular basis are eligible for group medical, dental, vision and life insurance coverage after a 60-day waiting period. CABE pays the pro rata share of the premiums for the group medical, dental, vision and life insurance coverage.

Part-time employees who work less than 30 hours per week may purchase their health insurance through the Health Exchange at [www.healthcare.gov](http://www.healthcare.gov).

### **Dependents**

Employees may enroll family members in the medical, dental and vision insurance plans. The full cost of these insurance plans for dependents shall be paid by the employee and deducted from his/her payroll check. There is no life insurance coverage available for dependents via the CABE employee benefits.

### **Temporary**

Temporary employees are not entitled to any group medical, dental, vision and life insurance coverage.

## **F. Unemployment Insurance**

CABE is required by law to make contributions for employees' State Unemployment Insurance benefits. Information on unemployment insurance may be obtained from the State Employment Development Department.

## **G. State Disability Insurance**

Employees who suffer a non-work related illness or injury may be entitled to State Disability Insurance (SDI). State law requires all employees to participate in the program. This contribution is automatically deducted from employees' paychecks. The amount of contribution changes annually according to State law.

Employees can apply for State Disability Insurance benefits on the first day of hospitalization or after the eighth consecutive day of illness. Claims must be mailed to the California State Employment Development Department no later than the twentieth day after the first compensation day if employees are to receive credit from the time they first became disabled.

Employees are responsible for completing the claim, and doctor's certificate forms, and mailing

them to the State Department. Applications and information are available from their doctor's office or hospital.

## **H. Workers' Compensation Benefits**

CABE is required by law to furnish Workers' Compensation Insurance coverage at its expense. Workers' Compensation Insurance is intended to provide medical care and pay for lost time resulting from illnesses caused by the employee's work and injuries on the job. There is a waiting period for certain benefits to be effective. If an employee has a job related illness or injury, the illness or injury must be reported immediately to his/her supervisor in order for the proper reports to be filled out.

## **I. Social Security Benefits**

The Federal Insurance Contribution Tax (Social Security) deduction is required by federal law. The Social Security deduction from an employee's paycheck is matched by an equal amount paid by CABE.

Employees requiring information on Social Security benefits should contact the nearest Social Security Administration office.

## **J. Automobile Insurance**

### **Insurance Coverage**

Each employee who is required to use his or her automobile for job related tasks performed outside of the office, is required to have automobile insurance and provide proof of such coverage to the Business Manager. While CABE's automobile insurance covers employees who perform job related tasks outside the office which require the use of an automobile, the employee's automobile insurance shall be primary insurance and CABE's insurance is secondary insurance.

### **Drivers' Responsibilities**

Drivers are responsible for obeying all traffic laws and regulations and extending the courtesy of the road. Drivers are responsible for promptly reporting any accidents which occur while performing business for CABE.

Instructions in the event of an accident:

- In case of injury, take appropriate action, e.g., seek medical attention, etc.
- Stop! Do not leave the scene.
- Get description and license number of all cars involved.
- Get names and addresses of all occupants and as many witnesses possible.
- Do not accept responsibility or otherwise discuss the accident with anyone other than police authorities.
- Be courteous. Engage in no controversies at the scene of the accident.

- File official report with the local police or Highway Patrol, if possible.
- Contact CAFE and inform them of accident. File an accident report for CAFE.

#### **K. Travel and Mileage Reimbursement**

Employees may receive reimbursement for work-related travel at the rate of reimbursement established by the CAFE Board of Directors. The Guidelines and Request for Travel and Expense Reimbursement form must be completed and submitted to your immediate supervisor for approval. This form is found on the CAFE website at <http://www.gocafe.org/index.php/staff/>.

#### **L. Staff Development**

Staff development may be available to employees upon request by the employee. Any requests for staff development must be processed through the Chief Executive Officer.

## 6. INFORMATION ON CABE'S LEAVE OF ABSENCE POLICY

CABE complies with all Federal and State laws and regulations for an employee's leave of absence. Since these laws and regulations change from time to time, CABE will update this Employee Handbook as necessary; however, any employee seeking a leave of absence should make his or her own inquiries about changes in the laws which may impact him or her.

First, the Family and Medical Leave Act (FMLA) under the United States Department of Labor, 29 Code of Federal Regulations Part 825, does not apply to CABE since CABE employs fewer than fifty employees.

Second, the California Family Rights Act (CFRA) under Government Code section 12945.2 also does not apply to CABE since CABE employs fewer than fifty employees.

Third, Paid Family Leave Insurance under the California Employment Development Department does apply to CABE employees since the employees are covered by State Disability Insurance (SDI). Specific rules and procedures apply to health conditions, payments of benefits, and claim procedures, with which an employee must comply. Please check with the appropriate State department. Payment of up to 55% of an employee's salary (based on a quarter system) for up to six weeks during any one twelve-month period may be paid by the State to the employee but there is no requirement that CABE must hold the employee's job open when he/she wants to return from leave. In general, a claim for Paid Family Leave Insurance benefits must be submitted to the California Employment Development Department by an employee if the employee is off work for the following reasons:

- a. to care for a seriously ill child, spouse, parent, or registered domestic partner; or
- b. to bond with the employee's new child or the new child of the employee's spouse or registered domestic partner; or
- c. to bond with a child in connection with the adoption or foster care placement of the child with the employee or the employee's spouse or registered domestic partner.

Fourth, any employee who is disabled because of pregnancy should consult her State Disability Insurance (SDI) office for benefits and rules and regulations.

CABE provides to its employees a leave of absence (paid and unpaid as noted in the following sections) in accordance with the following provisions.

### **A. Legally Required Leaves of Absence**

An employee will be granted a leave of absence as required by law for the purpose of fulfilling any required legal obligation. Employees are required to provide reasonable advance notice of any need for such leave and are expected to return to work each day or portion of the day that they are not fulfilling the required legal obligation. Legal obligations include, but may not be limited to:

- Jury duty



CABE encourages all eligible employees to serve on jury duty but reserves the right to request that the employee be excused from jury duty where there will be undue hardship to CABE. All full-time and part-time employees (those working 20 hours or more a week) who are called to serve on a jury may receive their wages or salary during the leave, offset by any amounts received as jury fees (excluding mileage reimbursement) for up to ten working days. Part-time employees (those working 20 hours or more a week) are entitled to receive their wages or salary on a pro rata basis. Any absence beyond ten working days shall be unpaid leave.

- Appearance as a witness in a legal proceeding  
When an employee is a witness (either under subpoena or as a volunteer) in proceedings related to CABE business, the leave of absence may be granted with full pay but any fees paid for the employee's appearance will be endorsed for payment to CABE. When an employee is a witness (either under subpoena or as a volunteer) in proceedings unrelated to CABE business, the leave of absence will be unpaid. The employee may elect to use vacation pay, if eligible, for the period of time off.
- Military service  
An employee is entitled to an unpaid military leave of absence for a period not to exceed ten working days without loss of benefits. If eligible, the employee may use vacation pay during this period. All other leaves shall be provided in compliance with federal and State laws.
- Performance of emergency duty by a volunteer firefighter or other volunteer emergency worker  
An employee is entitled to an unpaid leave of absence for emergency duty for a period not to exceed ten working days without loss of benefits. If eligible, the employee may use vacation pay during this period.

## **B. Personally Requested Leave of Absence**

Full-time and part-time employees (working 20 or more hours per week) may request, in writing, an unpaid leave of absence as provided below. The granting or denial of a personal leave of absence is totally within the discretion of the Chief Executive Officer. Prior to taking a personal leave of absence, all earned vacation must be used. An employee will not be eligible to receive holiday pay for holidays observed during an unpaid leave. An employee returning from any extended personal leave of absence may be returned to his/her former position or a comparable position if such a position is available. CABE does not guarantee to the employee the same or comparable position upon the expiration of the leave of absence. Reasons for granting personal leave of absence may include, but are not limited to, the following:

- Appearance at school by a parent  
An employee may request unpaid leave of four half-days per year to appear at his/her child's or stepchild's school for conferences and meetings.
- Bereavement Leave  
In the event of the death of an immediate member of an employee's family, CABE will grant an emergency three-day paid leave, to be arranged with the employee's direct supervisor. Upon request by the Chief Executive Officer or any Board member, the employee shall provide additional verification for authorization of this leave.

The following are considered immediate family members:

- mother or stepmother
- mother-in-law
- father or stepfather
- father-in-law
- spouse
- domestic partner
- brother
- brother-in-law
- sister
- sister-in-law
- children or step children
- foster children

In the event of the death of a member of an employee's extended family, CABA will grant an emergency one-day paid leave, to be arranged with the employee's direct supervisor.

The following are considered extended family members:

- grandmother
- grandfather
- son-in-law
- daughter-in-law
- grandchildren
- any other relative of employee
- any other relative of spouse or domestic partner

- Pregnancy-related Leave

Any employee who is disabled because of pregnancy, childbirth, or related conditions may take an unpaid pregnancy-related leave of up to twelve weeks, which shall include any family care or disability leave to which the employee may be entitled under State Disability Insurance (SDI) program. An employee taking pregnancy-related leave must substitute accrued sick leave and other in-lieu-of pay benefits for illness and may substitute accrued vacation for all or a portion of the leave. The substitution of paid leave for pregnancy-related leave does not extend the total duration of the leave to which an employee is entitled unless such extension is mandated by SDI provisions. For the purpose of applying for leave, an employee's pregnancy-related leave is considered to be a serious health condition.

- Extending a vacation

An employee may request an unpaid leave of absence of up to and including ten working days per year to extend a previously scheduled and approved vacation.

- Personal emergencies

An employee may request an unpaid leave of absence of up to and including ten working days for personal emergencies of the employee or the employee's immediate family.

- Other reasons

An employee may request an unpaid leave of absence of up to and including ten working days for any other reason approved by the Chief Executive Officer or Board of Directors.

### Procedures for Requesting Leave

- Notice requirement

Except for emergencies, an employee should notify the Chief Executive Officer of his/her request for employment leave as soon as he/she is aware of the need for such leave. For foreseeable events, if possible, the employee must provide thirty-calendar days' advance

written notice to CABA. For events that cannot be foreseen thirty days in advance but are not emergencies, the employee must notify CABA in writing as soon as he or she learns of the need for the leave, ordinarily no later than two to three working days after the employee learns of the need for the leave. If the leave is requested in connection with a planned, non-emergency event, the employee may be requested to reschedule the event in order to minimize disruption to CABA's business enterprise.

If an employee fails to provide the requisite thirty-day advance notice for foreseeable events without any reasonable excuse for the delay, CABA reserves the right to deny the taking of the leave until at least thirty days after the date the employee provides notice of the need or request for the leave.

All requests for leave must include the anticipated beginning and ending dates of the leave. Any requests for extensions of time for leave must be received at least five working days before the date on which the employee was originally scheduled to return to work and must include the revised anticipated ending date of the leave. All extensions, except for those mandated by federal or State law, are at the discretion of the Chief Executive Officer.

- Certificates and documents may be required.

The Chief Executive Officer or any member of the Board may require appropriate certificates or documents which substantiate the reason for the employee's leave, whether paid or unpaid. The employee shall provide the certificates or documents within five work days or provide a reasonable excuse that the certificates or documents cannot be produced. If it is determined that the certificates or documents are not being produced by the employee for other than a legitimate reason, the Board has the authority to deny, retroactively, the leave taken by the employee and to make appropriate adjustments to pay and working conditions.

## 7. POLICIES AND CUSTOMS

### A. Health and Safety

CABE is committed to providing and maintaining a healthy and safe work environment for all employees. Employees may be subject to discipline for engaging in any unsafe or unhealthy work practice or for violating established safety rules. Employees also are required to report immediately to the Business Manager or Chief Executive Officer any potential health or safety hazards, and all injuries or accidents. First aid supplies are located in the kitchens of CABE Headquarters, one on the first and one on the second floor. The location of the nearest doctor and/or medical facility is posted in the upstairs kitchen area and also kept in the office of the Executive Assistant.

### B. Policy Against Harassment

CABE is committed to providing a workplace free of sexual harassment (which includes harassment based on gender, pregnancy, childbirth, or related medical conditions) as well as harassment based on such factors as race, color, religion, national origin, ancestry, age, physical disability, mental disability, medical condition, marital status, sexual orientation, family care leave status or veteran status. CABE will not tolerate harassment of employees by managers, supervisors or coworkers. CABE also will attempt to protect employees from harassment by non-employees in the workplace.

Harassment includes verbal, physical, and visual conduct that creates an intimidating, offensive, or hostile working environment or that interferes with work performance. Such conduct constitutes harassment when (1) submission to the conduct is made either an explicit or implicit condition of employment; (2) submission to or rejection of the conduct is used as the basis for an employment decision; or (3) the harassment interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

Harassing conduct can take many forms and includes, but is not limited to slurs, jokes, statements, gestures, pictures, or cartoons regarding an employee's sex, race, color, national origin, religion, age, physical disability, mental disability, medical condition, ancestry, marital status, sexual orientation, family care leave status, or veteran status.

Sexually harassing conduct in particular includes all of these prohibited actions as well as other unwelcome conduct such as requests for sexual favors, conversation containing sexual comments, and unwelcome sexual advances including touching. Sexual harassment is illegal as is retaliation for opposing sexual harassment or participating in investigations of sexual harassment.

All employees should report any incident of harassment, including work-related harassment, by CABE personnel or any other person promptly to the employee's immediate supervisor or to the Chief Executive Officer. The Chief Executive Officer or the Board President's designee is responsible for investigating the matter. Supervisors who receive complaints or who observe harassing conduct should inform the Chief Executive Officer or Board President's designee

immediately. CAFE emphasizes that the employee is not required to complain first to his/her supervisor if the supervisor is the individual who is harassing the employee. If the alleged harasser is the Chief Executive Officer, the employee may report to the Board President's designee.

Every reported complaint of harassment will be investigated thoroughly, promptly, and in a confidential manner. In addition, CAFE will not tolerate retaliation against any employee for cooperating in an investigation or for making a complaint to immediate supervisor, Chief Executive Officer, or to any other supervisor.

In the case of CAFE employees, if harassment is established, CAFE will discipline the offender. Disciplinary action for a violation of this policy may range from verbal or written warnings up to and including immediate termination, depending upon the circumstances. In the case of harassment by non-CAFE employees, corrective action will be taken after consultation with the appropriate management personnel.

In addition to notifying CAFE about harassment or retaliation complaints, affected employees may also direct their complaints to the California Department of Fair Employment and Housing ("DFEH"), which has authority to conduct investigations of the facts. The deadline for filing complaints with the DFEH is one year from the date of the alleged unlawful conduct except in special circumstances. If the DFEH believes that a complaint is valid and settlement efforts fail, the complainant may seek an administrative hearing before the California Fair Employment and Housing Commission ("FEHC") or file a lawsuit in court. Both the FEHC and the courts have the authority to award monetary and non-monetary relief in meritorious cases. To contact the DFEH or FEHC, consult your local telephone directory under State Government offices or ask for directory assistance. If you have questions, contact the Administrative Systems/Member Relations Manager.

The California Labor Commissioner, rather than the DFEH, processes administrative claims of sexual orientation discrimination. The deadline for filing complaints with the Labor Commissioner is 30 days from the date of the alleged unlawful conduct.

## **C. Drug-Free Workplace**

- Purpose of Policy

CAFE intends to maintain a workplace that is free of drugs and alcohol and to discourage drug and alcohol abuse by its employees. CAFE has a vital interest in maintaining safe and efficient working conditions for its employees. Substance abuse is incompatible with health, safety, efficiency, and success at CAFE. Employees who are under the influence of a drug or alcohol on the job compromise CAFE's interests, endanger their own health and safety and the health and safety of others, and can cause a loss of efficiency, productivity, or a disruptive working environment.

To further its interest in avoiding accidents, to promote and maintain safe and efficient working conditions for its employees, and to protect its business property, and operations, CAFE has established this Policy concerning the use of alcohol and drugs. As a condition of continued employment with CAFE, all employees must abide by this Policy.

- Prohibited Conduct

- A. Scope

The prohibitions of this section apply wherever the interests of CABE may be adversely affected, including any time an employee is:

1. On CABE premises;
2. Conducting or performing CABE business, regardless of location;
3. Operating or responsible for the operation, custody, or care of CABE equipment or other property; or
4. Responsible for the safety of others.

- B. Alcohol

The following acts are prohibited and subject an employee to discharge:

1. Unauthorized use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of alcohol; or
2. Being under the influence of alcohol.

- C. Illegal Drugs

The following acts are prohibited and subject an employee to discharge:

1. Use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of any illegal drug or other controlled substance; or
2. Being under the influence of any illegal drug or other controlled substance.

- D. Legal Drugs

The following acts are prohibited and subject an employee to discharge:

1. Abuse of any legal drug;
2. Purchase, sale, manufacture, distribution, transportation, dispensation, or possession of any legal prescription drug in a manner inconsistent with law; and
3. Working while **impaired** by use of a legal drug **whenever** such impairment might:
  - a) Endanger the employee's safety or the safety of any other person;
  - b) Pose a risk of significant damage to CABE property; or
  - c) Substantially interfere with the employee's job performance or the efficient operation of CABE's business.

- Disciplinary Action

- A. Discharge for Violation of Policy

A first violation of this Policy may result in immediate discharge.

- B. Discretion Not to Discharge

CABE, in the discretion of management, may choose not to discharge the employee for a first violation of this Policy if the employee has successfully completed his/her introductory period and is not a temporary employee, **and** if the violation **did not**:

1. Cause an injury to or endanger the employee's safety or the safety of

- anyone else;
- 2. Result in significant damage to CABE property or pose a risk of significant damage; or
- 3. Involve the possession of illegal drugs or other controlled substances.

Such a discretionary choice by CABE not to discharge is conditioned on the employee's satisfactorily completing an approved drug or alcohol abuse assistance or rehabilitation program when recommended by CABE.

Although the employee might not be discharged for a first violation of this Policy, the employee will still be appropriately disciplined.

- C. Effect of Criminal Conviction  
If the employee is convicted under a criminal drug statute for a violation occurring in the workplace or during any CABE-related activity or event, the employee will be deemed to have violated this Policy.
  - D. Effect of Second Violation.  
A second violation of this Policy at any time will result in the employee's immediate discharge.
  - E. Effect of Discharge on Eligibility for Rehire  
If the employee is discharged for a violation of this Policy, the employee will not be eligible for rehire by CABE.
- Drug-Free Environment
    - A. Management Awareness  
Managers and supervisors should be attentive to the performance and conduct of those who work with them and should not permit an employee to work in an impaired condition or otherwise in violation of this Policy. When management has reasonable suspicion to believe an employee or employees are working in violation of this Policy, prompt action will be taken.
    - B. Criminal Convictions  
Employees are required by this Policy to notify CABE of any conviction under a criminal drug statute for a violation occurring in the workplace or during any CABE-related activity or event not later than five days after the conviction. When required by federal law, CABE will notify any federal agency with which it has a contract of any employee who has been convicted under a criminal drug statute for a violation occurring in the workplace.
  - Use of Legal Drugs

CABE recognizes that employees may, from time to time, be prescribed legal drugs which, when taken as prescribed or according to the manufacturer's instructions, result in his/her impairment. Employees may not work while they are impaired by the use of legal drugs if

the impairment might endanger themselves or someone else, pose a risk of significant damage to CAFE, its property, or substantially interfere with their job performance. If the employee is so impaired by the appropriate use of legal drugs, the employee shall not report to work. To accommodate the absence, the employee may use accrued sick leave, vacation time or seek approval for personal leave as provided in this Handbook. The employee may also contact the Chief Executive Officer to determine whether or not the employee qualifies for an unpaid leave of absence, such as a family care leave. Nothing in this Policy is intended to sanction the use of accrued sick leave, personal leave, or vacation time to accommodate absences due to the abuse of legal drugs. Further, nothing in this Policy is intended to diminish CAFE's commitment to employ and reasonably accommodate qualified disabled individuals.

- Authorized Conduct

- A. Customary Use of Over-the-Counter-Drugs

- Nothing in this Policy is intended to prohibit the customary and ordinary use of over-the-counter drugs, so long as such activity does not violate any law or result in the employee or anyone else being under the influence of drugs in violation of this Policy.

- B. Off-the-Job Conduct

- This Policy is not intended to regulate the employee's conduct while off the job, so long as off-the-job use of alcohol or drugs does not result in the employee being under the influence of or otherwise impaired by the use of alcohol or drugs in violation of this Policy.

- Confidentiality

An employee who makes disclosures to CAFE concerning the employee's use of legal drugs or his/her participation in any drug or alcohol counseling or rehabilitation program will be treated confidentially.

- Counseling/Employee Assistance

If an employee suspects that he/she may have an alcohol or drug problem, even in the early stages, he/she is encouraged voluntarily to seek diagnosis and to follow through with the treatment as prescribed by qualified professionals. If the employee wishes to voluntarily enter and participate in an approved alcohol or drug rehabilitation program, the employee is encouraged to contact the Chief Executive Officer who will determine whether CAFE can accommodate the employee by providing unpaid leave for the time necessary for the employee to complete participation in the program. The employee should be aware, however, that participation in a rehabilitation program will not necessarily shield the employee from the imposition of disciplinary action for a violation of this Policy, particularly if discipline is imposed for a violation occurring before the employee seeks assistance.



## **D. Personnel Records**

A personnel file of each employee is maintained by the Chief Executive Officer and Executive Assistant. The contents of the file are the property of CABA.

It is the responsibility of each employee to immediately notify the Chief Executive Officer and Executive Assistant whenever there are changes in his or her personal data such as address, telephone number, marital status, number of dependents and person(s) to notify in case of emergency.

All personnel records are confidential. With the exception of the employee's hire date and position, no other information may be released outside of CABA without express written permission from the employee or former employee. Only the Chief Executive Officer, Business Manager, or Executive Assistant are authorized to release other employee information to those outside of CABA. The written release must specify what, and to whom, information may be released.

An employee has the right to inspect his or her personnel file at reasonable times on reasonable notice. An employee may obtain copies of any document in his or her personnel file that the employee has signed.

## **E. Conflicts of Interest**

CABA employees are expected to devote their best efforts and attention to the full-time performance of their jobs. Employees are expected to use good judgment, to adhere to high ethical standards, and to avoid situations that create an actual or potential conflict between the employee's personal interests and the interests of CABA. A conflict of interest exists when the employee's loyalties or actions are divided between CABA's interests and those of another. Both the fact and the appearance of a conflict of interest should be avoided. Employees unsure as to whether a certain transaction, activity, or relationship constitutes a conflict of interest should discuss it with the Chief Executive Officer. Any exceptions to this policy must be approved in writing by the Chief Executive Officer.

This policy does not attempt to describe all possible conflicts of interest that could develop. Some of the more common conflicts from which employees should refrain, however, include the following:

1. Accepting personal gifts or entertainment from competitors, customers, vendors, exhibitors, suppliers, or potential vendors, exhibitors, suppliers;
2. Working for a competitor, vendor, exhibitor, supplier, or customer;
3. Engaging in self-employment in competition with CABA;
4. Using proprietary or confidential CABA information for personal gain or to CABA's detriment;
5. Having a direct or indirect financial interest in or relationship with a competitor,

- customer, vendor, exhibitor or supplier;
6. Using CABA assets or labor for personal use;
  7. Acquiring any interest in property or assets of any kind for the purpose of selling or leasing it to CABA;
  8. Committing CABA to give its financial or other support to any outside activity or organization; or
  9. Developing a personal relationship with a subordinate employee of CABA that might interfere with the exercise of impartial judgment in decisions affecting CABA or any employees of CABA.

If an employee or someone with whom an employee has a close relationship (a family member or close companion) has a financial or employment relationship with a competitor, customer, vendor, exhibitor or supplier, the employee must disclose this fact in writing to the Chief Executive Officer. Employees should be aware that if they enter into a personal relationship with a subordinate employee or with an employee of a competitor, exhibitor, vendor, supplier or customer, a conflict of interest may exist that requires full disclosure to CABA.

A part-time employee may engage in outside employment, provided that he or she discloses this fact to his or her immediate supervisor and obtains the supervisor's written approval. All new employees will be asked at the time of hire to certify that they do not know of any facts that constitute a conflict of interest and to disclose any conflict subsequently arising. A Conflict of Interest and Gift Disclosure form must be signed by every employee on a yearly basis.

Failure to adhere to this policy, including failure to disclose any conflicts or to seek an exception, will result in discipline, up to and including termination of employment.

## **F. Security-Confidential Information**

The security of employees, employee property and CABA property is of vital importance to CABA. All employees share responsibility to ensure that proper security is maintained. Any breach of security should be reported promptly to the Chief Executive Officer. Employees are directed not to leave their personal items of value unattended and to take the necessary precautions to protect their personal property. CABA is not responsible for the employee's personal property.

CABA property includes not only tangible property, like desks and computers, but also intangible property such as information. Of particular importance are proprietary information and confidential information. Proprietary information includes all information obtained by CABA employees during the course of their work. This Handbook, for example, contains proprietary information. Confidential information is any CABA information that is not known generally to the public or in the industry. Customer lists, customer files, formulas, and trade secrets are examples of confidential information. Employees may not disclose or use proprietary or confidential information except as their jobs require. Anyone who violates this policy will be subject to discipline and possible legal recourse.

## **G. Dress Code**

It is in the best interest of CABE to present a professional image to all. While CABE has no formal dress code, it is expected that all employees will dress in a manner consistent with good hygiene, safety and business professional standards.

## **H. Mail**

Personal mail should not be delivered at work, nor should outgoing personal mail be routed through the mail room. CABE's address should only be used for personal reasons if the employee has received prior approval from the Chief Executive Officer for the use.

## **I. Telephone**

Personal telephone calls must be held to an absolute minimum and only on an "as needed" basis or for legitimate emergencies.

Proper use of the telephone is an important part of every employee's job and a supervisor should emphasize the importance of the following:

1. When answering a telephone, employees should identify themselves by name and politely ask "Who is calling?" Please remember that you are representing CABE and it is essential that you be courteous at all times.
2. When answering someone else's telephone, employees should identify themselves by name and indicate that "Mr./ Ms. is not available to take the call right now, however; Would you like to leave a message on his/her voice mail?" Please remember that you are representing CABE and it is essential that you be courteous at all times.

## **J. Email and Use of CABE's Computers Policy**

CABE has developed specific policies to address the proper use and purpose of the CABE Email and Use of CABE's Computers. All employees will receive, review and acknowledge receipt and understanding of the policy guidelines.

## **K. Accounting Procedures**

In an effort to have a uniformly understood and followed accounting procedure, the Accounting Department has developed a specific Procedures Sheet to be adhered to by all. The Accounting Department may amend or revise these procedures as necessary for the compliance of accounting standards and practices as directed by the Business Manager.

Staff must prepare and submit a Purchase Order to the Business Manager for review and to the Chief Executive Officer for approval prior to ordering items.

Based on the purchase order amount or the cost of the item(s), the Business Manager may then request three bids.

No order should be placed before a Purchase Order has been reviewed and approved. Original

receipts are required for any reimbursement request. All check requests and expenditure reimbursements should be submitted to the accountant consultant for review prior to being submitted to the Chief Executive Officer for approval.

No personnel charges or purchases may be made with CABE funds, credit card, or purchase orders.

#### **L. Smoking Policy (Non-Smoking Office)**

Tobacco smoke is known to the State of California to increase the risk of cancer to smokers and bystanders. CABE is committed to a philosophy of good health and a safe workplace. In keeping with this philosophy, it is important that the workplace and office environment reflect CABE's concern for good health. Smoking is therefore not permitted inside the offices or any work area. Smoking is only permitted outside of the building. Employees who wish to smoke must limit their smoking to break and meal periods while outside the office.

#### **M. Postings**

Any Postings on CABE's premises are limited to CABE-related material, including statutory and legal notices, safety and disciplinary rules, CABE policies, memos of general interest relating to CABE, news of management decisions or matters affecting CABE and its employees. ALL postings require the prior approval of the Chief Executive Officer. No postings will be permitted for any other purpose.

#### **N. Work Related Travel**

CABE employees who are required to travel for business are to conduct themselves in accordance to all provisions outlined in this handbook. It is the policy of CABE that with the necessity of lodging, room reservations are to be made by the appropriate CABE staff member, and that all be pre-approved by the Chief Executive Officer. Actual travel arrangements must be made in accordance with the guidelines stated in the CABE Reimbursement Policy, including that all travel must be pre-approved by the Chief Executive Officer and booked as early as possible to allow for rate discounts/lowest fare. If a travel advance is required, this must be requested from the supervisor and approved by the Chief Executive Officer. All travel advances should be reconciled and any money due to CABE must be returned within two weeks after the event. The CABE Travel Advance Form states that this amount may be deducted from the payroll. Necessary expenses such as meals and phone calls are allowed and reimbursable. Telephone calls are to be made in the least expensive manner, typically by means other than hotel phones, and are to be kept to a minimum. If personal phone or calling card is utilized, these will be reimbursed. There are to be no personal, non-allowed expenses incurred – even with the intention of reimbursing CABE. This includes in-room movies, extensive/lengthy telephone calls, alcoholic beverages, and other expenses not pre-approved or related to the carrying out of CABE business.

## 8. PERFORMANCE REVIEW, RULES OF CONDUCT, DISCIPLINE, AND TERMINATION

### A. Performance Review

All newly hired nonexempt employees receive performance reviews six (6) months after their effective hire date. Informal reviews may occur before six months. Thereafter, performance reviews shall be conducted on a yearly basis, unless inadequate job performance warrants more frequent reviews.

All exempt employees employed under a contract of employment receive performance evaluations in accordance with the terms of their contract. All other exempt employees receive performance reviews in accordance with this policy.

The performance review of the Chief Executive Officer shall be the responsibility of the Executive Committee and the Board of Directors and shall be provided for in the contract of employment.

The purpose of the review is to evaluate the current level of performance, to examine the progress the employee has made since the last review, and to establish goals for the next review.

### B. Rules of Conduct

- Policy

Employees are expected to observe certain standards of job performance and good conduct. When performance or conduct does not meet CABE standards, CABE will provide, when it deems appropriate, the employee with reasonable opportunity to correct the deficiency. If, however, the employee fails to make the correction, he or she will be subject to discipline including termination.

The rules set forth below are intended to provide employees with fair notice of what is expected of them. Such rules, however, cannot identify every type of unacceptable conduct and performance. Therefore, employees should be aware that conduct not specifically listed below but which adversely affects or is otherwise detrimental to the interests of CABE, other employees or members may also result in disciplinary action.

- Job Performance

Employees may be disciplined for poor job performance, including but not limited to the following:

- A. Unsatisfactory work quality or quantity;
- B. Poor attitude (e.g., rudeness or lack of cooperation);
- C. Excessive absenteeism, tardiness or abuse of break and lunch privileges;
- D. Failure to follow instructions or CABE procedures, including but not limited to those specified in this handbook; and
- E. Failure to follow established safety regulations.

- Misconduct

Employees may be disciplined for misconduct, including but not limited to the following:

- A. Insubordination;
- B. Dishonesty;
- C. Theft;
- D. Discourtesy;
- E. Misusing or destroying CABE property or the property of another on CABE premises;
- F. Violating conflict of interest rules;
- G. Disclosing or using confidential or proprietary information without authorization;
- H. Falsifying or altering CABE records, including the application for employment;
- I. Interfering with the work performance of others;
- J. Altercations;
- K. Harassing, including sexually harassing, board of directors, employees, members, or vendors/suppliers;
- L. Being under the influence of, manufacturing, dispensing, distributing, using or possessing alcohol or illegal or controlled substances on CABE property or while conducting CABE business unless authorized by CABE;
- M. Gambling on CABE property or while conducting CABE business;
- N. Sleeping on the job or leaving the job without authorization;
- O. Possessing a firearm or other dangerous weapon on CABE property or while conducting CABE business;
- P. Being convicted of a crime that indicates unfitness for the job or raises a threat to the safety or well-being of CABE, its board of directors, employees, members or property;
- Q. Failing to report to CABE, within five days, any conviction under any criminal drug statute for a violation occurring in the workplace;
- R. Using foul and/or abusive language;
- S. Failure to maintain a neat and clean appearance;
- T. Making false, vicious or malicious statements regarding CABE, its board of directors, employees, or members.

- Attendance

In addition to the general rules stated above, employees may be disciplined for failing to observe the following specific requirements relating to attendance:

- a. Reporting to work on time, observing the time limits for rest and lunch periods, and obtaining approval to leave work early; and
- b. Notifying the supervisor in advance of anticipated tardiness or absence.

### **C. Discipline Procedure**

Except as set forth below, discharge for poor performance ordinarily will be preceded by an oral warning and a written warning.

CABE reserves the right to proceed directly to a written warning or to termination for misconduct or performance deficiency, without resort to prior disciplinary steps, when CABE deems such action appropriate.

## **D. Termination**

- Voluntary Termination

CABE will consider an employee to have voluntarily terminated his or her employment if an employee does any of the following:

- a. Elects to resign from CABE;
- b. Fails to return from an approved leave of absence on the date specified by CABE;  
or
- c. Fails to report to work without notice to CABE for three consecutive days.

- Involuntary Termination

An employee may be terminated involuntarily for reasons that may include poor performance, misconduct or other violations of CABE's rules of conduct. Notwithstanding the rules of conduct, CABE reserves the right to discharge with or without cause.

- Termination Due to Lack of Work, Economics or Reorganization

From time to time, CABE may need to terminate an employee as a consequence of reorganizations, job eliminations, economic factors or lack of work. Should CABE consider such terminations necessary, CABE will attempt to provide all employees with advance notice when practical.

## **E. Employment at Will**

Nothing in this Handbook is intended to alter the at-will status of employment with CABE. Either the employee or CABE may terminate the employment relationship at any time with or without cause and with or without prior notice. CABE reserves the right to terminate any employment relationship without resort to the above disciplinary procedures.

## **F. Resignation**

CABE asks that if an employee leaves CABE for any reason, the employee provide a two-week notice of resignation for hourly employees and a four-week notice of resignation for salaried employees.

## **G. Exit Interview**

Employees who leave CABE for any reason may be asked to participate in an exit interview. This interview is voluntary and is intended to provide terminating employees with the opportunity to communicate their views regarding their work with CABE, including job duties, job training, job supervision and job benefits. At the time of the interview, employees are expected to return all CABE-furnished property, (e.g., equipment, keys, employee I.D. card, customer lists, price lists, credit cards, documents and handbooks). Arrangements for receiving final pay will also be made at this time.

## 9. CABE's GRIEVANCE POLICY AND PROCEDURE

### **Definition:**

A grievance is a complaint a permanent employee may have about any disciplinary action, termination, demotion, denial, promotion or merit increase, lay off, or unfair or unequal treatment, or other problems related to employment at CABE.

### **Policy:**

It is the policy of CABE to insure that all CABE employees receive fair and equitable treatment; to provide employees with a clear accessible procedure for expressing dissatisfaction. CABE wishes to foster positive employee/supervisor relations through communication and ultimate reconciliation of work related problems. No CABE employee will be discriminated against, harassed, intimidated, or suffer any reprisal as a result of filing grievance or participating in an investigation of a grievance. If a CABE employee believes that he or she is being subjected to any of the above, he or she has the right to appear directly to the Chief Executive Officer.

### **Grievance Procedure:**

#### Step 1.

The employee should attempt to resolve the problem informally, with his/her supervisor, as soon as possible. If a solution can not be reached, the CABE employee will go to step two.

#### Step 2.

The employee must notify in writing to her/his supervisor within five working days of the particular problem or complaint using the CABE Grievance Procedure form.

#### Step 3.

When the employee files a grievance procedure form, the supervisor must meet with the employee to talk with him/her and to look into all aspects of the employee's grievance.

#### Step 4.

The supervisor is required to give the employee a written response within five working days. If the employee does not receive a written satisfactory answer, the employee can proceed with step five.

#### Step 5.

The employee will inform the Chief Executive Officer in writing within five working days of the status of his/her grievance, and will submit to the Chief Executive Officer the original grievance form. The employee will request from the Chief Executive Officer a formal status Grievance Procedure form.

#### Step 6.

The Chief Executive Officer will review the grievance report and will hear any additional information offered by all parties involved. An attempt will be made to work out a satisfactory settlement. A very reasonable effort will be made to complete this step within a period of seven working days from the day it was received.



Step 7.

In the event the grieving employee is not satisfied with the decision of the Chief Executive Officer, the grieving employee may file a written appeal with the President of the Board of Directors mailed to CABB's headquarters within five days of the receipt of the written decision of the Chief Executive Officer. Deliverance of the appeal to the Chief Executive Officer within the prescribed time shall be sufficient. The appeal shall set forth the basis for the appeal in clear and precise language.

Step 8.

The Board of Appeal shall convene within 30 days from the receipt of the appeal to hear the grievance. After hearing the grievance and considering all evidence and arguments presented by the grieving party and management, the Board of Appeal shall render its decision in writing within 10 days. The Board of Appeals decision shall be final.

**The Board of Appeal** shall consist of three persons selected by the Board of Directors when an appeal is filed. Persons with the expertise necessary to address the issues raised shall be selected. The Board of Directors selection shall be final and not subject to challenge. Members of the Board of Appeals shall receive reasonable expenses reimbursement.

*CALIFORNIA ASSOCIATION FOR BILINGUAL EDUCATION*  
EMPLOYEE HANDBOOK

**ACKNOWLEDGEMENT OF UNDERSTANDING**

PLEASE READ THE EMPLOYEE HANDBOOK AND COMPLETE THIS PAGE, RETURN TO THE CHIEF EXECUTIVE OFFICER OR HUMAN RESOURCES DEPARTMENT.

My signature below serves as acknowledgement that I have received the CABA Employee Handbook and understood the contents. I agree to consistently comply with the CABA policies and procedures set forth in this Employee Handbook as well as all policies, practices and regulations currently in effect or that may be put into effect during my employment.

The most recent version of this handbook can always be viewed online at <http://www.gocabe.org/index.php/about/staff/team-resources/>

I further understand that the statements contained in this Handbook are not intended to create any contractual or other legal obligations and do not alter the at-will status of my employment with CABA. This aspect of my employment relationship cannot be changed without an individual written employment contract with CABA. I also understand that CABA may modify or rescind any policies, benefits, practices described in the Employee Handbook, in whole or in part, at any time without notice.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

*CALIFORNIA ASSOCIATION FOR BILINGUAL EDUCATION*  
EMPLOYEE HANDBOOK

## **CONFIDENTIALITY STATEMENT**

I acknowledge and understand that in the course of serving as an employee of CAFE, I will have access to and obtain proprietary and confidential information pertinent to the operations of CAFE. I understand that proprietary information includes all information obtained by me during the course of my work and confidential information is any information not known generally to the public. I acknowledge and understand that such information is the property of CAFE only, and that all such information is confidential and constitutes trade secrets. I agree that I will not disclose such information or otherwise make use of such information for myself or any other person's benefit, other than CAFE, either during or after the term of employment with CAFE. I also understand that if I violate this policy that I will be subject to discipline and possible legal recourse.

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Employee Signature

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Date

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Print Name

*CALIFORNIA ASSOCIATION FOR BILINGUAL EDUCATION*  
EMPLOYEE HANDBOOK

## EMAIL POLICY

The purpose of this policy is to ensure the proper use of CABA's email system. All messages distributed via CABA's email system, even personal emails, are [CABA]'s property. You must have no expectation of privacy in anything that you create, store, send or receive on CABA's email system. Your emails can be monitored without prior notification if CABA deems this necessary. If there is evidence that you are not adhering to the guidelines set out in this policy, CABA reserves the right to take disciplinary action, including termination and/or legal action. If you have any questions or comments about this Email Policy, please contact your supervisor.

### **It is strictly prohibited to:**

- Send or forward emails containing libelous, defamatory, offensive, racist or obscene remarks. If you receive an e-mail of this nature, you must promptly notify your supervisor.
- Forward a message or copy a message or attachment belonging to another user without acquiring permission from the originator first.
- Send unsolicited email messages or chain mail.
- Forge or attempt to forge email messages, or disguise or attempt to disguise your identity when sending mail.

### **Duty of care**

Users must take the same care in drafting an email as they would for any other communication.

### **Personal usage**

Although the CABA's email system is meant for business use, CABA allows personal usage if it is reasonable and does not interfere with work.

### **Disclaimer**

All messages will be appended with the following disclaimer: 'This message is intended only for the named recipient. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.'

### **Declaration**

I have read, and agree to comply with; the guidelines set out in this policy and understand that failure to do so might result in disciplinary or legal action.

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Employee Signature

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Date

---

Print Name

*CALIFORNIA ASSOCIATION FOR BILINGUAL EDUCATION*  
EMPLOYEE HANDBOOK

## **USE OF CABE'S COMPUTERS POLICY**

The purpose of this policy is to insure uniformity by employees in the use of the computers provided by CABE. Since the computers and their related equipment are the property of CABE all messages, transmitted via email, even personal emails are CABE's property. Employees have no protection of privacy in anything created, stored, sent, or received by them making use of CABE's computers or generated while employed at CABE. All emails may be monitored by CABE without prior notification to employee. If there is evidence that an employee is not adhering to regulations set out in this policy, CABE may take disciplinary action, including but not limited to sanctions and or termination of employment. If CABE incurs any damages as a result of an employee's unauthorized use of CABE's computers CABE reserves the right to seek recovery from the employee. If you have any questions or comments regarding this policy and the regulations set forth below, please contact your supervisor.

### **Personal Usage**

The CABE email system is meant for business use not personal use. An employee may use the email system for personal use if there is an emergency and has obtained the permission of his or her supervisor.

### **Prohibited Usage**

- a. No employee shall send or forward emails containing libelous, defamatory, offensive, racist, pornographic material, or obscene remarks. If an employee is in receipt of such material, he or she shall immediately notify his or her supervisor.
- b. No employee shall go on to any website that is unrelated to his or her duties, nor download any tunes, videos, or material from such websites.
- c. No employee shall download any tunes or videos even if related to CABE's business without obtaining his or her supervisor's permission.
- d. No employee shall play any games making use of CABE's computers
- e. No employee shall forward a message or copy a message or attachment belonging to another user without acquiring permission from the originator first.
- f. No employee shall send unsolicited email or chain mail.
- g. No employee shall forage or attempt to forage email messages, or disguise or attempt to disguise his or her identity when sending mail.

### **Duty of Care**

Employees shall take the care in drafting an email as they would for any other communication.

### **Disclaimer**

All messages will be appended with the following disclaimer: "This message is intended only for the named recipient. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited."

### **DECLARATION**

**I HAVE READ, AND AGREE TO COMPLY WITH THE GUIDELINES SET OUT IN THIS POLICY AND UNDERSTAND THAT FAILURE TO DO SO MAY RESULT IN DISCIPLINARY ACTION INCLUDING TERMINATION OF EMPLOYMENT.**

Signature: \_\_\_\_\_  
Print Name \_\_\_\_\_

Date: \_\_\_\_\_