

# CALIFORNIA ASSOCIATION FOR BILINGUAL EDUCATION



## Employee Handbook



California Association for Bilingual Education

**Biliteracy,  
Multicultural Competency  
& Educational Equity for All**

### CABE's 6 Cs

- Collaboration
- Communication
- Creativity
- Critical Thinking
- Conderation
- Compassion

## **CABE Mission**

To support the vision of biliteracy, multicultural competency and educational equity for all students, we will embody our shared values by implementing priorities, initiatives and services designed to increase California's capacity to create caring and highly effective learning environments that promote multiliteracy and support English Learners and all diverse populations to graduate college, career, and globally prepared to live their lives to their fullest potential.

Revised and Board approved, December 2019

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## 1. INTRODUCTION

### A. Use of Employee Handbook

The California Association for Bilingual Education (CABE) is a non-profit corporation made up of members and chapters statewide who are committed to biliteracy, multicultural competency and education equity for all, including English Learners and students of diverse backgrounds.

This handbook is a summary of CABE's personnel policies, work rules and benefits. This handbook explains organizational policies, practices and personal benefits for employees and is not intended to be an official policy and procedures manual. This 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 (CEO) to obtain current and specific information regarding any policy, procedure or practice.

The CEO is responsible for administering CABE policies and procedures. Any recommendation for changes in those policies and procedures are first reviewed by the Executive Committee, which also serves as the Administrative Committee, of Board of Directors. The Executive/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. Each employee will be given access to this Employee Handbook (online and/or hard copy) and is responsible for knowing its contents. Employee will be required to sign the following documents:

- Acknowledgement of Receipt and Understanding
- Confidentiality Statement

Employee will receive a copy of each signed form and the original will be kept in the employee's personnel file.

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

President

Vice President

President Elect/Immediate Past President

Director of State & Legislative Affairs

Director of Financial Affairs

Director of Community Affairs

Director of Para-professional Affairs

Director of Secondary and I.H.E. Affairs

Director of Parent Relations

Region I Representative

Region II Representative

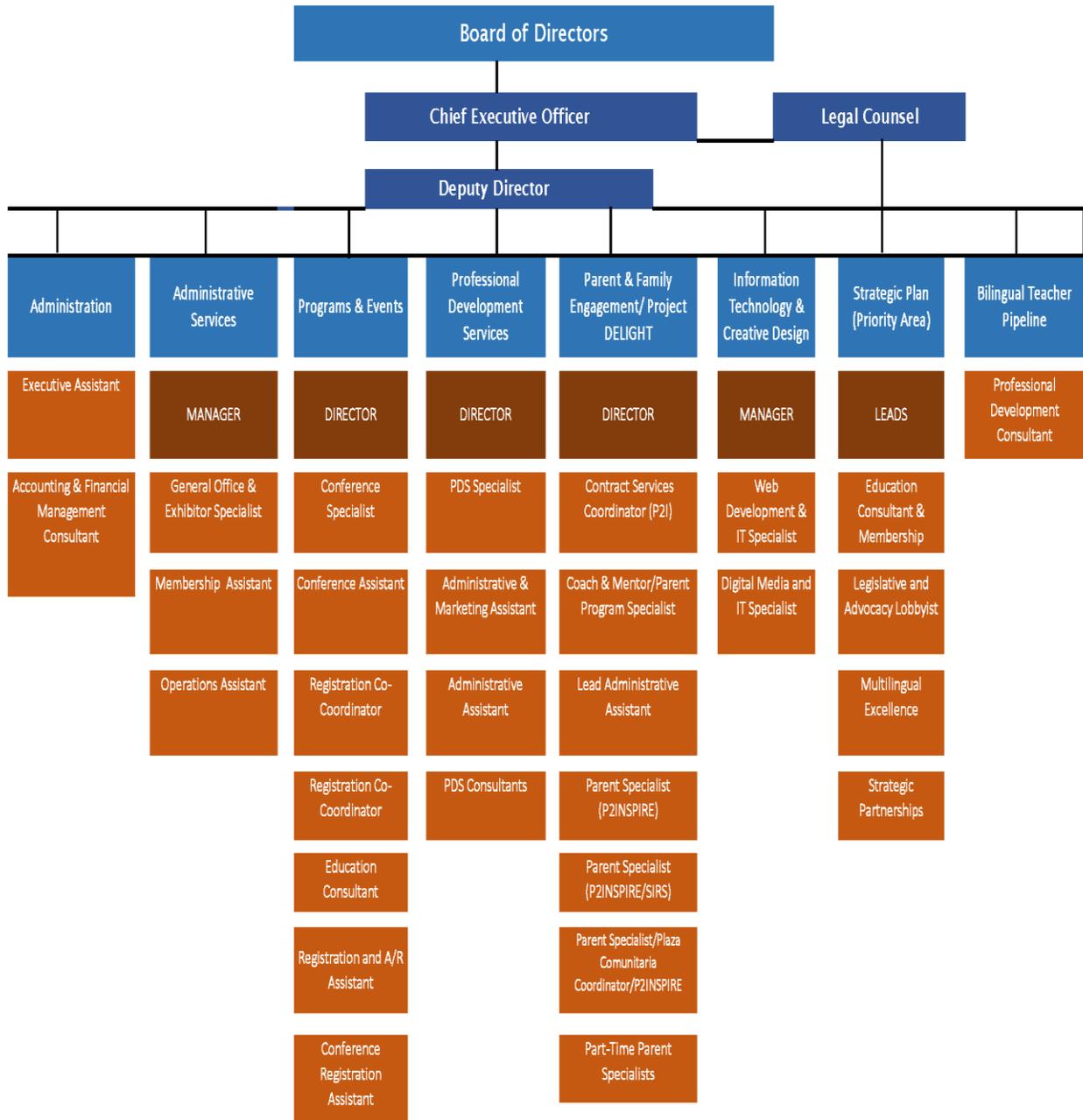
Region III Representative

Region IV Representative

Region V Representative

## C. Organizational Chart

### CALIFORNIA ASSOCIATION FOR BILINGUAL EDUCATION ORGANIZATION CHART 2019 - 2020



10/15/2019

## **D. Equal Opportunity Policy**

It is CAFE's policy to provide equal employment opportunity to all employees and applicants for employment. CAFE does not 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. CAFE also makes reasonable accommodations for the needs of disabled employees and applicants. Finally, CAFE prohibits harassment of any individual on any of the bases, or a perception of those bases, listed above. For information about the types of conduct that constitute impermissible harassment and CAFE'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 equal opportunity policy applies to all areas of employment including recruitment, hiring, training, promotion, compensation, benefits, transfer, CAFE-sponsored programs, and social and recreational programs. It is the responsibility of all managers and employees to comply with this policy.

## **2. EMPLOYMENT**

### **A. Employment Criteria and Procedures**

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

All job applicants are required to complete a job application for initial screening. Those applicants passing the initial screening process may be invited for an interview. In addition to the results of interviews, employee references and information contained in the application form are used to determine qualifications for employment.

All information submitted by applicants during the hiring process will be subject to verification. Any applicants who provide false information will be eliminated from consideration for the position in question, and if employed, subsequent discovery of false information will be cause for immediate termination.

All employees are required to produce documentation of their legal right to work in the United States, including a completed Form I-9 Employment Eligibility Verification within three days of date of hire.

On the date of hire, all new employees are required to complete a W-4 Employee Withholding Allowance Certificate (W-4 form) which will be submitted to the Human Resources (HR) department for payroll processing.

Changes to a W-4 Form may be made to reflect a change in marital status, or a change in exemptions, adjustments, deductions, or credits. A new W-4 form must be submitted to the HR department within 10 days following the event upon which the change is based. W-4 form submissions which include adjustments to state or federal income tax exemptions must be accompanied by a Personnel Action Notification form.

In order to maintain accurate HR and payroll procedures, CABA allows up to four W-4 form changes per year. Such changes will take effect on the date at which wages are paid following periodic status determination dates of January 1, May 1, July 1, and September 1.

In implementing employee W-4 withholding changes, CABA applies the following IRS Guidelines:

*If an employee claims exemption from withholding, CABA will not withhold federal income tax from his/her wages. The exemption applies only to income tax withholding, and not to Social Security or Medicare tax withholding. An employee exemption from withholding for the current year may only be made if an employee verifies that the following conditions exist:*

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

(IRS Guidelines- <https://www.irs.gov/individuals/employees/tax-withholding>)

Any question as to the accuracy of the contents of a W-4 form may be subject to further discussion between the employee and CABA administrative and fiscal staff.

Each new employee will be provided a written job description as approved by the CEO, which the employee will sign and return to the Administrative Systems Manager (ASM), a copy of which will also be given to the employee. Copies of job descriptions will be maintained by and available from the ASM.

## **B. Employment Relationship**

### **1. All employees, with the exception of the CEO**

Pursuant to CABA's "employment at will" policy, both CABA and the employee retain the right to terminate the employment relationship at any time, with or without advance notice and with or without cause. The Board of Directors retains the authority to alter the "employment at will" policy, to enter into an agreement for employment for a specified period of time, or to enter into any other agreement which modifies this policy. However, any such agreement shall be in writing, approved by the Board of Directors and executed by the President of the Board of Directors or the Board's alternate designee.

## 2. Chief Executive Officer

The Board of Directors has determined that the CEO position shall be a contract position, the terms and conditions of which shall be as set forth in a written employment agreement. Before taking effect, any written employment agreement shall be approved by the Board of Directors and signed by the President of the Board or the Board's designee.

## 3. Conflict of Interest Policy

It is CABA's policy that relatives of current employees may not work directly for or have supervisory responsibility over "relatives". For purposes of this policy, "relatives" are defined as 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. If a "relative" relationship is established after initial employment between employees who are in a supervisory/subordinate chain of command, it will be the responsibility and obligation of the supervisor involved in the relationship to disclose the existence of the relationship to management.

CABA reserves the right to take prompt corrective action should an actual or potential conflict of interest arise involving relatives or dating relationships among those occupying positions in the same chain of authority which may affect supervision, review or implementation of employment decisions. In other cases where a conflict or potential conflict of interest arises due to a personal relationship between employees, even if there is no line of authority or supervisory responsibility, the employees in question may be separated by reassignment or terminated from employment.

## C. Introductory Period

Except for those employees under written employment contract as specified in paragraph B.2 above, each new employee must satisfactorily complete an introductory period of 6 months, commencing on his/her initial date of employment. This introductory period may be extended at CABA's discretion.

Within one week of the new employee's start date, his/her supervisor and the Deputy Director or CEO will conduct a new employee orientation to familiarize the employee with the culture and structures of the organization and to facilitate the integration of the new employee into the workplace.

The employment relationship may be terminated by CABA or the employee during the introductory period, with or without cause and with or without prior notice.

At completion of the six-month introductory period, a performance review will be held between the employee and his/her supervisor. An employee who receives an unsatisfactory review may either be terminated, or the introductory period may be extended at CABA's discretion.

The successful completion of an introductory period shall not result in the guarantee of continued employment for any specific duration, nor shall it change the “employment-at-will” relationship.

#### **D. Supervisory Communication**

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

In a supervisor's day-to-day contacts with the employees under his/her supervision, a supervisor shall be responsible for keeping those employees informed on those CABE matters which are relevant to the employees' employment responsibilities. In addition, supervisors shall be responsible for alerting CEO to problems, matters of concern or subjects of interest which may directly or indirectly affect the employment relationship between CABE and its employees. To this end, CABE expects all employees maintain meaningful communication with their supervisor(s).

### **3. WORK HOUR GUIDELINES AND PROCEDURES**

#### **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 a payday falls on a holiday, payroll checks will be distributed on the day prior to the holiday.

#### **B. Full-Time Work Schedules**

CABE provides full-time employees weekly work schedules based on the time of year, as follows:

- 1) Monday-Thursday- alternate Fridays off (9:80=80 hours in 9 days between the hours of 7 am-6 pm)
- 2) Monday-Friday- 8hr./day (10:80=80 hours in 10 days between the hours of 7 am-6pm)
- 3) Monday-Thursday- 10hr./day (8:80=80 hours in 8 days between the hours of 6 am-7 pm)

All staff are provided a 30-minute lunch period included in their work day. A meal period of 30 minutes and two 10-minute breaks (one in the morning and one in the afternoon) shall be taken. An employee is not permitted to work through lunch to leave early. Any changes outside of normal work hours must be approved by the employee's supervisor (and the CEO if adjustment exceeds three days. See Section 3C.)

#### **C. Flexible Work Schedules**

Based on special circumstances, CABE may permit a flexible work schedule for an employee upon approval of the employee's supervisor and the CEO. Flexible work schedules may be

implemented upon a request by an employee or by suggestion of a supervisor if a schedule adjustment is needed for more than three days (consecutive or non-consecutive).

Before authorizing a flexible work schedule, the employee's supervisor will need to determine whether the proposed flexible work schedule will adversely affect the employee's workflow. Quality of work must remain satisfactory during the flexible work arrangement.

A supervisor and/or the CEO may revoke alternative work arrangements should the needs of the department change or upon development of employee performance concerns. **No assignment of a flexible work arrangement shall be considered permanent.**

#### Flexible Work Schedule Request Procedures

The immediate supervisor, with the approval of the CEO, shall determine whether a flexible work schedule is appropriate for his/her department and to which positions it shall apply.

1. An employee may initiate a request for a flexible work schedule by completing a Flexible Work Schedule form and turn this in to her/his supervisor.
2. The employee's supervisor may either authorize or deny the request based upon the operational needs of the department and the existence of other flexible work schedule requests.
3. Approval of proposed flexible work schedules shall be documented by the signatures of both the employee's supervisor and the CEO on the Flexible Work Schedule form. A copy of this form shall be retained in the employee's personnel file as well as provided to the employee, the ASM and the CEO.
4. CAFE reserves the right to terminate or modify a flexible work arrangement at any time.

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

It is the supervisor's responsibility to manage regular work schedules and flexible work schedules in conjunction with other requests such as annual leave, compensatory time off and sick leave in order to ensure proper coverage for the department. Temporary adjustment of an individual's schedule may be made in order to meet the operational needs of CAFE or of a particular department. In such cases, an employee will be given no less than one day's prior notice of a temporary schedule change.

Since flexible work arrangements may limit a supervisor's ability to directly observe an employee's job performance, supervisors will be responsible for developing alternative methods for supervising an employee's performance. Such alternative methods shall be clearly defined, particularly when problems arise as a result of a flexible work schedule.

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

All non-exempt employees are required to clock in and out on the online payroll system and/or to maintain their own personal and accurate time card of actual time worked. These records shall include electronic time record, where applicable, containing 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 record time which differs from the time reported on an employee's timesheets. Completed and signed timesheets and electronic timekeeping shall be submitted to an employee's supervisor for approval when payroll is due.

## **F. Sick Leave**

Sick leave may be taken for personal illness or injury or disability including absence due to medical or dental appointments for employee and/or immediate family members.

All full-time employees shall accrue 10 days paid sick leave for each calendar year. Sick leave shall accumulate 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 which shall accrue at a proportionate rate. Eligible employees shall commence accrual of sick leave during their introductory periods of employment, however, employees may not utilize sick leave during their employment introductory period unless approved by the CEO. Temporary employees may be eligible for sick leave benefits in accordance to state law.

CABE 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 may be required upon return to work. Sick pay may be denied if a satisfactory medical verification is not received.

No employee may request pay in lieu of sick leave under any circumstances, nor may sick leave be claimed as additional vacation days. Upon termination of employment, for whatever reason, an employee will not receive pay in lieu of accrued but unused sick leave.

To report same-day sick leave, the employee shall notify their supervisor via text, email or phone prior to the start of or during the workday. Supervisor or employee will notify staff of the absence via email. For an anticipated absence an employee shall provide prior notice to his/her supervisor as soon as circumstances allow.

## **G. Personal Necessity**

Permanent employees shall accrue four days per year of personal necessity leave. Employees will not receive pay in lieu of accrued personal necessity leave upon termination of employment. Personal necessity leave may not be used in lieu of vacation time. Personal necessity leave must

be requested with two weeks' notice or as soon as possible in case of an emergency. The use of such leave shall be monitored by an employee's immediate supervisor.

## H. Overtime Compensation

When overtime work is work ordered or approved in advance by management and is in excess of the work schedule's basic work requirement, overtime compensation will be provided. Overtime compensation will be determined by either the non-exempt or exempt employee status.

### Non-exempt Employees

Non-exempt employees are employees who are paid an hourly wage. Non-exempt employees may not work overtime without the expressed or prior written approval of their supervisor or of the CEO.

Overtime will be computed based on actual minutes worked. Only those hours which are actually worked are included in calculation of an employee's overtime pay. Compensated holidays, for example, are not hours worked and are not included in making overtime calculations. Lunch periods are not included in the calculation of overtime.

All non-exempt employees who work extended hours in one workday and more than 80 hours in one pay period will receive overtime pay computed as follows:

1. 8:80 Schedule: Approved overtime is compensated at a rate of 1½ times the regular rate of pay for all hours worked in excess of 80 hours in a pay period and for all hours in excess of 8 hours in one workday.
2. 9:80 Schedule: Approved overtime is compensated at a rate of 1½ times the regular rate of pay for all hours worked in excess of 80 hours in a pay period and for all hours in excess of 9 hours (8 hours on Friday) in one workday.
3. 10:80 Schedule: Approved overtime is compensated at the rate of 1½ times the regular rate of pay for all hours worked in excess of 80 hours in a pay period and for all hours in excess of 10 hours in one workday.
4. Approved overtime is compensated at the rate double the regular rate of pay for all hours worked in excess of 12 hours in one work day and for all hours in excess of 8 hours on the seventh day of work in one workweek.

Non-exempt 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 hours worked, other than those hours worked on CAFE authorized holidays, is not authorized.

A non-exempt employee may not work overtime without **prior** expressed or written approval of his/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 workweek 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 policy provisions for non-exempt employees and do not receive overtime pay. However, exempt employees may accrue flex time, also referred to as compensatory time. Flex time may be accrued for all weekend hours worked beyond those required to carry out regularly assigned/scheduled duties such as weekend meetings/events not part of a typical or regularly expected schedule, or for extended hours required to supervise staff, but not required to complete an assigned work load.

Employees must receive approval from their supervisor prior to the day(s) upon which the flex time will be accrued. After completing the flex time, the employee must complete a Flex Time Accrual form and the supervisor must sign the form. Once the employee works the day(s) specified, the completed form must be turned in to the ASM to input the hours into the payroll system. Flex time accrual is an added benefit for full-time exempt employees and should be utilized for special circumstances only.

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

A regular part-time employee may receive a temporary increase in assigned hours. Such an increase shall not be considered permanent, nor shall it entitle the employee to a temporary increase in vacation benefits, medical, dental and life insurance coverage, leaves of absence, or any other benefits provided by CABE which are based upon hours worked.

### **J. Breaks and Mealtime**

All non-exempt and exempt employees who work an 8 hour day shall be entitled to a compensated mealtime of a 30 minute duration as well as two 10 minute breaks per day, one during each four hour period. Employees are prohibited from working through mealtime. An employee may obtain supervisory approval for an extension of a 30 minute mealtime, subject to an adjustment of a work schedule to reflect additional time. Subsequent requests for extensions of a mealtime shall require the prior approval of the CEO.

CABE will provide a reasonable amount of time for a lactation break to accommodate a female employee's need to express breast milk for the employee's infant child. The break time should, when possible, be taken concurrently with the break periods already provided. Employees should clock out for any time taken that does not run concurrently with normally scheduled break periods and such time will be unpaid. CABE will also make a reasonable effort to provide the employee with the use of a room or other location, other than a bathroom, in close proximity to the employee's work area, for the employee to express milk in private. Employees should notify their immediate supervisors to request a break to express breast milk under this policy.

### **K. Lateness/Tardiness**

All employees are expected to be present and prepared to commence work at the starting time

established upon their approved work schedules. If an employee is not able to arrive at their start time, they are required to contact their supervisor prior to arrival or as soon as possible.

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**

CABE expects that all employees shall be present at their work area and prepared to commence work at the beginning of the workday and to work until the end of the workday. 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.

Excused absences must be authorized by an employee's supervisor or approved as a leave of absence in accordance with the *Leave of Absence* policy in Section 6 of this handbook. Unexcused absences may result in discipline, up to and including termination. A failure to obtain supervisory approval for an absence of one or more days duration will be considered an unexcused absence.

## **M. Payroll Deductions**

CABE policy as well as federal and state law 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.

## **N. Garnishments**

As an employer, CABE is legally obligated to withhold funds from an employee's paycheck upon receipt of a notice of garnishment. In addition, CABE is required to disclose to the creditor the amount of wages currently due to the employee. It is CABE policy that the ASM immediately notify an employee who is the subject of notice of garnishment and the effect of such garnishment

on the employee's net pay. In compliance with its legal obligation, CAFE will withhold the amount specified in the notice of garnishment until it receives either a creditor's release or a court order directing discontinuance of garnishment.

#### 4. CATASTROPHIC LEAVE DONATION POLICY AND GUIDELINES

CAFE maintains a Catastrophic Leave Donation Policy for the benefit of CAFE employees who have worked for six months or more. Catastrophic illness or injury means an illness or injury that is expected to incapacitate the employee or an immediate family member and that creates a financial hardship because the employee has exhausted all of his/her sick leave and other paid time off.

Under the provisions of CAFE's donation policy for catastrophic illness or injury, employees may donate leave accruals to an eligible CAFE employee who has exhausted his/her accrued leave credits. Donated leave credits will be used to cover the employee's absence due to a catastrophic illness or injury of an immediate family member or the employee's own serious health condition which results in the employee being required to take time off from work for an extended period.

Immediate Family Members include the following:

1. Employee's spouse or registered domestic partner
2. Employee's children, step-children or foster children
3. Employee's parents, step-parents or parent-in-laws

Time Donated:

Donating employees may donate a minimum of one hour of sick leave, vacation, personal necessity leave and/or compensatory time leave using the Employee Donation for Catastrophic Leave form. There is no limit on the maximum amount of donated time. Donors' identities will remain confidential.

Donors will be notified that their donation will not relieve them of the obligations imposed by federal and state law to deductions from their earnings for such purposes including, but not limited to, taxes, social security, and state disability. Employees who are separating from CAFE service are permitted to make donations during the period more than thirty (30) days prior to their date of voluntary resignation. Otherwise, employees who are separating from CAFE service are not eligible to make donations.

Salary and Benefits:

If an employee has exhausted all of his/her sick leave and other paid time off, they may choose to fill out a Request for Catastrophic Leave Donation form. Recipients will be eligible to receive a salary and benefits via the receipt of donated time. Upon exhaustion of donated time, recipients will revert to leave of absence without pay status and paid benefits will terminate on the last day of the month following the last pay period in which donated time was received. Recipients who

wish to continue benefit coverage will be responsible for paying the full premium costs of those plans which they wish to maintain.

## 5. EMPLOYEE BENEFITS

### A. Holidays and Office Closures

CABE provides for the following paid holidays as described below:

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

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

When a scheduled holiday falls on a 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. When a scheduled holiday falls during the Annual Conference, an alternative holiday date will be designated.

Holidays that coincide with an employee's vacation will not be counted as vacation days. An employee shall be ineligible for use of holiday benefits that occur while on any leave of absence.

#### Winter Holidays:

Per Board approval, CABE's office is closed for two weeks during the Christmas/New Year's holiday season. Permanent full-time and part-time employees will receive their regular pay during this time. Due to the generous provision of extended holiday time off, all employees are required to work their regular schedules before and after the holiday break. No vacation, personal necessity or flex time may be added prior to or following the holiday break. Use of sick time may be subject to verification.

#### Post Annual Conference:

Per Board approval, the CABE office is closed for five working days following the annual CABE conference. Full-time exempt employees shall be fully compensated for that five-day period. Full-time and part-time non-exempt employees shall receive two compensated days off and are required to apply accrued personal necessity and/or vacation hours to receive compensation for the remaining three days. All employees are required to work their regular schedules upon return. No vacation, personal necessity or flex time may be added following this period of office closure. Use of sick leave may be subject to verification.

## B. 403B Pension Plan

Employees who have been employed for six months are eligible for inclusion in CABE's Pension Plan. The Accounting Department will coordinate new enrollments with the Pension Plan Administrator. CABE will contribute an amount equal to 1% of an employee's salary commencing upon six months of employment until the end of the employee's first year of employment and 4% for all subsequent years. Employees are not required to make matching fund contributions in order to participate in the CABE Pension Plan. Vesting of Pension Plan benefits will take place after 36 months of continuous employment.

## C. Vacation Benefits

Full-time employees who have completed six months of employment are entitled to accrual of vacation benefits 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 20 hours per week begin accruing pro-rated vacation benefits on the date of hire. Temporary employees and employees who work less than 20 hours per week are not entitled to vacation benefits.

An employee is required to submit a request of his/her proposed vacation schedule to his/her supervisor at least two weeks prior to commencement date of vacation.

An employee who has accrued more than 80 hours of vacation time may opt to receive pay-in-lieu of vacation for all hours in excess of 80. This option may be exercised once annually in June.

An employee may accrue a maximum of 160 vacation hours. All accrued vacation hours in excess of this maximum must be utilized no later than June 30 of each year. Accrued vacation hours in excess of 160 which remain unused by June 30 shall be subject to mandatory pay-in-lieu of vacation. (Please refer to the *Vacation Payout Guidelines and Procedures* below).

On termination of employment, an employee will be paid for all hours of accrued but unused vacation.

### Vacation Payout Guidelines and Procedures

1. During the last pay period of May any employee who has accrued more than 80 vacation hours may request pay-in-lieu of vacation.
2. A Request for Payout form must be submitted to the Accounting Department for review and approval of the CEO by the first pay period in June.
3. Pay in-lieu-of vacation will be included in an employee's payroll check for the second pay period in June.

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

CABE makes premium payments for each eligible employee's medical, dental, vision and life insurance coverage as provided in Section E, *Eligibility for Insurance Coverage* below. Employees should direct any questions concerning insurance coverage to the ASM.

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

### **Full-time Employees**

Full-time employees are eligible for group medical, dental, vision and life insurance coverage after completion of a 60-day waiting period in accordance with the terms of individual medical, dental, vision and life insurance policies.

CABE pays the cost of premiums for all eligible full-time employees for group medical, dental, vision and life insurance coverage. These premium payments shall not exceed benefit payments allocations as determined by CABE Management nor the allowable premium payments for all employees.

### **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 a pro-rata share of the cost of premiums for the group medical, dental, vision and life insurance coverage for such part-time employees.

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**

Eligible employees may enroll their family members in the medical, dental and vision insurance plans, however, the additional cost for dependent coverage shall be fully paid by an employee, the cost of which shall be deducted from his/her payroll check. Dependents are not entitled to coverage under the life insurance policy maintained by CABE for its employees.

### **Temporary Employees**

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 employee coverage under the California State Unemployment Insurance Fund. Information on unemployment insurance may be obtained from the State Employment Development Department.

## G. State Disability Insurance

An employee who suffers a non-work-related illness or injury may be entitled to State Disability Insurance (SDI) benefits. State law requires all employees to participate in the SDI program and SDI contributions are automatically deducted from an employee's paycheck, which deduction is annually adjusted pursuant to a state provided formula.

An employee may apply for State Disability Insurance benefits on the first day of hospitalization or after the eighth consecutive day of illness. In order to receive benefits retroactive to the first day of entitlement, an SDI claim must be mailed to the California State Employment Development Department (EDD) no later than twenty days following the first day of hospitalization or eighth day of illness.

CABE is not responsible for completing or mailing SDI claims or medical certification forms to the EDD. Applications for and information regarding SDI claims are normally available at a treating physician's office or at an admitting hospital.

## H. Workers' Compensation Benefits

California law requires CABE to provide Workers' Compensation Insurance coverage to its employees at its own expense. Workers' Compensation Insurance is intended to provide medical care and compensation for lost time resulting from work related illness or injury. There is a waiting period for certain benefits to be effective. **An employee must immediately report any work-related illness or injury no matter how minor to his/her supervisor** in order to ensure that the medical condition is addressed and the mandatory forms are completed. For more information on Workers' Compensation, please refer to pamphlet available from the ASM.

## I. Social Security Benefits

The Federal Insurance Contribution Tax (Social Security) deduction is required by federal law for every employee and the amount of the deduction is matched by an equal amount paid by CABE as the employer.

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/her automobile for job-related duties is required to carry automobile insurance and provide proof of such coverage to the ASM. While CABE's automobile insurance policy covers an employee who operates a vehicle while performing CABE related duties away from the office, CABE considers an employee's automobile insurance as the primary carrier and CABE's carrier as the secondary carrier.

### **Driver's Responsibilities**

An employee who operates a vehicle while on job-related assignments shall comply with all traffic laws and regulations and extend the courtesy of the road to other drivers. All accidents which occur while on CABE related job-assignments shall be promptly reported to management.

In the event of an accident, the following steps shall be taken:

1. In case of injury, take appropriate action, e.g., seek medical attention, etc.
2. Stop! Do not leave the scene.
3. Obtain a description and license number of all cars involved.
4. Get names and addresses of all occupants and as many witnesses possible.
5. Do not accept responsibility or otherwise discuss the accident with anyone other than police authorities.
6. Be courteous. Avoid any confrontation at the scene of the accident.
7. File an official report with the local police or Highway Patrol, if possible.
8. Contact CABE and inform management of any accident. File an accident report for CABE.

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

Employees may receive reimbursement for work-related travel at the reimbursement rate established by the CABE Board of Directors. The Request for Travel and Expense Reimbursement form must be completed and submitted to your immediate supervisor for approval.

### **L. Professional Growth**

From time to time CABE may provide professional learning opportunities for employees upon request by the employee. Any requests must be approved and processed through the CEO. For employees seeking professional learning outside of CABE work hours, upon CEO approval, may be compensated for certain costs associated with their learning as this pertain to the organization's mission and strategic plan.

### **M. Membership**

Employees are eligible for complimentary CABE membership. Complimentary membership and renewal are only available upon request. Please see ASM for more information on enrollment.

## **6. LEAVE OF ABSENCE POLICY**

### **A. Pregnancy Leave**

CABE recognizes that employees may be unable to work for temporary but extended periods of time due to pregnancy, childbirth, or related medical conditions. Accordingly, for any employee who is disabled due to pregnancy, childbirth, or related medical conditions, CABE will provide pregnancy disability leave for the period of actual disability, up to a maximum of four months. Pregnancy disability leave may be taken intermittently, or on a reduced-hours schedule, as medically advised. Employees will be eligible for state disability and paid family leave when

applicable.

Full-time and part-time employees will be eligible for paid maternity leave, after six months of employment. CAFE will provide up to three weeks paid pregnancy, maternity or paternity leave for new child bonding. Any employee taking pregnancy, maternity or paternity leave must first exhaust any accrued sick leave, vacation, personal necessity leave or compensatory time. Recipients may be required to report CAFE provided paid pregnancy, maternity or paternity leave payments to the California Employment Development Department when applying for Paid Family Leave Benefits since those benefits may be affected by employer provided income such as sick leave. Part-time employees will be entitled to pregnancy, maternity or paternity leave in an amount proportionate to their part-time status.

A pregnant employee is entitled to reasonable accommodation for pregnancy, childbirth or related medical condition if she so requests, and with the advice of her health care provider. In addition to other forms of reasonable accommodation, a pregnant employee is entitled to temporary transfer to less hazardous or strenuous duties if she so requests, the transfer request is supported by proper medical certification, and the transfer can be reasonably accommodated.

Whenever possible, an employee should submit a written request for maternity related leave or transfer to CAFE Management as soon as she is aware of the need for such leave or transfer. If the leave or transfer is foreseeable, the employee must provide 30 calendar days' advance notice to CAFE. If it is not practicable for the employee to give 30 calendar days' advance notice of the need for leave or transfer, the employee must notify CAFE as soon as practicable.

Any request for a leave must be supported by medical certification from a health care provider, which shall provide the following information: (a) the date on which the employee became disabled due to pregnancy; (b) the probable duration of the period(s) of disability; and (c) an explanatory statement that, due to the disability, the employee is unable to work at all or is unable to perform any one or more of the essential functions of her position without undue risk to herself, her pregnancy, or to other persons. In the case of a transfer, the medical certification shall provide the following information: (a) the date on which the need to transfer became medically advisable; (b) the probable duration of the period(s) of the need to transfer; and (c) an explanatory statement that, due to the employee's pregnancy, the transfer is medically advisable. Upon expiration of the time period for the leave or transfer estimated by a health care provider, CAFE may require the employee to provide another medical certification if additional time is requested for leave or transfer.

Employee benefits may be continued during the unpaid portion of maternity leave according to the provisions of CAFE's employee benefits plans.

Unless CAFE and the employee have already agreed upon the employee's return date, an employee who has taken a leave or transfer must notify the ASM at least two business days before her scheduled return to work or, as applicable, transfer back to her former position. An employee who timely returns to work at the expiration of her leave will be reinstated to her former position, or a comparable position, whenever possible and consistent with applicable law.

Each employee who has taken a leave or transfer must be released by her doctor to return to work. The release should be in writing and submitted to Human Resources on or before the employee's return from leave or transfer.

## B. Temporary Disability Leave

In addition to pregnancy-related disability leave, an employee may take a temporary disability leave of absence, if necessary, to reasonably accommodate a protected disability under the American with Disabilities Act or the California Fair Employment and Housing Act. **Except for state disability, workers compensation and paid family leave, when applicable, all temporary disability leaves will be unpaid.**

During this temporary disability leave, the employee will not be entitled to any continued employer contributions towards any employee benefit plan unless otherwise required by law. An employee, however, may elect to continue participating in such benefit plans, at the employee's own expense, to the extent permitted by such plans.

The duration of a leave under this section shall be consistent with applicable law, but in no event shall the leave extend past the date on which an employee becomes capable of performing the essential functions of his or her position.

## C. Family Temporary Disability Leave (CA State Paid Family Leave)

Employees may be eligible for partial income replacement through the California Employment Development Department for temporary Family Leave. It is at the discretion of CAFE to grant the leave. Should Family Leave be granted by CAFE, any payment of benefits is through the CA EDD Paid Family Leave program only and will not be paid by CAFE. Family Temporary Disability leave is administered by the California Employment Development Department. An employee must be covered by the California State Disability Insurance program to be eligible for Family Temporary Disability leave.

An employee may request Family Temporary Disability leave:

1. To care for a seriously ill parent, spouse, domestic partner, child or child of a domestic partner;
2. To bond with the employee's new child, or the new child of the employee's spouse or domestic partner;
3. 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 domestic partner.

There is a seven-day waiting period before benefits will be paid to the employee. An employee must exhaust up to two weeks of any accrued sick leave, vacation, personal necessity leave or compensatory time, if available, before receiving Family Temporary Disability benefits. Family Temporary Disability leave does not guarantee CAFE will approve any leave or guarantee employee job protection during the leave or reinstatement after the leave.

## D. Personal Leave of Absence

In special cases, an employee may request in writing an unpaid personal leave of absence. The granting or denial of a personal leave of absence is totally within the discretion of the CEO. Prior to taking a personal leave of absence, all accrued sick leave, vacation, personal necessity leave or

compensatory time must be exhausted. 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. CABA will not guarantee that the employee may return to the same or comparable position upon the expiration of the leave of absence.

## **E. Other Leaves of Absence**

### **1. Jury Duty**

If a regular full-time employee is called to serve jury duty, the employee must notify CABA Management immediately. 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. All jury duty absences will require certification from the court. Employees must provide to their supervisor the jury duty summons as soon as possible so that arrangements can be made to accommodate the absence. If, in CABA's judgment, the employees' absence would create serious operational difficulties, the employee may be asked to request a postponement from jury duty.

### **2. Bereavement Leave**

In the event of the death of an immediate member of an employee's family, CABA will grant a three-day paid leave, to be arranged with the employee's supervisor. Upon request by the CEO, 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 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

### **3. School Visits**

Parents or legal guardians of a child in preschool, kindergarten or grades one through 12 are eligible for unpaid time off when required to appear at school in connection with a child's school activities up to a maximum of 20 hours annually. Reasonable notice of the planned absence must be given. Employees must use any accrued vacation time for the absence.

#### **4. Voting**

An employee who wishes to vote in a public election but does not have sufficient time to vote during non-work hours, may arrange to take up to two hours off from work to vote. To receive time off for voting, employee must obtain advance written approval from his/her supervisor and must take the time off to vote either at the beginning or end of your work shift.

#### **5. Election Officer Leave**

Employees are allowed time off to serve as election officers on Election Day. Election Officer leave applies to local and special elections but is limited to election day only. Employees may then take time off without pay or may utilize accrued vacation time.

#### **6. Volunteer Civil Service Leave**

An employee who is a volunteer firefighter or other emergency rescue personnel (as defined by applicable State law) is permitted to take an unpaid temporary leave of absence for providing emergency services, however, an employee may utilize accrued vacation time while on such leave. Firefighter or law enforcement training leave is not to exceed 14 days per calendar year. Any employee participating as a volunteer firefighter or other emergency rescue personnel shall notify his/her supervisor of impending time off for emergency duty.

#### **7. Military Leave**

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.

#### **8. 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 CABA 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 CABA. When an employee is a witness (either under subpoena or as a volunteer) in proceedings unrelated to CABA business, the leave of absence will be unpaid. The employee may elect to use vacation pay, if eligible, for the period of time off.

#### **9. Victims of Domestic Violence or Other Crimes**

Provided the appropriate documentation is produced, unpaid time off may be available to employees who are victims of domestic violence or other crimes, as well as to organ and bone

marrow donors.

## **10. 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.

## **11. 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.

## **12. 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 CEO or Board of Directors.

## **F. Workers' Compensation Insurance**

Workers' Compensation Insurance protects employees in the event of injury or illness resulting directly from work and is provided at no cost to employees. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or, if hospitalized, immediately. Employees who sustain work-related injuries or illnesses must inform CABE Management immediately.

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

## **G. Insurance Coverage While on Leave**

While an employee is on unpaid leave, CABE will not contribute to the employee's benefit plan payments unless required by law. Any employee covered by CABE's insurance plans who is currently paying for any insurance coverage must continue to make such insurance payments during any unpaid leave of absence under this policy. In addition, the employee may be required to make payments for CABE's contribution to the employee's benefits. Failure to make such payments may result in termination of the employee's coverage.

In the event that the employee elects not to return to work upon completion of an approved leave of absence, CABE may recover from the employee the cost of payments made to maintain the employee's health coverage during the leave.

## **H. Procedures for Requesting Leave**

### **1. Notice requirement**

Except for emergencies, an employee should notify their supervisor 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 notice to

CABE. For events that cannot be foreseen thirty days in advance but are not emergencies, the employee must notify CABE 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 CABE's operations.

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, shall be at the discretion of the CEO.

2. Documentation or certification requirement

The CEO may require appropriate certificates or documents substantiating the reason for the employee's leave, whether paid or unpaid. The employee shall provide substantiating documentation within five work days of the first day of leave or provide a reasonable excuse that the documentation is unavailable. If it is determined that the substantiating documentation are withheld without justification, the CEO reserves the right to deny or retroactively rescind the leave taken by the employee and to make appropriate adjustments to pay and benefits.

**CABE complies with all Federal and State laws and regulations governing an employee's leave of absence. CABE will update this Employee Handbook as necessary to reflect changes in those laws and regulations as they occur.**

## 7. POLICIES AND CUSTOMS

### A. Health and Safety

It is CABE's policy to provide and maintain a healthy and safe work environment for all employees. Accordingly, employees may be disciplined for engaging in any unsafe or unhealthy work practice or for violating established safety rules. Employees also are required to immediately report to the ASM or CEO any potential health or safety hazards, and all injuries or accidents. First aid supplies are located in both kitchens and garage of CABE Headquarters. The location of the nearest doctor and/or medical facility is posted in the main kitchen area and also kept in the office of the ASM.

### 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 co-workers. CABE also will attempt to protect employees from harassment by non-employees in the workplace.

Harassment includes verbal, physical, or visual conduct that creates an intimidating, offensive, or hostile working environment or that interferes with work performance even when the conduct in question consists of a single incident. 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.

Prohibited sexual harassment includes the above prohibited conduct, as well as other unwelcome conduct such as requests for sexual favors, conversation containing sexual comments, and unwelcome sexual advances, including touching. CABE policy, as well as state and federal law, prohibits any form of retaliation against an employee who opposes sexual harassment or who participates in an investigation 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 supervisor, ASM or to the CEO. The CEO or the Board President is responsible for investigating all charges of sexual harassment. Supervisors who receive complaints or who observe harassing conduct must immediately inform the CEO or Board President. Note that an employee is not required to initiate a complaint of sexual harassment with his/her supervisor if the supervisor is the individual who is engaged in the alleged harassment. If CEO is the alleged harasser, 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, CABE will not tolerate retaliation against any employee for cooperating in an investigation or for making a complaint to his/her immediate supervisor, CEO, or to any other supervisor.

CABE is committed to imposing appropriate discipline on any CABE employee who violates this policy, ranging from verbal or written warnings up to and including termination. In the case of CABE employees, if harassment is established, CABE will discipline the offender. In the case of harassment by non-CABE employees, corrective action will be taken after consultation with the appropriate management personnel.

In addition to notifying CABE about harassment or retaliation complaints, employees may also direct their complaints to the California Department of Fair Employment and Housing (DFEH) or the United States Equal Employment Opportunity Commission (EEOC). The statute of limitations

for filing a DFEH complaint is one year and the statute of limitations for filing an EEOC complaint is 300 days from the date of the alleged unlawful conduct.

## C. Drug-Free Workplace Policy

It is CAFE policy 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 since substance abuse is incompatible with health, safety, efficiency, and success at CAFE. Employees who perform their duties while under the influence of drugs or alcohol 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 create a disruptive and dangerous working environment.

As a condition of continued employment with CAFE, all employees must abide by the following Policy.

### 1. Prohibited Conduct

#### A. Scope

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

1. On CAFE premises;
2. Conducting or performing CAFE business, regardless of location;
3. Operating or responsible for the operation, custody, or care of CAFE 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
2. Being under the influence of alcohol while at work

#### 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
2. Being under the influence of any illegal drug or other controlled substance while at work

#### 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

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.

## 2. Disciplinary Action

### A. Discharge for Violation of Policy

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

### B. Discretion Not to Discharge

At its discretion, CABE, may choose not to discharge an 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.

CABE will base its decision not to discharge any employee found to be in violation of this policy upon an employee's satisfactorily completion of 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 or for driving under the influence 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.

## 3. 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.

4. 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 CABE, its property, or substantially interfere with their job performance. If the employee is 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, personal necessity leave, or vacation time, or seek approval for personal leave as provided in this handbook. The employee may also contact the CEO 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 necessity leave, or vacation time to accommodate absences due to the abuse of legal drugs. Further, nothing in this Policy is intended to diminish CABE's commitment to employ and reasonably accommodate qualified disabled individuals.

5. 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.

6. 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 legal 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.

7. 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 CEO who will determine whether CABE can accommodate the employee by providing accrued sick leave or 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.

## 8. Confidentiality

Any disclosures to CABE concerning an employee's use of legal drugs or participation in any drug or alcohol counseling or rehabilitation program will be treated confidentially.

### **D. Personnel Records**

A personnel file of each employee is maintained by the ASM. The contents of the file are the property of CABE, however, each employee is entitled to receive a copy of his/her personnel file upon request.

It is the responsibility of each employee to immediately notify the ASM 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 by CABE to third persons without expressed written permission from the employee or former employee. Only the CEO or ASM are authorized to release employee information to third parties outside of CABE. The written release must identify the intended recipient as well as the specific information which may be released.

An employee has the right to inspect his or her personnel file at reasonable times with reasonable notice. An employee may obtain copies of any document in his or her personnel file that the employee has signed. An employee is also entitled to copies of all payroll records, which will be provided within 21 days of an employee's request for such records

### **E. Conflicts of Interest**

CABE 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 CABE. A conflict of interest exists when the employee's loyalties or actions are divided between CABE'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 CEO.

Any exceptions to this policy must be approved in writing by the CEO.

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, sponsors, suppliers, or potential vendors, exhibitors, suppliers
2. Working for a competitor, vendor, exhibitor, supplier, sponsor 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
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, sponsor or supplier, the employee must disclose this fact in writing to the CEO. 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, sponsor or customer, a conflict of interest may exist that requires full disclosure to CABA.

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 of Property and Confidential Information**

The security of employees, employee property and CABA property is of vital importance to CABA. CABA property includes not only tangible property, like desks and computers, but also intangible property such as information. All employees share responsibility to ensure that proper security is maintained. Any breach of security should be reported promptly to the CEO. 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.

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 CABA policy that its employees project a professional image in performance of their duties. While CABA 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. CABA's address should only be used for personal reasons if the employee has received prior approval from the CEO.

## **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 when answering a telephone, employees should give a friendly greeting and identify themselves by name. Employees are representing CABA and it is always essential they be courteous.

## **J. Use of Computers and Email Systems**

CABA has developed specific policies to address the purpose and proper use of CABA's computers and email systems. All employees will receive, review and acknowledge receipt and understanding of the policy guidelines.

## **K. Purchasing Procedures**

Prior to making CABA related purchases, all employees must submit a request to their supervisor for review and approval. The CEO provides final approval of all budgets and specific purchases that require prior approval.

Original receipts are required for any reimbursement request and credit card reconciliation. All check requests and expenditure reimbursements should be submitted to immediate supervisors for review prior to being submitted to the CEO for approval.

No personal charges or purchases may be made with CABA funds or CABA credit cards.

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

In keeping with CABA's commitment to a safe and healthy work environment, smoking and vaping are therefore not permitted on CABA property or any work area. Employees who wish to smoke or vape off CABA premises must do so during their break and meal periods.

#### **M. Postings**

All postings on CABA's premises are limited to CABA-related material, including statutory and legal notices, safety and disciplinary rules, CABA policies, memos of general interest relating to CABA, news of management decisions or matters affecting CABA and its employees. No postings will be permitted for any other purpose.

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

CABA employees who are required to travel for business shall conduct themselves in accordance to all provisions outlined in this handbook. It is CABA policy that lodging, and room reservation be made by the appropriate CABA staff member, and pre-approved by the CEO. Travel arrangements must be made in accordance with the guidelines stated in the CABA Reimbursement Policy, including pre-approval by the CEO and early booking to take advantage of rate discounts/lowest fares. All required travel advances must be requested by an employee's supervisor and approved by the CEO. All travel advances should be reconciled against actual expenditures and any money due to CABA must be returned within two weeks after the event. Note that the Travel Advance Form provides that employees who seek travel advances also consent to deduction of travel advances from subsequent payroll payments. Necessary expenses such as meals are allowed and reimbursable. There are to be no personal, non-allowed expenses incurred even with the intention of reimbursing CABA. This includes in-room movies, alcoholic beverages, and other expenses not pre-approved or related to the carrying out of CABA business.

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

#### **A. Performance Review**

The purpose of conducting the Performance Review is to appraise the team member's performance, recognize his/her achievements, develop better communication between the team member and the supervisor, improve the quality of work, increase productivity, promote team member development, establish goals for the next review, and ensure the effective implementation of the CABA Strategic Plan.

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

All contracted employees shall receive performance reviews in accordance with the terms of their contract.

The performance review of the CEO shall be the responsibility of the Executive Committee and the Board of Directors as provided for in his/her contract of employment.

## **B. Rules of Conduct**

- Policy

All employees are expected to comply with CABE's standards of job performance and good conduct. When performance or conduct does not meet CABE standards, CABE will provide the employee, as appropriate, with reasonable opportunity to correct the area defined. Failure to make appropriate corrections will subject the employee to discipline, up to and including termination.

In order to provide fair notice of CABE's employee job performance expectations, the following rules shall apply. Since not all future conduct and performance can be anticipated or defined, CABE reserves the right to impose discipline on all employees who fail to satisfy CABE's job performance expectations.

- Job Performance

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

1. Unsatisfactory work quality or quantity
2. Poor attitude (e.g., rudeness or lack of cooperation)
3. Excessive absenteeism, tardiness or abuse of break and lunch privileges
4. Failure to follow instructions or CABE procedures, including but not limited to those specified in this handbook
5. Failure to follow established safety regulations

- Misconduct

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

1. Insubordination
2. Dishonesty
3. Theft
4. Discourtesy
5. Misusing or destroying CABE property or the property of another on CABE premises
6. Violating conflict of interest rules
7. Disclosing or using confidential or proprietary information without authorization

8. Falsifying or altering CABE records, including applications for employment;
9. Interfering with the work performance of others
10. Altercations
11. Harassing, including sexually harassing, board of directors, employees, members, or vendors/suppliers
12. 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
13. Gambling on CABE property or while conducting CABE business
14. Sleeping on the job or leaving the job without authorization
15. Possessing a firearm or other dangerous weapon on CABE property or while conducting CABE business
16. Conviction 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
17. Failing to report to CABE, within five days, any conviction under any criminal drug statute for a violation occurring in the workplace
18. Using foul and/or abusive language
19. Failure to maintain a neat and clean appearance
20. 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:

1. Reporting to work on time, observing the time limits for rest and lunch periods, and obtaining approval to leave work early
2. Notifying one's 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 a documented verbal warning and a subsequent written warning. CABE reserves the right, when it deems appropriate, to proceed directly to a written warning or to termination for misconduct or failure to comply with performance, without resort to prior disciplinary steps.

### **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:

1. Elects to resign from CABE
2. Fails to return from an approved leave of absence on the date specified by CABE
3. 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 CABA's rules of conduct. Notwithstanding the rules of conduct, CABA reserves the right to discharge with or without cause.
- Termination Due to Lack of Work, Economics or Reorganization  
From time to time, CABA may need to terminate an employee as a consequence of reorganization, job elimination, lack of work, or other economic factors. Should such terminations become necessary, CABA will attempt to provide affected employees with advance notice.

## **E. Employment at Will**

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

## **F. Resignation**

CABA asks that if an employee terminates the employment relationship with CABA 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, or as stipulated in employee's contract.

## **G. Exit Interview**

Employees who terminate the employee relationship with CABA 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 CABA, including job duties, job training, job supervision and job benefits. At the time of the interview, employees are expected to return all CABA-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. GRIEVANCE POLICY AND PROCEDURE**

## **Definition:**

A grievance includes any complaint which a permanent employee may have related to any disciplinary action, termination, demotion, promotion, merit increase, lay off, alleged unfair or unequal treatment, or any other problems related to employment at CABA.

## **Policy:**

It is CABA's policy to ensure that all employees receive fair and equal treatment as well as to ensure that all employees are provided with a clear and accessible procedure for expressing concern with employment related issues. CABA's goal is to promote positive employer/employee

relations through effective communications and satisfactory resolution of employment-related issues. No CAFE employee will be discriminated against, harassed, intimidated, or suffer any retaliation for filing a grievance or participating in an investigation under this policy. Violations of this policy should be immediately called to the attention of the CEO.

**Grievance Procedure:**

**Step 1**

All concerns related to a violation of this policy should be first brought to the attention of an employee's supervisor for informal resolution as soon as possible. If a solution is not achieved at the informal level, or if the employee believes that the supervisor is the source of conduct giving rise to the grievance, an employee may proceed to step five, below.

**Step 2**

The employee must file a written complaint with his/her supervisor within five working days following initial awareness of the subject of the complaint using CAFE's Grievance Procedure form.

**Step 3**

Upon receipt of the Grievance Procedure form, his/her supervisor will meet with the employee to discuss the substance of the complaint.

**Step 4**

A supervisor is required to provide a written response to the complaint within five days of receipt. An employee who is not satisfied with the supervisor's written response may proceed to step five.

**Step 5**

Any employee who is not satisfied with the supervisor's response may inform the CEO in writing within five working days of the status of his/her grievance including a copy of the original Grievance Procedure form.

**Step 6**

The CEO will, within seven working days, make all reasonable attempts to review the grievance report, hear any additional information offered by the parties, and craft a satisfactory settlement.

**Step 7**

In the event the employee is not satisfied with the decision of the CEO, the employee may file a written appeal with the President of the Board of Directors mailed to CAFE's headquarters, or delivered to the CEO, within five days of the receipt of the written decision of the CEO. The appeal shall set forth the basis for the appeal in clear and precise language.

**Step 8**

Upon receipt of an appeal, the Board of Directors will appoint a Board of Appeal, which shall consist of three persons with the expertise necessary to address the issues in question. The Board of Directors' selection shall be final and not subject to challenge. Members of the Board of Appeal shall be reimbursed for reasonable expenses incurred as a part of their participation in the appeal.

The Board of Appeal shall convene to hear the grievance within 30 days from the receipt of the appeal. The Board of Appeal shall render a written decision, which shall be final and binding, within 10 days after hearing all evidence and arguments presented by the grieving party and management.

*CALIFORNIA ASSOCIATION FOR BILINGUAL EDUCATION*  
EMPLOYEE HANDBOOK

**ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING**

My signature below serves as acknowledgement that I have received the CABE Employee Handbook and it is my responsibility to read and understand the contents. I agree to fully comply with the CABE policies, procedures and regulations as set forth in this Employee Handbook as well as any modifications to those policies, practices and regulations currently in effect or that may be put into effect during my employment.

I further understand that the policies, procedures and regulations contained in this handbook are not intended to create any contractual obligations and do not alter the at-will status of my employment with CABE, which at-will status cannot be changed without an individual written employment contract with CABE. I also understand that CABE may modify or rescind any policies, procedures, regulations, or practices described in the Employee Handbook, in whole or in part, at any time without prior notice.

The most recent version of this handbook is available for online viewing at:  
<http://www.gocabe.org/index.php/about/staff/team-resources/>

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

\_\_\_\_\_  
Date

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

*CALIFORNIA ASSOCIATION FOR BILINGUAL EDUCATION*  
EMPLOYEE HANDBOOK

**CONFIDENTIALITY STATEMENT**

I acknowledge and understand that in the course of employment by CAFE, I may have access to and obtain proprietary and confidential information pertinent to the CAFE's operations, including information not generally known to the public. I acknowledge and understand that such information is solely CAFE property, and that all such confidential information constitutes trade secrets. I agree that I will not disclose such information or otherwise make use of such information for my benefit or the benefit any third person, other than CAFE, either during or following my employment with CAFE. I also understand that violation of this policy may subject me to discipline, up to and including termination, as well as to other legal recourse.

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

\_\_\_\_\_  
Date

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