

Alfred J. Landegger
Larry C. Baron
Oscar E. Rivas

Roxana E. Verano
Christopher L. Moriarty
Marie D. Davis
Brian E. Ewing
Jennifer R. Komsky
Rebecca L. Gombos
Patrick E. White III

“The Importance of Employee Handbooks and HR Audits”

Let's Do It By The Book

October, 2016

Presented By:

San Fernando Valley Location:

Roxana E. Verano, Esq.
Jennifer Raphael Komsky, Esq.

Ventura County Location:

Christopher L. Moriarty, Esq.
Marie D. Davis, Esq.



***This program has been approved for 1.75 hours (California)
recertification credit hours toward PHR, SPHR & GPHR through the
HR Certification Institute.***

***"The use of this seal is not an endorsement by the HR Certification
Institute of the quality of the program. It means that this program has
met the HR Certification Institute's criteria to be pre-approved for
recertification credit."***

Main Office
15760 Ventura Blvd.
Suite 1200
Encino, CA 91436
(818) 986-7561
Fax (818) 986-5147

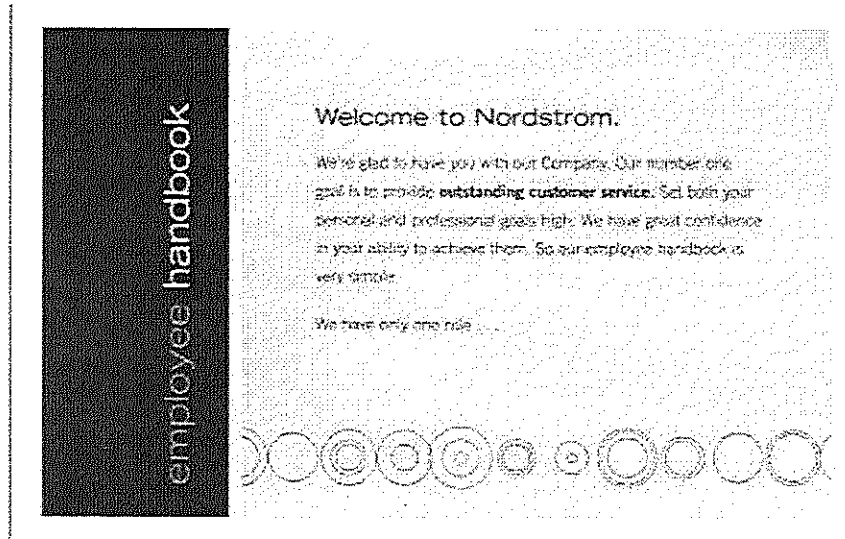
Ventura Office
751 Daily Drive
Suite 325
Camarillo, CA 93010
(805) 987-7128
Fax (805) 987-7148

TABLE OF CONTENTS

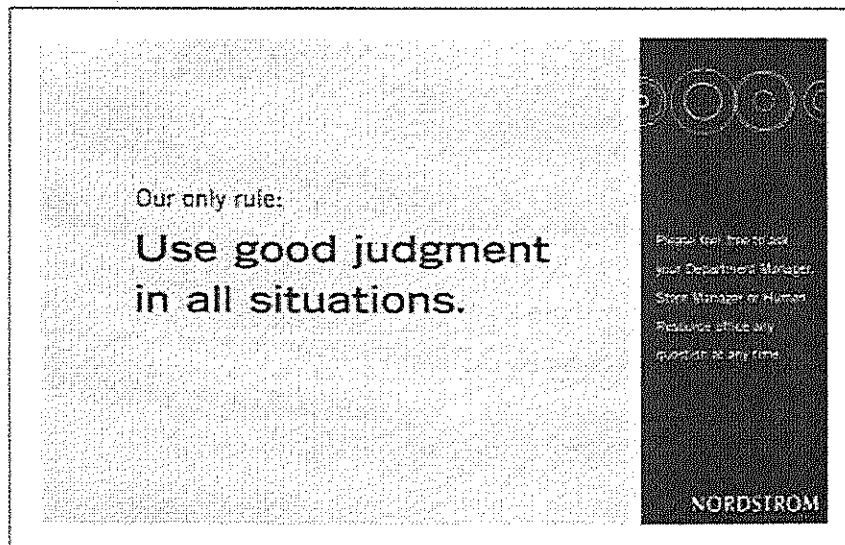
Sample of Shortest Employee Handbook	1
Sample Employee Handbook Table of Contents	2-4
Introduction to Company's Employee Handbook	5
DFEH – 185 Sexual Harassment.....	6-7
DFEH – 185s Acoso Sexual	8-9
Employee Relations Policy with Acknowledgment.....	10-11
Employee Relations Policy with Acknowledgment (Spanish).....	12-13
Employee Discipline	14-15
Possession and Use of Drugs and Alcohol.....	16
Vacations	17
Healthy Workplace Poster	18
Meal & Rest Policy	19
Employee Statement (Acknowledgment).....	20
Rules of Discipline	21

SHORTEST EMPLOYEE HANDBOOK:

Take example of Nordstrom, the 200+ location department store chain. For years, their Employee Handbook was a single 5-by-8-inch grey card with just 75 words:



(Turning over the card)



Nordstrom's Employee Handbook

"Welcome to Nordstrom

We're glad to have you with our Company. Our number one goal is to provide outstanding customer service. Set both your personal and professional goals high. We have great confidence in your ability to achieve them.

Nordstrom Rules: Rule #1: Use best judgment in all situations. There will be no additional rules.

Please feel free to ask your department manager, store manager, or division general manager any question at any time."

TABLE OF CONTENTS

SECTION I - Introduction

Introduction to the Company

Introduction to the Company's Employee Handbook

Employee Relations Policy

- A. Policy Against Discrimination.
- B. Policy Against Harassment, Including Sexual Harassment.
- C. Complaint and Investigation Procedure.

Harassment by Non employees.

Non Fraternization.

Non-Fraternization Customers/Clients.

Physical and Mental Disability Policy

The Customer Is Your Boss.

Employment Status.

At will Employment.

Orientation Period.

Employment Classifications.

Types of Employment.

Periodic Work Performance Reviews.

Wage and Salary Administration [Optional].

SECTION II - Benefits for Employees

Vacations.

Paid Holidays.

Holiday and Vacation Eligibility.

Religious Holidays.

Sick/Personal Leave [Optional].

Time off Requests.

Personal Leave Time [Optional].

Attendance Incentive [Optional].

Group Health, Vision and Dental Insurance [Optional].

Continuation of Benefits.

Retirement Plan [Optional].

Additional Insurance Protection.

- 1. Workers' Compensation Insurance
- 2. State Disability Insurance (S.D.I.)
- 3. State and Federal Unemployment Insurance.
- 4. Social Security Benefits

Leaves of Absence.

Personal Leave.

California Paid Family Leave of Absence.

Family Medical Leave Policy (FMLA) [50 Employees or More]

Pregnancy Disability Leave of Absence [50 Employees or More] [Optional]

Pregnancy Disability Leave of Absence [Less Than 50 Employees]
Bereavement Leave [Optional].
Military Leaves.
Volunteer Firefighter / Reserve Peace Officer / Emergency Personnel Leave
Volunteer Firefighter Leave [Optional]
Jury Duty.
Witness Duty [Optional]
Elections.

SECTION III - Personnel Policies

Hours of Work.
Meal and Rest Period Policy.
Overtime.
Pay Day.
Salary Advancements [Optional].
Time Cards/Sheets.
Payroll Deductions.
Attendance.
Employee Records.
Advancements, Promotions and Transfers [Optional].
Outside Employment.
Hiring of Relatives.
Solicitations, Meetings, Etc., on Company Premises.
Personal Letters, Published Articles, & Public Affairs
Use of Company Telephones.
Use of Company Equipment (Internet, E mail, Computers, Etc.).
 1. Electronic Communication System
 2. Internet Policy Provisions.
Company Property.
 1. Inspection and Searches.
 2. Use of Computers.
 A. Software / Hardware.
 B. Computer Passwords [Optional].
Use of Company And/or Personal Vehicles.
Cellular Phones While Traveling
Personal Communication Devices
Business Expense Reimbursement.
Travel Expenses.
Health and Safety Regulations.
Housekeeping.
Bulletin Boards.
Dress Code.
Parking.
No Smoking Rule.
Telephone Conduct.

Garnishment.

Possession and Use of Drugs and Alcohol.

Post-Offer.

Post-Accident.

Fitness for Duty.

Employee Assistance Program Policy (“Eap”) [Optional].

1. Treatment.
2. Benefits.
3. Inspections.
4. Privacy.

Rules of Conduct for All Employees.

1. Attendance and Work Schedules.
2. Attention to Duties.
3. Accident Prevention.
4. Personal Misconduct.

Employee Dishonesty.

Employee Discipline.

Misunderstandings.

“Let’s Communicate Policy”.

Separations/Terminations.

1. Voluntary Termination (Resignation).
2. Involuntary Termination (Discharge).
3. Layoffs for Lack of Work.

Recall [Optional].

Exit Interviews [Optional].

Dismissal Pay and Severance Pay.

Employment Verification Checks/Requests for Information.

SECTION IV Employee Statement

Employee Statement.

Unearned Vacation Agreement.

INTRODUCTION TO THE COMPANY'S EMPLOYEE HANDBOOK

The purpose of this Employee Handbook ("Handbook") is to provide you with important information about our benefits, policies, procedures, and practices. This Handbook is designed as a ready reference for explanation of our policies. It is important for you to read it thoroughly and save it for future reference. If you have any questions, please do not hesitate to ask your supervisor, who is here to help you.

Your employment with the Company is considered to be "at-will". This means that you as an employee, and the Company as your employer, each have the right to terminate the employment relationship at any time, for any reason, or no reason, and with or without cause and with or without notice.

It is important for you to understand that this Handbook is not meant to be a legal document and that the policies contained in this Handbook are not a contract of employment.

Due to the nature of our business, circumstances may require that the policies, practices, and benefits outlined in this Handbook be changed from time to time. In this regard, the Company reserves the right to amend, supplement, or rescind any provision of this Handbook in its complete discretion. Employees will be advised in writing of changes as they occur. Any changes will be made in writing by an officer of the Company. If there is a discrepancy between a verbally communicated policy, procedure, or benefit, unless otherwise stated in writing in the employee's permanent file, this Handbook takes precedence.

This Handbook replaces all earlier versions of the Employee Handbook.

Violations of the policies and procedures contained in this Handbook may lead to discipline which may include discharge.



The definition of sexual harassment includes many forms of offensive behavior.



- such as a lead, supervisor, manager or agent;
- the employer had no knowledge of the harassment;
 - there was a program to prevent harassment; and
 - once aware of any harassment, the employer took immediate and appropriate corrective action to stop the harassment.

Filing a Complaint

Employees or job applicants who believe that they have been sexually harassed may file a complaint of discrimination with DFEH within **one year** of the harassment.

DFEH serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes.

If DFEH finds sufficient evidence to establish that discrimination occurred and settlement efforts fail, the Department may file a civil complaint in state or federal court on behalf of the complaining party. The DFEH may seek punitive damages is entitled to attorney's fees and costs if it prevails in litigation.

Remedies include:

- Fines or damages for emotional distress from each employer or person found to have violated the law
- Hiring or reinstatement
- Back pay or promotion
- Changes in the policies or practices of the involved employer

Employees can also pursue the matter through a private lawsuit in civil court after a complaint has been filed with DFEH and a Right-to-Sue Notice has been issued.

For more information, see publication DFEH-159 "Guide for Complainants and Respondents."

For more information, contact DFEH toll free at
(800) 884-1684
TTY number at **(800) 700-2320**
or visit our Web site at www.dfeh.ca.gov

In accordance with the California Government Code and ADA requirements, this publication can be made available in Braille, large print, computer disk, or tape cassette as a disability-related reasonable accommodation for an individual with a disability. To discuss how to receive a copy of this publication in an alternative format, please contact DFEH at the numbers above.



State of California

Department of Fair Employment & Housing

DFEH-185 (11/14)

Sexual Harassment

The Facts About Sexual Harassment

The *Fair Employment and Housing Act* (FEHA) defines sexual harassment as harassment based on sex or of a sexual nature; gender harassment; and harassment based on pregnancy, childbirth, or related medical conditions. The definition of sexual harassment includes many forms of offensive behavior, including harassment of a person of the same gender as the harasser. The following is a partial list of types of sexual harassment:

- Unwanted sexual advances
- Offering employment benefits in exchange for sexual favors
- Actual or threatened retaliation
- Leering; making sexual gestures; or displaying sexually suggestive objects, pictures, cartoons, or posters
- Making or using derogatory comments, epithets, slurs, or jokes
- Sexual comments including graphic comments about an individual's body; sexually degrading words used to describe an individual; or suggestive or obscene letters, notes, or invitations
- Physical touching or assault, as well as impeding or blocking movements
- Sexual desire is not necessary



The mission of the Department of Fair Employment and Housing is to protect the people of California from unlawful discrimination in employment, housing and public accommodations, and from the perpetration of acts of hate violence.

Employers' Obligations

All employers must take the following actions against harassment:

- Take all reasonable steps to prevent discrimination and harassment from occurring. If harassment does occur, take effective action to stop any further harassment and to correct any effects of the harassment.
- Develop and implement a sexual harassment prevention policy with a procedure for employees to make complaints and for the employer to investigate complaints. Policies should include provisions to:
 - Fully inform the complainant of his/her rights and any obligations to secure those rights.
 - Fully and effectively investigate. The investigation must be thorough, objective, and complete. Anyone with information regarding the matter should be interviewed. A determination must be made and the results communicated to the complainant, to the alleged harasser and, as appropriate, to all others directly concerned.
 - Take prompt and effective corrective action if the harassment allegations are proven. The employer must take appropriate action to stop the harassment and ensure it will not continue. The employer must also communicate to the com-

plainant that action has been taken to stop the harassment from recurring. Finally, appropriate steps must be taken to remedy the complainant's damages, if any.

- Post the Department of Fair Employment and Housing (DFEH) employment poster (DFEH - 162) in the workplace (available through the DFEH publications line [916] 478-7201 or Web site).
- Distribute an information sheet on sexual harassment to all employees. An employer may either distribute this pamphlet (DFEH 185) or develop an equivalent document that meets the requirements of Government Code section 12950(b). This pamphlet may be duplicated in any quantity. **However, this pamphlet is not to be used in place of a sexual harassment prevention policy, which all employers are required to have.**
- All employees should be made aware of the seriousness of violations of the sexual harassment policy and must be cautioned against using peer pressure to discourage harassment victims from complaining.
- Employers who do business in California and employ 50 or more part-time or full-time employees *must* provide at least two hours of sexual harassment training every two years to each supervisory employee and to all new supervisory employees within six months of their assumption of a supervisory position.

- A program to eliminate sexual harassment from the workplace is not only required by law, but is the most practical way for an employer to avoid or limit liability if harassment should occur despite preventive efforts.

Employer Liability

All employers, regardless of the number of employees, are covered by the harassment section of the FEHA.

Employers are generally liable for harassment by their supervisors or agents. Harassers, including both supervisory and non-supervisory personnel, may be held personally liable for harassing an employee or coworker or for aiding and abetting harassment.

Additionally, the law requires employers to take "all reasonable steps to prevent harassment from occurring." If an employer has failed to take such preventive measures, that employer can be held liable for the harassment. A victim may be entitled to damages, even though no employment opportunity has been denied and there is no actual loss of pay or benefits.

In addition, if an employer knows or should have known that a **non-employee** (e.g. client or customer) has sexually harassed an employee, applicant, or person providing services for the employer and fails to take immediate and appropriate corrective action, the employer may be held liable for the actions of the non-employee.

An employer might avoid liability if

- the harasser is not in a position of authority,



La definición de acoso sexual incluye muchas maneras de conducta ofensiva.



- El acosador no tenía un puesto de autoridad, como por ejemplo supervisor, jefe, gerente o agente;
- El empleador desconocía el acto de acoso;
- En su empresa existía un programa de prevención de acoso; y
- Una vez que tuvo conocimiento del acto de acoso, el empleador tomó medidas inmediatas para eliminarlo.

Interposición de una Queja

Los trabajadores o los postulantes a un empleo que crean haber sido víctimas de acoso sexual, pueden presentar una queja por discriminación ante DFEH dentro de **un año** a partir de la fecha en que ocurrió dicho acto.

La función de DFEH es ser un investigador neutral de los hechos ocurridos y trata de asesorar a las partes a que resuelvan su disputa en forma voluntaria. Si no se puede llegar a un acuerdo voluntario, y existen pruebas que señalan que se ha quebrantado la ley, DFEH puede emitir una acusación y litigar el caso ante la Comisión de Igualdad en el Empleo y la Vivienda, o en un tribunal civil.

Si la Comisión falla que la discriminación ha ocurrido, puede ordenar soluciones que pueden incluir:

- De cada empleador o persona que violó la ley, multas o pago de compensaciones por el sufrimiento emocional causado;
- El emplear o restituir al puesto a la persona contra quien se discriminó;
- El pago de sueldos perdidos o el ascenso;
- Cambios en las políticas o reglamentos de la empresa.

Los empleados también pueden entablar una demanda de propia cuenta en una corte civil después de

haber interpuesto una queja con DFEH y de haber recibido la Notificación del Derecho a Querrelarse.

Para más información, vea la publicación de DFEH 159, "Guía para los Denunciantes y los Demandados."

Para recibir información adicional, comuníquese con DFEH al número sin cargo **(800) 884-1684** área de Sacramento y fuera del Estado al **(916) 478-7200** número TTY **(800) 700-2320** o visite nuestro sitio en la red: **www.dfeh.ca.gov**

De acuerdo con el Código de Gobierno de California y los requisitos de la Ley de Americanos con Discapacidades, esta información está disponible en Braille, letra grande, disco de computadora y cassette como una acomodación razonable para personas con discapacidades. Para informarse de como puede recibir una copia de esta información en un formato alternativo, por favor comuníquese con el departamento a los números que se indican anteriormente.



State of California

Department of Fair Employment & Housing

Acoso Sexual

La Realidad Acerca del Acoso Sexual

La *Ley de Igualdad en el Empleo y la Vivienda* (FEHA) define el acoso sexual como un acto que se basa en el sexo, o de índole sexual; acoso debido al sexo del individuo; y acoso debido a embarazo, nacimiento, o estado de salud relacionados con los mismos. La definición de acoso sexual incluye muchas formas de conducta ofensiva, incluyendo el acoso a una persona del mismo sexo que el del acosador. Lo que se indica a continuación es una lista parcial de las distintas clases de acoso sexual:

- Insinuaciones de índole sexual indeseadas
- Ofrecimiento de beneficios de empleo a cambio de favores sexuales
- Represalia o amenaza de represalias
- Miradas lascivas, gestos de tipo sexual, o mostrar objetos insinuantes, como fotografías, caricaturas, o posters
- Hacer comentarios que menosprecian a una persona, usar palabras soeces, comentarios insinuantes o bromas del mismo tipo
- Comentarios de índole sexual, incluyendo comentarios gráficos acerca del cuerpo de una persona, usando palabras degradantes para describir a un individuo, cartas insinuantes u obscenas, mensajes o invitaciones.
- Manoseo o agresión física, como también el bloquear o impedir el movimiento de una persona



Obligaciones de los Empleadores

Todos los empleadores deben adoptar las siguientes medidas contra el acoso sexual:

- Aplicar todas las medidas necesarias en la prevención de la discriminación y acoso. En el caso que se cometa un acto de acoso: tomar acción efectiva para impedir cualquier otro acto de acoso en el futuro, como también corregir cualquier consecuencia derivada del mismo.
- Desarrollar e implementar una política de prevención de acoso sexual proporcionando un mecanismo para que los trabajadores puedan presentar los reclamos y para que el empleador pueda investigar las quejas. Estas políticas deberían incluir disposiciones para:
- Informar al reclamante de sus derechos y de cualquier otra medida a adoptar para preservar aquellos derechos.
- Realizar una investigación completa y efectiva. Se deberá realizar las indagaciones correspondientes con todas las personas que posean información al respecto. Se debe llegar a una determinación y comunicar los resultados de las misma al reclamante, al presunto acosador, y si es apropiado, a todos aquellos involucrados directamente en el asunto.
- Si el acoso sexual es comprobado, se debe adoptar de inmediato y sin demora una medida correctiva. El empleador debe tomar medidas apropiadas para parar el acoso y asegurarse de que no continúe. El empleador también le

debe informar al denunciante sobre las acciones que se han tomado para que el acoso no vuelva a ocurrir. Finalmente, se deben tomar medidas para remediar las pérdidas o daños incurridos por el denunciante, si los hubiera.

- Colocar el poster (DFEH 162) del Departamento de Igualdad en el Empleo y la Vivienda (Department of Fair Employment and Housing [DFEH]) en el lugar de trabajo (disponible a través del número de publicaciones de DFEH [916] 478-7201 o el sitio en la red).
- Distribuir entre todos los trabajadores un folleto informativo acerca del acoso sexual. El empleador puede distribuir este panfleto (DFEH 185) o imprimir un documento equivalente que cumpla con los requisitos dispuestos por el artículo 12950(b) del Código del Gobierno. **Este folleto puede ser duplicado tantas veces como sea necesario. Sin embargo, este panfleto no puede ser utilizado en reemplazo de la política de prevención del acoso sexual, que todos los empleadores deben tener.**
- Se deberá informar a todos los trabajadores acerca de la gravedad del incumplimiento de la política de acoso sexual. Se deberá educar al personal de supervisores acerca de sus responsabilidades específicas en esta materia. Se debe advertir a todos los trabajadores de las consecuencias a que se exponen si presionan a sus compañeros para disuadirlos de presentar una queja.
- La ley no sólo dispone que se implemente un programa para eliminar el acoso sexual en el lugar de empleo, sino que es la vía más práctica del empleador para así evitar o limitar la responsabilidad civil si el acoso sexual ocurre a

pesar de las medidas de prevención implementadas.

Responsabilidad Civil del Empleador

Todos los empleadores, sin tomar en cuenta el número de trabajadores en sus empresas, están incluidos en la sección de acoso sexual dispuesta por FEHA. En general, los empleadores son responsables por los actos de acoso cometidos por sus supervisores o agentes. Los acosadores, incluyendo el personal de supervisión o personal sin responsabilidades de supervisión, pueden exponerse a que se les haga responsables por el acoso a un trabajador(a) o compañero(a) de trabajo o por ayudar e incitar en un acto de acoso sexual.

Además, la ley dispone que los empleadores adopten “todas las medidas necesarias para prevenir que ocurra el acoso sexual.” Si un empleador no ha cumplido con aplicar estas medidas preventivas, se le puede hacer responsable por el acto de acoso. Asimismo, una víctima podría tener el derecho de que se le compense por los daños contra su persona, aunque no se le haya negado una oportunidad de trabajo y aunque la víctima no haya sufrido ninguna pérdida en sus ingresos o beneficios.

Además, si un empleador sabe o debería haber sabido que una persona que no pertenece al personal de su empresa ha acosado sexualmente a un trabajador, un postulante a un empleo, o a un individuo que proporciona servicios a su empresa, y dicho empleador no cumple con tomar una medida correctiva adecuada e inmediata, se le podría hacer responsable por el acto de acoso sexual.

Un empleador podría evitar la responsabilidad civil en el caso que:

EMPLOYEE RELATIONS POLICY WITH ACKNOWLEDGMENT

A. POLICY AGAINST DISCRIMINATION

_____ (the “Company”) is committed to providing a work environment that is free of discrimination. In keeping with this commitment, the Company maintains a strict policy prohibiting unlawful discrimination and retaliation. This policy applies to all employees of the Company, including supervisors and non-supervisory employees. The policy also prohibits unlawful discrimination and retaliation by non-employees of the Company with whom employees come into contact, including clients, customers, vendors and any other person doing business with the Company.

All aspects of employment with the Company will be governed on the basis of merit, competence and qualifications and will not be influenced in any manner by an individual's race, ancestry, color, religious creed (including religious dress and grooming practices), national origin, marital status, sex (including sexual harassment), sexual orientation, gender, gender identity, gender expression, disability (physical or mental including HIV/AIDS diagnosis), pregnancy (including breastfeeding and conditions related to breastfeeding), medical condition (cancer and genetic characteristics), age (40 or over), military and veteran status, or exercising the right to any legally provided leave of absence in the application of any policy, practice, rule or regulation.

All decisions made with respect to recruiting and hiring, evaluations and promotions for all job classifications will be based solely on individual qualifications as related to the requirements of the position. Likewise, all other personnel matters such as compensation, benefits, transfers, lay-offs, training, educational opportunities and programs will be administered free from any illegal discriminatory practices.

B. POLICY AGAINST HARASSMENT, INCLUDING SEXUAL HARASSMENT

The Company is also committed to providing a work environment that is free of harassment, including sexual harassment.

Sexual harassment includes:

1. Unwanted sexual advances;
2. Offering employment benefits in exchange for sexual favors;
3. Making or threatening reprisals after a negative response to sexual advances;
4. Visual conduct: leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters;
5. Verbal conduct: making or using derogatory comments, epithets, slurs, and jokes;
6. Verbal sexual advances or propositions;
7. Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, or invitations;

8. Physical conduct: touching, assault, impeding or blocking movement; and

9. Further, the Company prohibits abusive conduct (“bullying”): Any form of abusive conduct by an employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to the Company’s business interest.

C. COMPLAINT AND INVESTIGATION PROCEDURE

Any form of discrimination, retaliation or harassment, including sexual harassment, is absolutely prohibited. Any incident of possible discrimination, retaliation or harassment should be brought immediately to the attention of the Human Resources Department of the Company, either verbally or in writing, which will thoroughly investigate the matter. Supervisors who receive complaints of discrimination, retaliation or harassment from their employees are required to forward those complaints to the Human Resources Department.

The Company will conduct a fair, impartial, and thorough investigation by qualified personnel that provides all parties appropriate due process. The investigation shall be conducted confidentially to the extent confidentiality is possible. The Company will document and track the progress of the investigation. The Company will make a reasonable determination, after reviewing all the evidence collected, concerning whether misconduct occurred. The investigation will be completed in a timely manner and the employee who filed the complaint will receive a timely response. If misconduct is found to have occurred, appropriate remedial measures will be taken. Disciplinary action, up to and including discharge, will be taken against any employee who is found to have engaged in conduct prohibited by this policy.

No employee shall be subjected to any form of retaliation for reporting any violation of this policy truthfully and in good faith, or for participating in any investigation conducted pursuant to this policy.

HARASSMENT BY NON-EMPLOYEES

In addition, the Company will take all reasonable steps to prevent or eliminate sexual harassment by non-employees including customers, clients and suppliers who are likely to have workplace conduct with our employees.

EMPLOYEE RELATIONS POLICY ACKNOWLEDGMENT

I have read and received a copy of the Company’s Employee Relations Policy, including the policies against discrimination, retaliation and harassment, including sexual harassment, and fully understand my obligations and responsibilities as outlined therein.

Signed: _____

Date: _____

Witness: _____

Date: _____

POLÍTICA DE RELACIONES DE EMPLEADOS CON RECONOCIMIENTO

A. POLÍTICA CONTRA LA DISCRIMINACIÓN

La Compañía está comprometida a proveer un ambiente libre de discriminación. Para cumplir con este compromiso, la Compañía mantiene una política estricta prohibiendo la discriminación y las represalias ilegales. Esta política se aplica a todos los empleados de la Compañía, incluyendo supervisores y empleados que no son de supervisión. La política también prohíbe la discriminación y las represalias de parte de personas que no son empleadas por la Compañía y con las cuales los empleados tienen contacto, incluyendo clientes, suministradores, vendedores y cualquier otra persona que haga negocio con la Compañía.

Todo aspecto de empleo con la Compañía será gobernado a base de mérito, aptitud y capacidad y no será influenciado de ninguna manera por la raza, ascendencia, color, religión (incluyendo vestimenta religiosa y prácticas de acicalamiento), origen nacional, estado civil, sexo (incluyendo acoso sexual), orientación sexual, género, identidad de género, expresión de género, incapacidad (física o mental incluyendo diagnóstico de HIV/SIDA), embarazo (incluyendo lactancia materna y condiciones relacionadas), condición médica (cáncer y características genéticas), edad (40 años o más), estado de militar o de veterano, o por ejercer el derecho a tomar un permiso de ausencia legal, del individuo en la aplicación de cualquier política, práctica, regla o regulación.

Todas las decisiones hechas acerca de reclutamiento y empleo, evaluaciones y promociones para todas las clasificaciones de trabajo serán basadas solamente en las capacidades individuales relacionadas a los requisitos de la posición. Igualmente, todos los demás asuntos del personal como compensación, beneficios, transferencias, despido temporal, entrenamiento, oportunidades y programas educativos serán administrados libres de cualquier práctica discriminatoria ilegal.

B. POLÍTICA CONTRA EL HOSTIGAMIENTO, INCLUYENDO ACOSO SEXUAL

La Compañía también está comprometida a proveer un ambiente de trabajo libre de hostigamiento, incluyendo el acoso sexual.

Acoso sexual incluye:

1. Avances sexuales no deseados;
2. Ofrecer beneficios de empleo a cambio de favores sexuales;
3. Tomar o amenazar de tomar represalias después de recibir una respuesta negativa a un avance sexual;
4. Conducta visual: mirada de reojo lasciva; gestos sexuales; desplegar objetos o retratos, caricaturas o carteles sexualmente sugestivos;
5. Conducta verbal: hacer o usar comentarios, epítetos, calumnias o chistes derogatorios;
6. Avances o proposiciones sexuales verbales;
7. Abuso verbal de naturaleza sexual, comentarios gráficos verbales acerca del cuerpo de un individuo, palabras sexualmente degradantes usadas para describir a un individuo, cartas, notas o invitaciones obscenas o sugestivas;

8. Conducta física: tocar, asaltar, impedir u obstruir el movimiento; y
9. Además, la Compañía prohíbe la conducta abusiva ("bullying"): Cualquier forma de conducta abusiva por un empleado en el lugar de trabajo, con malicia, que una persona razonable encontraría hostil, ofensivo y sin relación al interés de negocio de la Compañía.

C. PROCEDIMIENTO DE QUEJA E INVESTIGACIÓN

Cualquier tipo de discriminación, represalia u hostigamiento, incluyendo el acoso sexual, es absolutamente prohibido. Cualquier incidente de discriminación, represalia u hostigamiento debe ser comunicado inmediatamente al Departamento de Recursos Humanos de la Compañía, ya sea verbalmente o por escrito, el cual investigará el asunto meticulosamente. Supervisores que reciben quejas de discriminación, represalias u hostigamiento de un empleado están requeridos enviar esas quejas al Departamento de Recursos Humanos.

La Compañía llevará a cabo una investigación justa, imparcial y exhaustiva a través de personal cualificado que provee proceso debido (due process) a todas las partes. La investigación será realizada de manera confidencial hasta el punto que la confidencialidad es posible. La Compañía documentará y estará al tanto del proceso de la investigación. La Compañía hará una determinación razonable, después de revisar todas las pruebas, sobre si es que conducta inapropiada ocurrió. La investigación se completará en forma oportuna y el empleado que presento la queja recibirá una respuesta oportuna. Si se determina que conducta inapropiada sucedió, se tomará las medidas correctivas apropiadas. Se tomará medidas disciplinarias, hasta e incluyendo la descarga de empleo, contra cualquier empleado que se determine haber participado en conducta prohibida por esta política.

Ningún empleado será sujeto a alguna forma de represalia por reportar honestamente y en buena fe una violación de esta política, o por participar en una investigación conducida de acuerdo a esta política.

HOSTIGAMIENTO O ACOSO POR MEDIO DE NO-EMPLEADOS

Adicionalmente, la Compañía tomará todos los pasos razonables para prevenir o eliminar el acoso sexual por parte de no-empleados incluyendo clientes, vendedores y suministradores que tengan contacto de trabajo con nuestros empleados.

RECONOCIMIENTO DE LA POLÍTICA DE RELACIONES DE EMPLEADOS

Yo he recibido y leído una copia de la Política de Relaciones de Empleados de la Compañía, incluyendo las políticas en contra de la discriminación, la represalia y el hostigamiento, incluyendo el acoso sexual, y entiendo completamente mis obligaciones y responsabilidades bajo esta política.

Firma: _____ **Fecha:** _____

Testigo: _____ **Fecha:** _____

EMPLOYEE DISCIPLINE

The Company expects that employees will abide by its rules, policies, procedures and practices and that they will perform their duties and responsibilities to the best of their abilities. The Company also expects that employees will conduct themselves at all times in a manner that will not bring discredit to the Company and that they will conduct the business of the Company in a diligent, conscientious, courteous manner.

When violations of these expectations occur the Company will take disciplinary action. It is the intent of the disciplinary process to notify employees of misconduct so employees do not repeat the conduct and thereby maintain the employment relationship.

Verbal and written warnings will be issued when employee misconduct occurs. These warnings constitute a formal record of discussion between the employee and his/her Supervisor regarding the employee's misconduct and the consequence(s) of the current and possible future infractions. Serious misconduct can result in immediate suspension or termination without any prior warning(s).

Serious misconduct includes, but is not limited to, unauthorized removal of property, theft, insubordination, intoxication, fighting, etc. Nothing in this policy changes the at-will relationship between the Company and the employees and the ability of the Company or the employee to terminate the employment relationship or discipline the employee, at any time.

Verbal warnings are initiated by the Supervisor, as a discussion with the employee concerning an infraction of policies or procedures or concerning needed improvement where job duties and responsibilities are not being performed at acceptable standards. Verbal warnings are documented as they occur in the employee's personnel file.

Written warnings are written documents which specify the violation(s) of policies, practices, procedures or the lack of performance and may include the specifics of the corrective action necessary, the time in which correction will be made, and the consequences if correction is not made. It will become a part of the employee's file. The employee will have an opportunity to sign the receipt for the warning and be given a copy of the written warning.

Administrative suspension occurs when an employee is removed from the workplace, without pay, for a limited time pending the completion of an objective investigation of a serious alleged violation of policies, procedures or practices, or an act of serious misconduct.

Disciplinary suspension occurs when the employee is removed from the workplace, without pay, for a specified period of time as disciplinary action for continued violations of policies, procedures or practices or for misconduct which is serious but not of such magnitude to warrant termination.

While employees should take both verbal and written warnings seriously, written warning are particularly serious because they usually constitute a final warning to the employee that he or she may be suspended and/or terminated if there is any further violation of any Company rule or policy. If an employee disagrees with the warning and/or has comments to make, the employee may take advantage of the grievance procedure stated below. Our policy of progressive discipline

is not intended to alter the at-will employment relationship nor to create a contractual obligation. The Company reserves the right to terminate or discipline an employee at its discretion.

MISUNDERSTANDINGS

Any time people work together there are bound to be occasional misunderstandings. While we certainly hope that these will be infrequent, we recognize that they do occur. We will attempt to resolve misunderstandings and grievances quickly in a manner which is equitable to everyone.

"LET'S COMMUNICATE POLICY"

It is the policy of the Company to assist each employee in resolving conflicts. To implement this policy, a written, three-step communication procedure for the solution of these matters has been adopted.

PROCEDURE:

STEP 1: THE EMPLOYEE INFORMS THE IMMEDIATE SUPERVISOR

The employee will communicate orally to his or her Supervisor by explaining in detail the nature of the matter and suggest potential solutions. After recording the inquiry in writing, the Supervisor will then respond to the employee with both an explanation and solution. In the event that the Supervisor fails to respond within five (5) Company days or the response is not satisfactory to the employee, the employee may proceed to STEP 2. Should the employee not proceed to STEP 2 within three (3) Company days after receiving an unsatisfactory response (or no response), the inquiry will be considered withdrawn by the employee.

STEP 2: THE EMPLOYEE INFORMS THE PERSONNEL OFFICER IN WRITING

The employee will refer the matter in writing to the Personnel Officer. A response will be given to the employee during an oral interview usually within five (5) Company days from the receipt of the employee's written inquiry. As in STEP 1, in the event the Personnel Officer fails to respond within five (5) Company days the employee may proceed to STEP 3. Should the employee not proceed to STEP 3 within three (3) Company days after receiving an unsatisfactory response (or no response), the inquiry will be considered withdrawn by the employee.

STEP 3: THE EMPLOYEE INFORMS THE PRESIDENT

The employee may state the concern in writing to the President, updating to reflect the response from the Personnel Officer and the reason(s) why the matter remains unresolved. Suggestions for resolution of the inquiry are encouraged. After receiving the written inquiry the President will render a decision. This decision will be final and will be communicated to all concerned.

POSSESSION AND USE OF DRUGS AND ALCOHOL

The Company recognizes the employee's right to privacy; however, the Company is committed to providing a safe, efficient and productive work environment for all employees. In keeping with this commitment, employees and job applicants may be asked to undergo a drug/alcohol screening to determine the use of such substances. To further promote this goal, the Company will not tolerate the possession of or use of alcohol or drugs while on the Company's premises or time. Employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

While on the Company's premises and while conducting Company related business activities which may occur off the Company's premises, no employee shall use, possess, distribute, sell or be under the influence of alcohol or drugs (except for the use of physician prescribed medication when the employee's supervisor has been advised of such prescribed use). The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

Drug and alcohol tests may be conducted in any of the following situations:

- | | |
|--------------------------|---|
| POST OFFER: | As a pre qualification to assuming any position, prospective employees may be required to submit to a drug/alcohol test. |
| POST ACCIDENT: | Any current employee who is involved in an incident or accident while on duty, whether on or off the Company's premises, may be required to undergo a drug/alcohol test. |
| FITNESS FOR DUTY: | This test may be required if significant and observable changes in an employee's performance, appearance, behavior, speech, etc. provides reasonable suspicion and probable cause to believe that the employee is under the influence of drugs or alcohol while on the Company's time or premises which could result in injury to the employee or fellow employees, or subject the Company to legal exposure, or public embarrassment, the Company may require the employee to submit to a drug test. |

"Probable cause" shall exist when an employee's ability to perform their job duties is impaired. "Impaired" means that the employee's motor senses or judgment are or may be affected. Probable cause shall also exist if an employee is involved in either a job related accident or violation of a safety rule or standard, which did or could have resulted in serious injury or property damage.

Positive results will result in discipline, including discharge. The employee may be offered the opportunity to participate in a rehabilitation program.

VACATIONS

Vacation time is accrued based upon an employee's date of hire. After completion of one full year of employment, full-time regular employees accrue five (5) days of vacation which will accrue monthly. During the second year of employment, full-time regular employees accrue ten (10) days of paid vacation and during the fifth year of employment, full-time regular employees accrue fifteen (15) days of paid vacation.

During the first 90-days of employment, employees do not earn, vest or accrue vacation benefits.

Part-time regular and temporary personnel are not covered by this vacation policy and do not earn, vest or accrue any vacation benefits.

Because the Company believes and requires that all eligible employees should take an earned vacation in a timely manner each vacation year, the following procedures apply to the administration of our paid vacations policy:

A paid vacation may not be taken until it is actually earned unless given specific written permission by the Company.

1. Vacation pay will be at the base rate of pay in effect at the time the vacation is taken. If vacations are not taken, the accrued vacation will be paid out annually.
2. You may request and take your earned vacation anytime that is specifically agreed to by the Company.
3. Vacation requests should be received in writing, at least two (2) months in advance to accommodate the business needs of the Company.
4. To be eligible for vacation pay, employee must work the day before the start and the day after the end of a vacation.
5. Payment for any earned, but unused vacation will be made to an eligible employee upon termination.

THIS POSTER MUST BE DISPLAYED WHERE EMPLOYEES CAN EASILY READ IT*(Poster may be printed on 8 ½" x 11" letter size paper)***HEALTHY WORKPLACES/HEALTHY FAMILIES ACT OF 2014
PAID SICK LEAVE****Entitlement:**

- An employee who, on or after July 1, 2015, works in California for 30 or more days within a year from the beginning of employment is entitled to paid sick leave.
- Paid sick leave accrues at the rate of one hour per every 30 hours worked, paid at the employee's regular wage rate. Accrual shall begin on the first day of employment or July 1, 2015, whichever is later.
- Accrued paid sick leave shall carry over to the following year of employment and may be capped at 48 hours or 6 days. However, subject to specified conditions, if an employer has a paid sick leave, paid leave or paid time off policy (PTO) that provides no less than 24 hours or three days of paid leave or paid time off, no accrual or carry over is required if the full amount of leave is received at the beginning of each year in accordance with the policy.

Usage:

- An employee may use accrued paid sick days beginning on the 90th day of employment.
- An employer shall provide paid sick days upon the oral or written request of an employee for themselves or a family member for the diagnosis, care or treatment of an existing health condition or preventive care, or specified purposes for an employee who is a victim of domestic violence, sexual assault, or stalking.
- An employer may limit the use of paid sick days to 24 hours or three days in each year of employment.

Retaliation or discrimination against an employee who requests paid sick days or uses paid sick days or both is prohibited. An employee can file a complaint with the Labor Commissioner against an employer who retaliates or discriminates against the employee.

For additional information you may contact your employer or the local office of the Labor Commissioner. Locate the office by looking at the list of offices on our website <http://www.dir.ca.gov/dlse/DistrictOffices.htm> using the [alphabetical listing of cities, locations, and communities](#). Staff is available in person and by telephone.

MEAL AND REST PERIOD POLICY

Employees that are scheduled to work more than five (5) hours must take a thirty (30) minute uninterrupted meal period, off the clock, no later than the end of the fifth hour of work. Employees are entitled to be relieved of all their duties and free to take care of personal matters during that time. Employees that have a six (6) hour shift may voluntarily waive the meal period if they execute a Six Hour Shift Waiver Form. Please see the Human Resource Department.

The Company provides a paid ten (10) minute rest period for every four (4) hours of work or major fraction thereof. An employee who works between three and a half (3 1/2) to six (6) hours is entitled to one (1) ten minute break, an employee who works over six (6) hours is entitled to a second ten minute break. An employee that works less than three and a half (3 1/2) hours is not entitled to receive a paid ten (10) minute rest period. Please check with your supervisor for the appropriate time to take meal and rest breaks.

Meal periods and rest periods may not be waived to leave early nor may they be consolidated for a longer break or meal period.

It is against Company policy for any employee to perform work during meal or rest periods. It is against Company policy to return to work before the end of a 30 minute meal period or ten minute rest break. It is also against Company policy for employees to work "off the clock," that is, perform work without recording it as time worked on their timesheets.

Employees working more than ten (10) hours are entitled to a second meal period before end of the tenth hour of work, unless the employee voluntarily executes a Twelve Hour Shift Waiver Agreement and has taken the first meal period.

The undersigned acknowledges that he or she has read and understands the foregoing Meal and Rest Period Policy.

Employee Signature

Date

EMPLOYEE STATEMENT

1. I acknowledge receipt of my copy of the Company Employee Handbook. I have read and understand its contents, including the Company policies and rules governing my conduct, wages and working conditions as an employee. I have had the opportunity to ask questions about the Company's policies and rules. I agree to abide by these policies and rules during my employment and understand the consequences if I do not.

2. I understand that this Employee Handbook, and the Company's policies, rules and benefits may be changed at any time at the sole discretion of the President. I further understand that my employment is "at will", that either I or the Company may terminate the employment relationship at any time, that I may be disciplined, including demoted any time, at the discretion of the Company, and that the Employee Handbook is not a contract of employment. I further acknowledge that there are no express or implied agreements which contradict this provision of at-will employment, that the only person empowered to modify or alter this provision of at-will employment is the Company President, and that any agreement to modify the at-will status of my employment must be in writing and fully executed by the President and myself. I further understand that this acknowledgment supersedes all previous agreements, written or oral.

3. I will observe strict secrecy as to the accounts of all customers and as to all the transactions of the Company of whatever description with its customers, Company employees and officers or stockholders and I will not divulge any of said matters, nor the status of any of said accounts, nor the number of shares held by any person or persons, nor the nature of any interest that any person or customer may have in the affairs of the Company and I will not divulge any of the credit information of any person, company or corporation which I may acquire as an employee or use any information of whatsoever kind or character which I may receive as an employee for any purpose other than for the advancement of the interests of the Company and I will at no time divulge any such information to any person not entitled thereto.

4. I further promise that I will honestly and faithfully conduct myself, and duly and diligently perform all the duties assigned to me while in the employ of the Company, and I will truly and faithfully account for and deliver to the Company all moneys, securities and other property belonging to the Company which I may receive for, from or on account of the Company, and that upon termination of my employment, I will at once deliver to the Company, all books, documents, money, securities or other property belonging to the Company or for which the Company is liable to others, which shall be, or which ought to be, in my charge of custody, and I will in all other respects honestly and faithfully perform all my duties as an employee of the Company.

5. I shall be bound by all the rules and regulations of the Company now in force, and by all such other rules and regulations as may be hereinafter called to my notice and I will faithfully observe and abide by the same.

6. I agree that while employed by the Company, I will accept no other employment, either full or part-time, for compensation without prior written consent of the Company.

Dated: _____

Employee's Signature

Please return the Employee Statement when you have completed reading this booklet.

RULES OF DISCIPLINE

1. **FAIRNESS.** Ask yourself the following question: Is it fair to discipline this employee based upon the quality and quantity of the facts before you?
2. **CONSISTENCY.** In the past has the Company imposed the same discipline in similar situations?
3. **UNIFORMITY.** The Company has an employee handbook, so employees know what is to be expected of them and what the Market provides for them for benefits. As a supervisor you must promote the understanding of such policies to each employee.

Examples: Excessive absenteeism.
 Insubordination.
4. **HONESTY.** During discipline it is essential that you are candid and direct with the employee regarding performance and performance appraisals. Never tell any employee they are being laid off when performance is the real issue.
5. **BE OBJECTIVE.** To demonstrate validity and legality of actions.
6. **FOLLOW RULES 1, 2, 3, 4 and 5.** Be in a position to demonstrate all of the above. Imagine yourself in the witness chair. This is what you want to portray to the judge or the jury.