



# **VALLEY CAPS PERSONNEL HANDBOOK**

**Effective January 1, 2025**

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## **1. INTRODUCTION**

Valley CAPS (or the “Company”) has prepared this Personnel Handbook to familiarize our employees with our philosophies and beliefs and describe generally our employment practices, policies and guidelines. Although this is not a contract or a legal document, it is important that all employees read, understand and follow the provisions set forth in this handbook. It is not possible for us to anticipate every situation that may arise in the workplace and there will undoubtedly be situations that will require us to reconsider our policies or guidelines. Accordingly, Valley CAPS reserves the exclusive right to modify, interpret, supplement or rescind any provision of this handbook as we deem necessary or appropriate.

All employment agreements are subject to the provisions of this handbook. Only the Executive Director has the authority to enter into any agreement which is inconsistent with any provision set forth in this handbook. (With regards to the employment of the Executive Director, only the Board of Directors has the authority to enter into any agreement which is inconsistent with any provision set forth in this handbook.) All employment agreements must be in writing and signed by the Executive Director (or where the affected employee is the Executive Director, by the President of the Board of Directors or his or her designee) and the affected employee.

Employees must sign the acknowledgment at the end of this handbook and return it to Human Resources for recordkeeping. This handbook is the property of Valley CAPS and it is intended only for personal use and reference by our current employees. Circulation or distribution of this handbook outside of Valley CAPS is prohibited without the prior, written approval of the Executive Director.

## **2. AT-WILL EMPLOYMENT**

All employment at Valley CAPS is “at-will.” This means that the employee and Valley CAPS each has the right to terminate the employment relationship at any time, with or without notice, and with or without cause. Employees may also be demoted, disciplined, or the terms of their employment altered, at any time, with or without notice, and with or without cause at the sole discretion of Valley CAPS. Only the Executive Director has the authority to enter into an agreement for employment for a specified period of time or to make any agreement contrary to this at-will status. Any such agreement must be in writing, must be signed by the Executive Director and by the affected employee, and must express a clear and unambiguous intent to alter the at-will nature of the employment relationship.

## **3. EQUAL EMPLOYMENT OPPORTUNITY**

Valley CAPS is subject to all state and federal laws that prohibit discrimination, harassment and retaliation in the workplace and require equal employment opportunities. It is our policy to provide equal employment opportunity for all applicants and employees. We do not unlawfully discriminate on the basis of race, color, national origin, ancestry, citizenship, religion (including religious dress and grooming practices), sex (including pregnancy, perceived pregnancy, childbirth, breastfeeding or related medical condition), gender identity, gender expression, age, physical or mental disability, legally protected medical condition or information, family status, caregiver status, marital status, domestic partner status, sexual orientation, genetic information,



military status, veteran status, or any other basis protected by local, State or federal laws. When necessary, we make reasonable accommodations for disabled employees who request an accommodation for their disability, including pregnancy, childbirth, or related medical condition.

We also prohibit sexual harassment and harassment, retaliation, and discrimination of any individual on the basis of any protected category or status listed above. For information about the types of conduct that may constitute impermissible harassment, discrimination, or retaliation, our internal procedures for addressing any complaint of such conduct, or the legal remedies available through and the complaint procedures of the appropriate state and federal agencies, please refer to our Policy Against Harassment, Discrimination, and Retaliation at Section 22.

This equal employment opportunity policy applies to all areas of employment including recruitment, hiring, training, promotion, transfer, disciplinary action, compensation, benefits and programs. It is the responsibility of every supervisor and employee to conscientiously follow this policy.

#### **4. OPEN DOOR POLICY**

Valley CAPS has an open-door policy that encourages employees to participate in decisions affecting them and their daily professional responsibilities. Employees who have job-related concerns or complaints are encouraged to discuss them with their supervisor or any other management representative with whom they feel comfortable. The Company believes that employee concerns are best addressed through this type of informal and open communication.

Employees are encouraged to raise work-related concerns as soon as possible after the events that cause the concern. Employees are further encouraged to pursue discussion of their work-related concerns until the matter is fully resolved. Although the Company cannot guarantee that in each instance the employee will be satisfied with the result, we will attempt in each instance to explain the result to the employee if the employee is not satisfied. The Company will also attempt to keep all such expressions of concern, the results of any investigation, and the terms of the resolution confidential. In the course of investigating and resolving the matter, however, some dissemination of information to others may be necessary or appropriate.

Employees who conclude that work-related concerns should be brought to the attention of the Company by formal or written notice may avail themselves of the Grievance Policy in Section 5.

#### **5. GRIEVANCE POLICY**

A grievance is defined as an unresolved complaint or dispute, disagreement, misunderstanding or expressed dissatisfaction on the part of an employee, relating to the conditions of employment or the meaning and application of the written rules. In pursuing the following grievance procedure in good faith, employees are assured freedom from restraint, interference, coercion, discrimination or reprisal. For alleged harassment, discrimination, or retaliation, see Policy Against Harassment, Discrimination, and Retaliation at Section 22. If an employee believes that any employment condition or written rule is unjust or inequitable, the employee may employ the following procedure at his or her sole discretion:

5.1. Level 1. Within five working days of the incident or problem giving rise to the grievance, the employee should discuss the problem with his or her immediate supervisor. The supervisor will investigate the concerns and provide the employee with a response within five working days unless additional time is required under the circumstances.

5.2. Level 2. If the employee feels that the problem is not satisfactorily resolved with his or her immediate supervisor, the employee can file a written grievance with the Executive Director within five working days of receiving a response in Level 1. The Executive Director will provide the employee with a written response within ten working days unless additional time is required under the circumstances.

## **6. CONDITIONS OF EMPLOYMENT**

6.1. All employees and volunteers must be at least 18 years of age.

6.2. All applicants who are offered employment and all volunteers with direct contact with participants must submit to a physical examination with TB clearance arranged for and paid by Valley CAPS. All applicants who are offered employment must also submit to our substance abuse testing. Offers of employment are contingent upon satisfactory results from the physical examination and drug testing.

6.3. Valley CAPS is required by law to conduct criminal background checks of applicants and is therefore exempt from “ban the box” laws prohibiting inquiries into an applicant’s criminal history. Accordingly, all applicants should expect to be asked about and be prepared to disclose any criminal convictions. All applicants who are offered employment and all volunteers will also be required to satisfactorily complete a background check, which will include a fingerprint background check processed by the Department of Justice. Valley CAPS will provide the necessary forms and cover the cost of the background check. All information obtained as a result of the background check will be used solely for employment purposes.

6.4. All applicants whose duties require driving as an essential function of the position are required to submit a recent printout from the Department of Motor Vehicles at their own cost. Employees whose duties require driving as an essential function of the position must maintain a driving record acceptable to our current insurance carrier.

6.5. All employees, all volunteers, and all contractors with direct contact with participants perform services under the direct supervision of the Executive Director or his or her designee. The intent of this guideline is to conform to regulatory guidelines as well as to grant to the Executive Director or his or her designee the authority to make and implement decisions within the organization on a day-to-day basis.

6.6. First 90 Days Requirements.

6.6.1. If being employed to work in a position which requires a Class B Driver’s License, the license must be obtained by the end of the first ninety days of employment in that position. During this period, Valley CAPS will train the employee, arrange and pay for the medical

examination, and pay the cost of the initial Class B Driver's License. Failure to obtain and/or thereafter maintain an insurable license may result in termination.

6.6.2. If required by Valley CAPS, CPR and first aid certification must be obtained by the end of the first ninety days of employment in the position. CPR and first aid tuition costs will be paid by Valley CAPS. Schedule adjustments for weekend classes must be pre-approved by a supervisor.

## **7. EMPLOYEE STATUS**

7.1. Exempt and Non-Exempt. All personnel employed in professional, administrative or executive capacities are considered exempt employees who, by definition, are exempt from overtime compensation, rest break requirements, meal period requirements, and certain other wage and hour laws. All other personnel are considered non-exempt employees. Exempt or non-exempt status will be specified in the personnel file of every employee.

7.2. Types of Employment. Types of employment may also be stated in each employee's personnel file. Types of employment include:

7.2.1. Regular Full-Time Employees. A regular full-time employee is an employee, designated as such, who regularly works 30 hours or more per week on a continuing basis.

7.2.2. Regular Part-Time Employees. A regular part-time employee is an employee, designated as such, who regularly works less than 29 hours per week on a continuing basis. These employees are only eligible for benefits to the extent required by law.

7.2.3. Temporary or Substitute Employees. Temporary or substitute employees are defined as those employees holding positions of limited duration or arising out of special needs. Temporary or substitute employees will be paid based on a daily, hourly or monthly rate and will not change from this status to another unless specified in writing by the Executive Director. These employees are only eligible for benefits to the extent required by law. Temporary or substitute employees will be separated from employment whenever they have not been called to report to work for a period of 60 consecutive days and the effective date of separation will be the 60th day. Those employees who have been separated in this manner may be contacted to report to work at a later date and, if so, will be re-hired at that time.

Given that all employees are hired for an unspecified duration, the type of employment does not guarantee continued employment for any specific length of time or alter the at-will status of the employment relationship.

## **8. COMPENSATION AND BENEFITS**

8.1. Salary Schedules. Salary schedules will be established, approved, and reviewed annually by the Board of Directors through the approval of the annual operating budget. Job classification and salary information is available to all current employees.

## 8.2. Annual Increases and Performance Reviews.

8.2.1. Annual increases will be considered based on the availability of funds, annual increases may be implemented by the Executive Director within the approved salary schedules. Annual increases are made in conjunction with performance reviews, upon successful performance of job duties, compliance with Valley CAPS rules, and otherwise satisfactory conduct. Annual increases are entirely discretionary.

8.2.2. Valley CAPS conducts periodic performance reviews for all employees. Performance reviews typically take annually on the anniversary date of the position or job they currently hold. If an employee has a change of job duties or status, their performance review date will be adjusted twelve months from the date of job duty change.

8.3. Other Benefits. In addition to vacation and sick leave benefits as described in Sections 12.2 and 12.3, respectively, regular full-time employees will receive:

8.3.1. On the first of the month after the month in which the employee completes sixty (60) days of continuous full-time employment, health, dental and vision coverage at low cost to the employee as described in the benefits brochures that will be provided to you separately. This coverage will not be paid by Valley CAPS beginning on the first of the month after the month in which the employee is continuously absent for thirty (30) days unless otherwise required by law; in such cases, COBRA coverage will be offered. Coverage will resume upon return from any such leave of absence. A regular full-time employee who is reclassified to less than full-time status will no longer be eligible for coverage, coverage will resume after 60 days of continuous full-time employment after reclassification.

8.3.2. On the first of the month after the month in which the employee completes sixty (60) days of continuous full-time employment, life insurance and accidental death and dismemberment (AD&D) premiums. This coverage will not be paid by Valley CAPS beginning on the first of the month after the month in which the employee is continuously absent for thirty (30) days unless otherwise required by law. Coverage will resume upon return from any such leave of absence. A regular full-time employee who is reclassified to less than full-time status will no longer be eligible for coverage. If the employee returns to full-time status, coverage will resume after 60 days of continuous full-time employment after reclassification.

8.3.3. After three years of continuous employment in a regular full-time position, a contribution will be made by the Company to an employee's pension plan. Specifically, Valley CAPS will contribute 2.0% of the employee's gross salary into a SEP IRA or employee designated retirement account. This contribution will not be made by Valley CAPS beginning on the first of the month after the month in which the employee is continuously absent for thirty (30) days unless otherwise required by law. Contributions will resume upon return from any such leave of absence. A regular full-time employee who is reclassified to less than full-time status will no longer be eligible for contributions. If the employee returns to full-time status, contributions will resume after 60 days of continuous full-time employment after reclassification.

8.3.4. Workers compensation, Social Security, and State disability (SDI) benefits are also provided to all employees as required by law.

8.4. Business Expenses and Out Service Training. Employees traveling on business, including pre-approved employment development and training courses as referred to hereafter, will be reimbursed for pre-approved expenses, including course fees, lodging, parking, mileage, etc. Meals will be reimbursed on a per diem basis in accordance with applicable law. Itemized receipts are not necessary for full-day meal reimbursements but a statement listing date, place, and business purpose is necessary. Itemized receipts are required for all other expenses.

Valley CAPS recognizes the importance of each employee's continued training and development. Employees shall be encouraged to attend short-term training programs, conferences, workshops, or classes that are job related by agreement between employee and supervisor and pre-approved by the Executive Director. In consideration of available resources, the Executive Director may authorize payment of up to \$500.00 per fiscal year in fees and expenses for training. However, reimbursement is dependent upon the successful completion of the course of training. Documentation of class completion must be submitted with the itemized receipts.

## **9. ATTENDANCE**

All employees, whether non-exempt or exempt, are expected to keep regular attendance, report to work on time, and actually work as scheduled. Except for the pre-approved use of accrued vacation time or personal leave, the use of accrued sick leave, and/or any absence or tardy that is protected by federal, state, or local law, every unexcused absence or tardy subjects the employee to disciplinary action for excessive absenteeism or excessive tardiness. Employees who are three minutes late or less are considered tardy, but will be paid for the time. Tardiness of more than three minutes will be unpaid. An employee may not extend the normal workday or work beyond his or her scheduled shift to make up for being tardy. This means that an employee may be subject to disciplinary action for the unscheduled use of vacation time. Further, an employee who has three (3) consecutive workdays with an "unexcused absence" will be considered to have voluntarily quit his or her employment as of the third workday.

As used in this policy, an "absence" is any time an employee is scheduled to work and does not report or works less than the scheduled hours and a "tardy" is any time an employee is late reporting to work at the start of the workday or upon returning from lunch or a break. An "unexcused absence" is any absence where the employee failed to obtain pre-approval of the absence except the use of accrued sick leave and/or any absence protected by federal, state, or local law.

Absences that were excused when requested or taken may be treated as unexcused absences if Valley CAPS determines that the absence was not used for its permitted purpose.

## **10. HOURS AND PAY**

### **10.1. Workweek and Hours of Work.**

10.1.1. For purposes of calculating overtime, each workweek begins on Saturday and each workday begins at midnight. For payroll purposes, the workweek is Saturday at 12:01 a.m. through midnight of the following Friday.

10.1.2. Work hours and days may vary from time to time and from employee to employee. Employees are to consult with their supervisor as to their assigned work schedule.

## 10.2. Payroll.

10.2.1. Employees are paid biweekly, every other Friday. Paychecks (or paystubs for those employees opting for direct deposit of paychecks) are personally distributed by Human Resources or other designated person. If a payday falls on a holiday, paychecks and paystubs will be distributed on the preceding workday. If the employee is absent when the paycheck or paystub is distributed, the employee may claim it from Human Resources when the employee returns.

10.2.2. Employees must complete, sign and return their timecards in a timely manner in order to ensure that they are paid for all hours worked.

10.2.3. Payroll deductions include federal and State income tax, Social Security, Medicare, SDI, and any other deductions required by law or designated by the employee and approved by the Board of Directors.

10.2.4. Payroll advances are not permitted.

## 10.3. Rest Breaks and Meal Periods.

10.3.1. Rest Breaks. Non-exempt employees working at least three and one-half (3 ½) hours in a day are entitled to rest breaks of ten consecutive minutes for each four hours worked or major fraction thereof. Employees who work more than six (6) hours in a day may take a second rest period. Employees who work more than ten (10) hours in a day may take a third rest period. Rest breaks are paid as time worked.

10.3.2. Lactation Breaks. As provided by law, any employee who is nursing an infant child is entitled to a reasonable break each time she needs to express her breast milk at a place other than a bathroom that is close proximity to the employee's work area, shielded from view, and free from intrusion. As such, an employee has the right to request lactation accommodation. This request may be made to the employee's immediate supervisor or another member of management. The Company will respond to that request. If the Company cannot provide break time or a location that complies with lactation accommodation as required under section 1034(d) of the Labor Code, it shall provide a written response to the employee.

### The Company will provide a lactation location that:

- Is safe, clean, and free of hazardous materials, as defined in section 6382 of the Labor Code;
- Contains a surface to place a breast pump and personal items;
- Contains a place to sit; and
- Has access to electricity or alternative devices, including, but not limited to, extension cords or charging stations, needed to operate an electric or battery-powered breast pump.

The frequency and duration of such breaks may vary by employee. Lactation breaks are unpaid when the employee is completely relieved of her duties.

The Company will provide access to a sink with running water and a refrigerator suitable for storing milk in close proximity to the employee's workspace. If the Company cannot provide a refrigerator, it will provide another cooling device suitable for storing milk, such as an employer-provided cooler.

An employee may file a complaint with the Labor Commissioner for any violation of a right under the laws regarding lactation accommodation under sections 1030 to 1034 of the Labor Code.

10.3.3. Off-Duty Meal Periods. Non-exempt employees who work in excess of five hours in a day are entitled to a 30-minute unpaid, off-duty meal period starting no later than the end of the fifth hour of work. This meal period may be waived by an employee working a shift of not more than six hours. Further, non-exempt employees who work in excess of ten hours in a day are entitled to a second 30-minute unpaid, off-duty meal period starting no later than the end of the tenth hour of work. This second meal period may be waived by an employee working a shift of not more than twelve hours if they took their first meal period. Non-exempt employees will be relieved of all duties and free to leave the worksite during their unpaid, off-duty meal periods.

10.3.4. On-Duty Meal Periods. Instructors and other non-exempt employees whose work is of such a nature that it prevents them from being relieved of all duties may, in a writing signed by the Program Specialist, Assistant Program Director or Program Director and the affected employee, agree to paid, on-duty meal periods, i.e. working lunches. Such an agreement may be revoked, in writing, by the affected employee at any time. If the employee has any questions as to this policy, they are to speak with the Human Resource Director or discuss with the Executive Director.

10.3.5. Meal and Rest Periods are Encouraged. Employees are entitled, encouraged, and expected to take all meal periods provided under this policy and not waived, and all rest periods provided under this policy. During meal and rest periods, employees are relieved of all duties and are free to leave the worksite. No manager or supervisor may impede or discourage employees from taking meal periods. Any employee who believes they were not provided a meal or rest period that complies with this policy should inform their supervisor immediately.

#### 10.4. Overtime Pay.

10.4.1. Rates of Pay. Except as specifically provided, all non-exempt employees are entitled to receive overtime pay computed as follows:

10.4.1.1. One and one-half (1-1/2) times the employee's regular rate of pay for all hours worked over forty hours in a workweek.

10.4.1.2. One and one-half (1-1/2) times the employee's regular rate of pay for all hours worked in excess of eight hours up to and including twelve hours in any workday, and for the first eight hours worked on the seventh consecutive day of work in a workweek.

10.4.1.3. Double the employee's regular rate of pay for all hours worked in excess of twelve hours in any workday and for all hours worked in excess of eight hours on the seventh consecutive day of work in a workweek.

Overtime will be computed on actual minutes worked. Only those hours that are actually worked are counted for purposes of calculating overtime. Paid holidays, for example, are not hours worked and are not counted in making overtime calculations.

10.4.2. Pre-Authorization. Non-exempt employees shall not work overtime hours unless prior approval is expressly given by the Executive Director or his or her designee. Working overtime without such prior approval will subject the employee to disciplinary action.

10.4.3. Personal Attendants. Instructors and other non-exempt employees who are properly included within the definition of “personal attendant” as set forth in Wage Order No. 5 are not entitled to overtime compensation unless, in cases of emergency, such employees work in excess of forty hours in any workweek or work on the seventh consecutive day in a workweek, in which cases they shall be compensated for such overtime hours at not less than one and one-half (1-1/2) times the employee’s regular rate of pay. Personal Attendants are not eligible for double-time. “Personal attendants” includes any person employed to supervise, feed or dress a child or person who by reason of advanced age, physical disability or mental deficiency needs supervision. The status of “personal attendant” shall only apply when no significant amount of work other than the foregoing is required of the employee.

10.4.4. Exempt Employees. Exempt employees are not entitled to overtime compensation and are expected to complete their job duties to the extent possible within the normal workweek or beyond as necessary.

#### 10.5. Other Types of Pay.

10.5.1. Reporting Time. Non-exempt employees who report for work at our request but are not put to work or are furnished less than half of their usual or scheduled day’s work will be paid for half the usual or scheduled day’s work but not less than two hours or more than four hours at the employee’s regular rate of pay. Reporting time pay is not required where the reasons for lack of work are beyond our control. Reporting time hours are not counted as hours worked for purposes of calculating overtime compensation unless work is actually performed.

10.5.2. Callback. Non-exempt employees who are called back for a second work period in a workday and are given less than two hours of work will be paid a minimum of two hours of pay at the employee’s regular rate of pay for the second work period. Callback pay is not required where the reasons for lack of work are beyond our control. Callback time hours are not counted as hours worked for purposes of calculating overtime compensation unless work is actually performed.

10.5.3. Split-Shift. Non-exempt employees who work a Company-established split-shift will receive one additional hour of pay at the State minimum wage for that workday subject to a credit or offset to the extent total wages for the day exceed the applicable minimum wage.

Examples: (NOTE in each example the state minimum wage is \$15.00/hour, consult with Human Resources for information regarding the actual state minimum wage):

Split-Shift Premium Required: An employee who earns \$15.75 per hour and works a split-shift of 6:00 AM to 9:00 AM and 2:30 PM to 5:30 PM earns \$94.50 (6 hours x \$15.75/hour). As a split-shift, the employee must be paid at least \$105.00 for the day ((6 hours + 1 split-shift



hour) x \$15.00/hour). Therefore, the employer must pay a split-shift premium of \$10.50 (\$105.00-\$94.50).

**Split-Shift Premium Not Required:** Conversely, an employee who earns \$17.75 per hour and works a split-shift of 6:00 AM to 9:00 AM and 2:30 PM to 5:30 PM earns \$106.50 (6 hours x \$17.75/hour). As a split-shift, the employee must be paid at least \$105.00 for the day ((6 hours + 1 split-shift hour) x \$15.00/hour). In this case, the employee is not entitled to an additional split-shift premium because the amount actually earned (\$106.50) is already more than pay would be at the minimum wage for hours actually worked plus one hour (\$105.00).

The additional hour of compensation for the split-shift, if any, is not counted as hours worked for purposes of calculating overtime compensation.

## **11. TIMEKEEPING PROCEDURES**

11.1. **Timecards.** Non-exempt employees are required to swipe-in at the beginning of every workday or shift and swipe-out at the end of every workday or shift. Non-exempt employees are also required to swipe-out at the beginning of every off-duty meal period and swipe-in at the end of every off-duty meal period. Employees should not swipe-in or -out for paid rest breaks. Should an employee lose, misplace, or forget for any other reason not have his or her timecard available to swipe in or swipe out, he or she is required to notify a supervisor as soon as possible and complete a written Miscellaneous Time Clock Adjustment form.

Employee identification cards, i.e. timecards or swipe cards, are the property of Valley CAPS. Should an employee lose, misplace, forget or for any other reason not have his or her card available to swipe-in or -out, he or she is required to notify a supervisor as soon as possible. Repeated instances of an employee losing or misplacing his or her identification card will result in disciplinary action.

Failure to properly swipe-in or -out, or failure to notify a supervisor of a failure to properly swipe-in or -out, will subject the employee to disciplinary action.

11.2. **Timesheets.** Timesheets are the record of hours worked from which payroll is computed. Nonexempt employees are prohibited from working “off the clock,” meaning working time that employees do not record as time worked for payroll purposes. Employees are expected to review their timesheets for accuracy and, by their signature on a timesheet, employees certify that they have worked all the hours reported thereon and have not worked any hours not reported thereon.

Failure to accurately complete and timely submit timesheets will subject the employee to disciplinary action.

11.3. **Timekeeping for Exempt Employees.** Exempt employees receive a salary which is intended to compensate them for all hours that they may work for the Company. Generally, exempt employees receive their full salary for any workweek in which work is performed. However, by law, exempt employee salaries are subject to certain deductions and the Company may reduce an exempt employee’s salary for the following reasons in a workweek in which work was performed.

- Deductions for full-day absences due to personal reasons, including vacation;
- Deductions for full-day absences for sickness or disability, pursuant to the Company's sick leave policy;
- Deductions for full-day disciplinary suspensions for infractions of safety rules of major significance (including those that could cause serious harm to others);
- Deductions for Family and Medical Leave absences (full or partial day);
- Deductions to offset amounts received as payment for jury and witness fees or military pay;
- Deductions for unpaid disciplinary suspensions of one or more full days for significant infractions of major workplace conduct rules as set forth in this handbook;
- Deductions for the first or last week of employment when the employee works less than a full week.

Specific types of deductions may also be made, such as for the employee's portion of insurance benefits, state, federal or local taxes, social security, or voluntary deductions. However, in any workweek in which the exempt employee performs any work, salary will not be reduced if:

- The absence is for a partial day for personal reasons, sickness or disability;
- The absence is because the facility is closed on a scheduled workday;
- The absence is for jury duty, attendance as a witness, or military leave in any week in which the employee performs work.

Exempt employees are required to use accrued vacation or sick leave for absences of more than 4 hours for personal reasons, sickness, or disability. Salary will not be reduced for partial day absences if the employee does not have sufficient time off, but the employee may be subject to discipline under the Company attendance policy.

## **12. PAID TIME-OFF**

12.1. Holidays. The Board of Directors may approve a holiday schedule each fiscal year which will then be distributed to all employees. The schedule will usually include ten paid holidays per year for regular full-time employees. In order to receive holiday pay, a regular full-time employee must work the regularly scheduled shift prior to and immediately following the holiday, unless paid vacation time-off is requested from and approved in advance by the Executive Director or the employee is using sick leave as provided in Section 12.3.3 and the employee's vacation time and/or sick leave is sufficient to cover the entire scheduled shift(s). Part-time and temporary or substitute employees are not eligible for holiday pay.

12.2. Vacation.

12.2.1. Eligibility and Accrual Rate. All regular full-time employees with more than ninety days of continuous full-time service with the Company will accrue vacation benefits based on their length of continuous full-time service. Part-time and temporary or substitute employees are not eligible to accrue vacation benefits. Accrual of vacation benefits begins after the first ninety days of continuous full-time employment.

Vacation time accrues by the pay period and is based on hours worked in a pay period according to the following schedule:

0 years and up to 3 years:	0.0385 hours per each hour worked in a pay period
After 3 years and up to 7 years:	0.0578 hours per each hour worked in a pay period
7 years and over:	0.0769 hours per each hour worked in a pay period

Additionally, regular full-time employees will be given one extra day of vacation on their anniversary date starting with the third anniversary.

Length of Service for determining an employee's vacation accrual rate is measured from the date of employment as a full-time employee and is defined as continuous full-time service. Interruptions in full-time service, including separation of employment and reclassification to less than full-time status, will cause an employee's length of service to reset to zero (0) should the employee be rehired or reclassified as a full-time employee.

Vacation benefits do not accrue during an unpaid leave of absence or while on Paid Family Leave (PFL) or State disability (SDI). Vacation time accruals recommence when the employee returns to work.

12.2.2. Maximum Accrual. Vacation time accruals may not exceed 320 hours (40 days). Once this maximum is reached, all further vacation time accruals will cease. Vacation time accruals will recommence after the employee has taken vacation and his or her accrued hours have dropped below the maximum.

12.2.3. Use and Scheduling. Vacation hours are available for use as soon as they are accrued (i.e. at the end of the pay period) subject to the following: All vacations must be approved in advance by the Executive Director or his or her designee. Vacation requests must be made in writing and submitted to your supervisor no more than one year but not less than five working days in advance of the scheduled vacation, except cases of "reduction because of lack of Participants" as described in Section 13. Vacation should be taken not later than the calendar year immediately following the year in which the vacation time accrues. Vacation can only be taken if sufficient vacation time has accrued as of the vacation. An employee cannot borrow against future accrual of vacation benefits.

The number of staff approved for planned vacation on any given day may not

exceed 12.5% of the total staff population. Valley CAPS will try to accommodate requests for vacation whenever possible, given that: (a) the person has accrued vacation time available; and (b) we are covered according to established staffing ratios.

Conflicting requests for vacation around holidays or other preferred times of year may be resolved by the following factors: (a) first come, first served basis, (b) years of service, and (c) prior year requests. Employees are asked to take either the week before a holiday or three-day weekend or the week after the holiday or three-day weekend, but not both weeks. This will help ensure that the maximum number of staff can enjoy planned vacation during the preferred times of year. If an observed Company holiday (see Section 12.1) occurs during a scheduled vacation, no deduction from accrued vacation time will be made for the holiday.

Non-exempt employees must use accrued vacation time in increments allowable by payroll software (.15, .30, .45 min). Exempt employees must use accrued vacation time for partial day absences of four hours or more.

12.2.4. Vacation for Family Care, Medical and Military Family Leave. Employees who request family care, medical, or military family leave pursuant to the Company's policy set forth in Section 14.1 generally must use any accrued vacation time during their leave.

12.2.5. Pay in Lieu of Vacation. Although the intent of vacation is for qualified employees to enjoy paid time off away from the company, Valley CAPS understands that employees occasionally may need to receive a portion of their vacation benefit in cash due to unexpected circumstances and financial hardships. Accordingly, employees may request pay in lieu of vacation time-off as follows:

Employees may apply for one cash-out against their annual vacation accrual each calendar year. In the event of unforeseen circumstances and emergencies, employees may request an additional cash-out of their accrued vacation by requesting an Exception to Policy (ETP). The ETP will be a confidential written explanation submitted to the Director of Human Resources. All requests for vacation cash-outs must be approved by the Executive Director and all approvals are at the discretion of the Executive Director.

Valley CAPS will only consider cash payouts of up to one-third (1/3) of the employee's vacation balance as of the time the request is made. In addition, employees may not cash-out their vacation in an amount that would render their accrued vacation hours to go below forty (40) hours.

Employees will be paid for unused, accrued vacation upon separation of employment or reclassification to less than full-time employment as described in Section 12.2.6.

12.2.6. Vacation Pay on Separation or Reclassification. Upon separation of employment or reclassification to less than full-time employment, the employee is paid all accrued but unused vacation time at the employee's base rate of pay at the time of his or her termination or reclassification.

### 12.3. Sick Leave.

12.3.1. Eligibility. To help prevent loss of earnings that may be caused by accident or illness, the Company has established paid sick leave for all employees (full-time, part-time, and temporary employees) who work for the Company thirty (30) days within a year.

12.3.2. Allocation of Sick Leave. Allocation of sick leave benefits (via accrual or lump sum described below) begins when the employee has worked for the Company for thirty (30) days in California within a year.

Accrual (Full-Time Employees): Sick leave accrual for full-time employees accrues by the pay period and is based on hours worked in a pay period. Full-time employees accrue 0.0461 hours of sick leave for each hour worked in a pay period. To illustrate, in an average workweek, full time employees generally accrue 3.69 hours of sick leave per pay period (1 day per month).

Full-Time employees may accumulate accrued and unused sick leave from year to year up to a maximum of twelve (12) weeks (four hundred eighty (480) hours). Once the maximum is reached, all further accruals will cease. Sick leave accruals will recommence after the employee has taken leave and his or her accrued hours have dropped below the maximum. Full-Time employees will not accrue sick leave during any unpaid leave of absence, or while on Paid Family Leave (PFL) or State disability (SDI) benefits. Sick leave accruals recommence when the employee returns to work.

Lump-Sum (Part-Time and Temporary Employees): Part-Time and Temporary employees will receive a lump sum of 40 hours of sick leave on July 1st each year and or on their date of hire if hired after July 1, 2015. Part-Time and temporary employees do not accumulate unused sick leave from year to year but receive a new lump sum of 40 hours each July 1. For Full-Time employees who are reclassified as Part-Time or Temporary employees will no longer be eligible to use any sick leave accrued as a Full-Time employee but will instead receive a lump sum of 40 hours of sick leave on the date of their reclassification if otherwise eligible under this policy.

Employees are encouraged to keep sick time in reserve for emergencies.

12.3.3. Use. Existing employees may begin to use their accrued sick leave on the ninetieth (90th) day following July 1, 2015. If you are hired after July 1, 2015, you may begin to use your accrued sick leave on your 90<sup>th</sup> day of employment. Except for the prohibition during the first 90 days, sick leave may be used as soon as it is accrued (i.e. at the completion of the pay period) or allocated. Sick leave may be taken for preventative care or the diagnosis, care, or treatment of an existing illness, injury, or medical condition (including doctor's appointments), for the employee or the employee's child (regardless of age or dependency status), spouse or domestic partner, parent or guardian, spouse or domestic partner's parent or guardian, grandparent, grandchild, sibling, or a "designated person" identified by the employee at the time the employee requests sick leave. The Company limits the employee to one designated person per 12-month period.

Sick leave may also be taken for a medical-related leave as described in Section 14.1.2.

Additionally, sick leave may be used by an employee who is a victim of certain crimes and acts of violence for purposes specified by law (see Section 14.4.10); or for bereavement leave and reproductive loss leave as provided by law.

An employee must personally notify his or her supervisor as soon as practicable and no later than one hour after his or her scheduled start time on each workday that sick leave is necessary. Further, an RTO must be completed as soon as possible but never later than the beginning of the workday upon his or her return to work. If the employee is expected to be absent more than five consecutive working days, he or she shall keep the supervisor informed of his or her status at least weekly. For a scheduled medical or dental appointment, employees must seek approval from their supervisor at least five working days prior to the appointment, if possible.

Non-exempt employees must use accrued sick leave in increments of no less than one hour. Exempt employees must use accrued sick leave for partial day absences taken for sick leave purposes of four hours or more.

An employee without sufficient accrued sick time may request to use accrued vacation time or take an unpaid leave for sick leave purposes.

12.3.4. Verification. Valley CAPS may request verification from a licensed health care provider for all absences due to illness or disability. Sick pay may be withheld if the employee does not provide a satisfactory verification upon request within a reasonable time period.

12.3.5. Compensation for Sick Leave. Employees will receive pay for sick leave at their regular hourly rate and will be paid no later than the payday for the next regular payroll after the sick leave is taken. Employees are not eligible to receive pay in lieu of sick leave, and employees will not be paid for any accrued but unused sick leave upon termination of employment. If an employee who receives sick leave separates from the Company and is rehired within one year, any time previously worked for the Company will be credited towards the days required to be eligible for and use sick leave and, for full-time employees who received sick leave under the “accrual method,” any previously accrued and unused sick leave will be reinstated.

12.3.6. Coordination of Sick Leave Benefits with Other Benefits. Valley CAPS will pay sick leave benefits to an eligible employee during the normal three-day waiting period before the employee is paid workers’ compensation benefits pursuant to the applicable State law. Similarly, the Company will pay sick-leave benefits during the normal seven-day waiting period before the eligible employee is paid benefits from the State Disability Insurance (SDI) program or other insured unemployment disability plan. Following the three-day and seven-day waiting periods specified above, an employee will continue to receive accrued sick pay less the disability benefits actually received or the disability benefits that would have been received had the employee made timely application to the appropriate agency.

### **13. LACK OF WORK AND TEMPORARY CLOSURE**

13.1. Lack of Participants. In the event that low participant attendance requires a reduction in staffing, employees may be transferred to another program or may be sent home. The Company may ask for volunteers or, if none, may utilize a rotation system. If an employee is sent home, he or she may be entitled to reporting time pay as set forth in Section 10.5.1 and may use accrued vacation time so that he or she may receive a full day of pay. Refusal to accept a transfer will be construed as a refusal of work or assignment not entitling the employee to reporting time pay.

13.2. Closing Days. More than 90% of our revenues are from fees for services paid by the State of California through local agencies such as the Regional Center. In the event that we are

advised that fees will not be paid, we may close our doors for a period of time not to exceed the amount of time the payer has notified us that services will not be paid. This period of time is referred to as our “closing days.” In such cases, services will not be provided and staff may be directed not to come to work or may be required to report to work for in-service training for a full or partial day. Non-exempt employees who are directed not to report to work on closing days will not be paid but may use accrued vacation time. Exempt employees will be paid for closing days if they perform any work during the week. Notice of closing days may be given in as few as twelve hours.

## **14. LEAVES OF ABSENCE**

Valley CAPS provides: (1) family care, medical, and military family leave for up to 12 or 26 weeks per year, depending on the reason, in accordance with California’s Family Rights Act (“CFRA”) and the federal Family and Medical Leave Act of 1993 as amended (“FMLA”); (2) pregnancy disability leave for up to four months (currently defined as 17-1/3 weeks) in accordance with the California Fair Employment and Housing Act (“FEHA”); (3) disability leave as required to reasonably accommodate employees with a workplace injury or a qualified disability in accordance with the Americans with Disabilities Act (“ADA”) or FEHA; and (4) leave for other absences as legally required.

### **14.1. Family Care, Medical and Military Family Leave (FMLA/CFRA)**

14.1.1. Eligibility. Differences between the FMLA and CFRA may affect an individual employee’s rights regarding a particular leave. As a result, the policies below generally describe the aggregated leaves available under these laws but should not be construed as promising that specific provisions will apply in any given case nor in all cases. Employees should contact Human Resources after reviewing the general policy provisions stated below to discuss specific leave entitlements and related questions.

Generally, to be eligible for family care, medical and military family leave and military caregiver leave, an employee must:

- (1) have worked for Valley CAPS for at least twelve (12) months prior to the date on which the leave is to commence;
- (2) have worked at least 1,250 hours in the twelve (12) months preceding the leave;
- (3) for any leave that qualifies only under the FMLA (and not under the CFRA) be employed at a worksite that has 50 or more employees within 75 miles of the Company’s next closest facility. For a leave that qualifies under the CFRA, the employee is eligible if Valley CAPS directly employs 5 or more persons.

An employee returning from fulfilling his or her National Guard or Reserve military obligation will be credited with the hours of service that would have been performed but for the period of military service in determining the 1,250 hours of service.

In the case of a pregnancy or other legally protected disability, medical condition or work-related injury, an employee may not need to satisfy all requirements. In such circumstances, the employee should contact Human Resources for clarification about his or her rights to leave.

#### 14.1.2. Permissible Uses.

“Family care and medical leave” may be requested for the following reasons: (a) (FMLA and CFRA) the birth or adoption of an employee’s child; (b) (FMLA and CFRA) the placement of a foster child with the employee; (c) (FMLA and CFRA) to care for an employee’s spouse, child, or parent with a serious health condition; (d) (*CFRA only*) to care for an employee’s grandparent, grandchild, sibling, parent-in-law, domestic partner, or “designated person” with a serious health condition; (e) (FMLA and CFRA) to care for the employee’s own serious health condition or (f) (FMLA and CFRA) a qualifying “military exigency” related to the covered active duty of an employee’s spouse, child, parent or (*CFRA only*) domestic partner or parent-in-law in the Armed Forces of the United States.

For the purpose of this policy a “designated person” for whom an employee may take CFRA leave to care for is any individual related by blood or whose association with the employee is the equivalent of a family relationship. The employee may identify the designated person at the time the employee requests the leave. Valley CAPS limits employees to one designated person per 12-month period for family care and medical leave.

For the purposes of this policy a “serious health condition” is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider, for a condition that either prevents the employee from performing the functions of his or her job or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

For the purposes of this policy a “qualifying military exigency” is defined as arising out of the fact that an employee’s child, spouse, or parent (and domestic partner or parent-in-law under the CFRA) is on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation as defined by law. This leave does not apply to most State calls to active duty. Qualifying military exigencies include the following:

- *Short-notice deployment* where the employee may take leave to attend any issue that arises from the fact that a covered military member is notified of an impending call or order to active duty seven or less calendar days prior to the date of deployment. Leave taken for this purpose can be used for a period of seven calendar days beginning on the date the covered servicemember receives the notification.
- *Military events and related activities* where the employee may take leave to attend to any official ceremonies, programs or events related to the call to active duty and to attend to family support, assistance programs, or informational briefings related to the call to active duty.
- *Childcare and school activities* where the employee may take leave to arrange for alternative childcare or to provide childcare on an urgent, immediate need



basis when the need arises from the call to active duty, to enroll or transfer a child to a new school, to attend meetings with school or daycare facility staff regarding disciplinary measures, parent-teacher conferences, or meetings with school counselors.

- *Financial and legal arrangements* where the employee may take leave to make or update financial or legal arrangements related to the covered servicemember's absence, such as preparing powers of attorney, wills, transferring bank accounts, and the like, or appearing or acting on behalf of the absent servicemember in matters related to military benefits.
- *Counseling* where the employee may take leave to attend counseling, the need for which arises from the call to active duty of the covered servicemember.
- *Rest and recuperation* where the employee may take up to fifteen (15) days of leave to spend time with a covered servicemember each time the servicemember is on short-term rest and recuperation leave during the period of deployment.
- *Post-deployment activities* where the employee may take leave for a period of up to 90 days following the termination of the deployment to attend arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs provided by the military, or to address issues that arise out of the death of a covered servicemember.
- *Parental leave* where the employee may take qualifying leave to care for the parent of a military member, or someone who stood in loco parentis to that military member, when the parent is incapable of self-care. To qualify as parental leave, the need for leave must arise out of the military member's call to active duty. Further, the leave must be for one of the following purposes: (1) to arrange for alternative care for the parent; (2) to provide care for the parent on an urgent, immediate need basis; (3) to admit or transfer the parent of the military member to a care facility; or (4) to attend a meeting with staff at a care facility for the parent.
- *Additional activities* where the employee may take leave to address other events that arise out of the call to active duty as Valley CAPS and the employee may agree as to both timing and duration.

(*FMLA only*) "Military caregiver leave" may be requested to care for a covered servicemember if the employee is the covered servicemember's spouse, domestic partner, child, parent, or next of kin. For purposes of this leave, a covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or a covered veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness.

14.1.3. Substitution of Paid Leave. Employees are required to substitute accrued vacation time for all family care, medical and military family leaves (including military exigency

and military caregiver leaves), unless the employee is receiving Paid Family Leave benefits, in which case use of vacation to supplement wages during leave is optional. Employees are required to substitute accrued sick time only for the employee's own medical leaves. Employees may elect to substitute sick leave for all medical-related leaves, including leaves to attend to the illness, injury or medical condition of a child, parent, spouse or domestic partner, designated person or other eligible family member of the employee. The substitution of paid leave for FMLA-CFRA leave does not extend the total duration of the leave to which an employee is entitled.

#### 14.1.4. Amount of Leave.

##### 14.1.4.1. Family Care, Medical, and Military Exigency Leave.

Provided all the conditions of this policy are met, an employee may take a maximum of 12 weeks of family care, medical, and military exigency leave in a rolling 12-month period measured backwards from the date the employee's leave commences. Employees who are unable to work due to pregnancy disability will be granted the greater of 12 weeks leave or the amount of leave to which the employee may be entitled under California state law for a pregnancy-related disability or in connection with childbirth, see Section 14.2 of this handbook. Family care leaves for the birth, adoption or foster care placement of a child must be concluded within one year of the birth, adoption or placement. When the leave is covered under both FMLA and CFRA (as noted above) the 12 weeks of leave entitlement for both FMLA and CFRA will run concurrently.

##### 14.1.4.2. Military Caregiver Leave.

Provided all the conditions of this policy are met, an employee may take a maximum of 26 weeks of military caregiver leave in a single 12-month period, inclusive of the time the employee takes for a family care, medical, or military exigency leave during that same period. This 12-month period will be measured forward from the first day leave is taken. Spouses who are both employed by Valley CAPS may take a maximum combined total of 26 weeks in the 12-month period for the care of the servicemember and the birth, adoption, or foster care placement of their child or to care for an ill parent or child, provided that no more than 12 weeks of this combined 26-week period may be taken for reasons other than to care for the servicemember.

##### 14.1.4.3. Intermittent Leave.

Medical leave for the employee's own serious health condition, family care leave for the serious health condition of the employee's spouse, domestic partner, parent, or child, and military caregiver leave may be taken intermittently or on a reduced schedule when medically necessary. Where the intermittent or reduced schedule leave is for planned medical treatment, the employee must make an attempt to schedule the treatment so as not to unduly disrupt Valley CAPS's operations. Where the family care leave is to be taken in connection with the birth, adoption or foster placement of a child, the minimum duration for each period of leave is two weeks, except that the employee may request leave of less than two weeks duration on any two occasions. Military exigency leave also may be taken intermittently or on a reduced schedule.

##### 14.1.5. Leave's Effect on Pay.

Except to the extent that other paid leave is substituted for family care, medical, and military family leave, leave under the FMLA and the CFRA is unpaid. However, employees may be entitled to State disability (SDI) benefits. Employees also may be entitled to Paid Family Leave (PFL) for up to eight weeks in any twelve month period during leaves to care for qualifying family members. PFL is a program administered by the State to provide a partial wage replacement for absences from work to care for a seriously ill or injured family member or for bonding with a minor child within one year of the birth or

placement of the child in connection with foster care or adoption. PFL may also be used to for qualifying events relating to military deployment. PFL must be taken concurrently with family care leave and does not entitle an employee to take any additional time-off from work.

14.1.6. Leave's Effect on Benefits. During an employee's family care, medical, and military family leave, for up to a maximum of 12 weeks in a 12-month period, Valley CAPS will continue to pay for the employee's participation in Valley CAPS's group health plans, to the same extent and under the same terms and conditions as would apply had the employee not taken leave. Thus, the employee must continue to pay his or her share of the health plan premiums, if any, during the leave. If the employee substitutes paid leave for the unpaid leave, such payments will be deducted from the employee's pay through the regular payroll deductions. Otherwise, the employee must make arrangements with Valley CAPS for the payment of such premiums. All other benefits will be governed in accordance with the terms of each benefit plan and are the sole responsibility of the employee.

If the employee fails to pay his or her share of the premiums during leave, or if the employee fails to return from the leave at the expiration of 12 weeks (or 26 weeks in the case of a military caregiver leave) for a reason other than the recurrence, continuation, or onset of a serious health condition for which leave under this policy is allowed or other circumstances beyond the employee's control, Valley CAPS can recover any health plan premiums paid by Valley CAPS on the employee's behalf during any periods of the leave.

In addition, if at any time during their leave an employee's premium payment is more than thirty (30) days overdue, Valley CAPS will provide the employee written notice advising that coverage during leave will cease on a specified date at least fifteen (15) days after the date of the written notice unless payment is received before that date.

Employees on family care, medical, and military family leave accrue employment benefits such as vacation time, sick time or seniority only when paid leave is being substituted for unpaid leave and only if the employee would otherwise be entitled to such accrual. Use of FMLA-CFRA leave will not result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

#### 14.1.7. Procedure for Requesting FMLA-CFRA Leave

14.1.7.1. Notice Requirements. Employees must notify Valley CAPS of their request for family care, medical, or military family leave as soon as they are aware of the need for such leave. For foreseeable family care, medical, and military caregiver leave, the employee must provide 30 calendar days' advance notice of the need for leave. For events that are unforeseeable 30 days in advance, the employee must notify Valley CAPS as soon as is practicable and generally must comply with Valley CAPS's normal call-in procedures. If the leave is requested in connection with a planned, non-emergency medical treatment, the employee must make an attempt to schedule such treatment so as to avoid unduly disrupting Company operations and may be requested to reschedule the treatment so as to minimize disruption of Valley CAPS's business.

If an employee fails to provide the requisite 30-day advance notice for foreseeable events without any reasonable excuse for the delay, Valley CAPS reserves the right to

delay the taking of the leave until at least 30 days after the date the employee provides notice of the need for family care or medical leave.

All requests for family care, medical, and military family leave should include enough information to make Valley CAPS aware that the employee needs qualifying leave, and the anticipated timing and duration of the leave, if known. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform Valley CAPS if the requested leave is for a reason for which FMLA-CFRA leave was previously taken or certified.

Any requests for extensions of leave under this policy must be received as soon as is practicable and must include the revised anticipated date(s) and duration of the leave. To the extent permitted by law, Valley CAPS reserves the right to deny requests for extensions or deny reinstatement to an employee who exceeds the leave amounts provided by this policy or fails to provide requested medical certification. However, if you have a disability, you may be entitled to an accommodation under the ADA or FEHA.

Once Valley CAPS is aware of the employee's need for leave, we will inform the employee whether he or she is eligible under the FMLA-CFRA. If the employee is eligible, the notice will specify any additional information required as well as the employee's rights and responsibilities. If the employee is not eligible, Valley CAPS will provide a reason for the ineligibility.

14.1.7.2. Certification. Any request for medical leave for an employee's own serious health condition, for family care leave to care for an eligible family member or designated person with a serious health condition or for a serious injury, or for military caregiver leave must be supported by medical certification from a health care provider. For military caregiver leave, the employee must provide confirmation of a family relationship to the seriously ill or injured servicemember. Employees generally must provide the required certification within 15 calendar days after Valley CAPS's request for certification. For foreseeable leaves, employees must provide the required medical certification before the leave begins. When this is not possible, employees must provide the required certification within 15 calendar days after Valley CAPS's request for certification, unless it is not practicable under the circumstances to do so, despite the employee's good faith efforts.

The medical certification for a child, parent, parent-in-law, spouse, domestic partner, grandparent, grandchild, sibling, or designated person with a serious health condition or for the serious injury or illness of a qualifying service member must include: (a) the date on which the serious health condition or serious injury or illness commenced; (b) the probable duration of the condition or injury or illness; (c) the health care provider's estimate of the amount of time needed for family care; (d) the health care provider's assurance that the health care condition or injury or illness warrants the participation of the employee to provide family care; and (e) in the case of intermittent or reduced schedule leave where medically necessary, the probable duration of such a schedule.

The medical certification for leave for the employee's own serious health condition must include: (a) the date on which the serious health condition commenced; (b) the

probable duration of the condition; (c) a statement that, due to the serious health condition, the employee is unable to perform the essential functions of his or her position; and (d) in the case of intermittent leave or reduced schedule leave where medically necessary, the probable duration of such a schedule. In addition, the certification may, at the employee's option, identify the nature of the serious health condition involved.

Failure to timely provide the required certification may result in the denial of foreseeable leave until such certification is provided. In the case of unforeseeable leaves, failure to timely provide the required certification may result in a denial of the employee's continued leave. Where the employee's need for leave due to the employee's own serious health condition, or the serious health condition of the employee's covered family member, lasts beyond a single leave year, Valley CAPS may require the employee to provide a new medical certification in each subsequent leave year. Any request for an extension of the leave also must be supported by an updated medical certification.

It is the employee's responsibility either to furnish a complete and sufficient certification or to furnish the health care provider providing the certification with any necessary authorization from the employee or the employee's family member in order for the health care provider to release a complete and sufficient certification to Valley CAPS to support the employee's leave request.

Where permitted by law, if Valley CAPS has reason to doubt the validity of the medical certification provided by the employee, Valley CAPS may require the employee to obtain a second opinion from a doctor of Valley CAPS's choosing at our expense. If the employee's health care provider providing the original certification and the doctor providing the second opinion do not agree, Valley CAPS may require a third opinion, also at our expense, performed by a mutually agreeable doctor who will make a final determination. It is the employee's responsibility to furnish his or her health care provider with the necessary authorization for the disclosure of medical information to the doctor(s) who will provide the second and third opinions. If the employee fails to provide the necessary authorization, the request for leave may be denied, in accordance with applicable law.

Valley CAPS has developed forms for use in obtaining medical certifications that satisfy the requirements of this policy. For military caregiver leave, Valley CAPS will accept Invitational Travel Orders (ITOs) or Invitational Travel Authorizations (ITAs) in lieu of its medical certification form.

14.1.8. Designation of Protected Leave. Once Valley CAPS has enough information to determine whether the leave is FMLA- or CRFA-qualifying, Valley CAPS will inform the employee if leave will be designated as FMLA- or CFRA-protected and, if known at that time, the amount of leave that will be counted against the employee's leave entitlement. If Valley CAPS determines that the leave is not protected, Valley CAPS will notify the employee.

14.1.9. Return to Work Certification. Where the leave is for the employee's own serious health condition, Valley CAPS requires the employee to provide medical certification that he or she is fit for duty and able to return to work. Valley CAPS may delay restoring the employee to employment or terminate the employee without such certificate.

14.1.10. Leave's Effect on Reinstatement. Employees timely returning from a leave covered under this policy are entitled to reinstatement to the same or equivalent position consistent with applicable law. If the leave is "FMLA only", Valley CAPS may deny reinstatement to employees who are among the highest paid ten percent of all employees employed by Valley CAPS within 75 miles of the employee's worksite and whose reinstatement would cause substantial and grievous economic injury to Valley CAPS's operations. An employee has no greater right to reinstatement than if he or she had been continuously employed rather than on leave. Valley CAPS will comply with all applicable laws pertaining to reinstatement of employees, including where required by the ADA or FEHA, the reasonable accommodation of employees who have been on an approved leave.

Valley CAPS complies with applicable family care, medical leave, and military family leave laws. Under the FMLA-CFRA it is unlawful for any employer to: interfere with, restrain, or deny the exercise of any right provided under the FMLA-CFRA; or discharge or discriminate against any person for opposing any practice made unlawful by the FMLA-CFRA or for involvement in any proceeding under or relating to the FMLA-CFRA. If an employer has done so, an employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer under the FMLA. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights. If you have questions or would like further clarification about your rights under the FMLA-CFRA or other types of leave, please contact the Human Resources Department. Separately, employees may file complaints of claimed violations of CFRA with the California Civil Rights Department (CRD) (formerly the Department of Fair Employment and Housing (DFEH), which is authorized to investigate such complaints. For more information, visit the CRD's website at <http://www.calcivilrights.ca.gov>.

## 14.2. Pregnancy-Related Disability Rights.

14.2.1. Leaves of Absence and Transfers. Any employee who is disabled on account of pregnancy, childbirth, or related conditions may take a pregnancy-related disability leave for the period of actual disability of up to four months (currently defined as 17-1/3 weeks), in addition to any family care or medical leave to which the employee may be entitled under Section 14.1. Pregnancy-related disability leaves may be taken intermittently, or on a reduced-hours schedule, as medically necessary.

Moreover, an employee is entitled to a reasonable accommodation for pregnancy, childbirth, or related medical conditions if she so requests and provides Valley CAPS with medical certification from her health care provider. In addition to other forms of reasonable accommodation, a pregnant employee is entitled to transfer temporarily to a less strenuous or hazardous position or 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.

14.2.2. Substitution of Paid Leave for Pregnancy-Related Disability Leave. An employee taking pregnancy-related disability leave must substitute any accrued sick leave, and may substitute any accrued vacation time, for her leave. The substitution of paid leave for pregnancy-related disability leave does not extend the total duration of the leave to which an employee is entitled.

14.2.3. Leave's Effect on Benefits. If an employee is taking a pregnancy-related disability leave, employer will maintain and pay for employee's health coverage under a group health plan for the duration of her leave up to a maximum of four months (17-1/3 weeks) over the course of a 12-month period commencing on the date the pregnancy-related disability leave begins at the level and under the conditions that coverage would have been provided if the employee had continued in employment continuously for the duration of the leave.

Thus, the employee must continue to pay her share of the health plan premiums during the leave and failure to make premium payments may result in loss of coverage. If the employee substitutes paid leave for the unpaid leave, such payments will be deducted from the employee's pay through the regular payroll deductions. Otherwise, the employee must make arrangements with Valley CAPS for the payment of such premiums.

All other benefits will be governed in accordance with the terms of each benefit plan and are the sole responsibility of the employee.

Valley CAPS reserves the right to recover from employee the premium that Valley CAPS paid to continue employee's benefits pursuant to this policy if the employee fails to return from leave after the period of leave to which she is entitled has expired so long as the failure to return is not caused by the employee taking leave under the CFRA or caused by the continuation, recurrence, or onset of a health condition that entitles the employee to pregnancy-related disability leave or other circumstance that is beyond her control.

14.2.4. Other Terms and Conditions of Leave. The provisions of Valley CAPS's Family Care, Medical and Military Family Leave policy regarding the leave's effect on pay, notice requirements, medical certification requirements and reinstatement also apply to all pregnancy-related disability leaves. However, for pregnancy-related disabilities, there is no process for obtaining more than one medical opinion, and there is no reinstatement exception for key employees. For the purpose of applying those provisions, an employee's pregnancy-related disability is considered to be a serious health condition.

### 14.3. Other Disability Leaves.

In addition to medical and pregnancy-related disability leaves described in Sections 14.1 and 14.2, employees may take a temporary disability leave of absence if necessary to reasonably accommodate a workplace injury or a disability under the ADA or the FEHA. Any disability leave under this policy will run concurrently with any medical leave to which the employee is entitled under Section 14.1 of this policy. Disability leaves under this policy will be unpaid.

Employees taking disability leave must comply with the Family Care, Medical and Military Family Leave provisions regarding substitution of paid leaves, notice, and medical certification. For the purpose of applying these provisions, a disability leave will be considered to be a medical leave.

If a disability leave under this policy extends beyond 12 weeks in a 12-month period, 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 policy 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, with or without reasonable accommodation. For a full explanation of leave duration and reinstatement rights, employees should contact Human Resources.

#### 14.4. Other Leaves Of Absence.

Valley CAPS also grants eligible employees leaves of absence for military leave, jury or witness duty, certain court appearances, appearances at school or participation in school or daycare activities, emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel, to vote in a statewide election, for bereavement leave, for leave related to domestic violence, or crime victims leave, or leave for the donation of an organ or bone marrow as required by law. Unless otherwise required by law or specified in this handbook, employees will not be paid for such leaves of absence. Employees wishing to take a leave of absence for one of these reasons should refer to the procedures in this policy or contact Human Resources. Valley CAPS prohibits discrimination, discharge, or retaliation against an employee for requesting or taking leaves under this policy.

14.4.1. Military Leave of Absence. Valley CAPS will grant employees a military leave of absence to the extent required by applicable federal and State law. Time taken for military reserve shall be unpaid, except that exempt employees shall be paid for any week in which they performed any work.

14.4.2. Military Spouse Leave. Qualifying employees will be given up to 10 days leave during that time in which the employee's spouse or domestic partner is on leave from deployment in a combat zone with the active duty, Reserves or National Guard during a period of military conflict. Employees may use accrued vacation time to cover this absence. If the employee has no accrued vacation, the employee may request time-off without pay.

Qualifying employees are employees who work an average of 20 hours per week and have a spouse or domestic partner who is serving as: (a) a member of the Armed Forces who has been deployed during a period of military conflict to an area designated as a combat theater or combat zone by the President of the United States; or (b) a member of the Armed Forces Reserve or National Guard who has been deployed during a period of military conflict.

Qualifying employees who wish to request this leave must provide Valley CAPS with a written request for such leave within two business days of receiving official notice that the military spouse or domestic partner will be on leave from deployment. The employee must also provide written documentation to Valley CAPS certifying that the military member will be on military leave from deployment.

14.4.3. Jury and Witness Duty. Valley CAPS will provide employees time-off to serve, as required by law, on a jury or grand jury. Employees will be granted a paid leave of absence of up to two business days per year for the purpose of fulfilling jury duty. Any jury duty that extends beyond two business days per year will be unpaid. Valley CAPS will also provide employees with time-off to appear in court or other judicial proceedings as a witness to comply with a valid subpoena or other court order. Exempt employees who work any portion of a



workweek in which they also serve on jury duty or appear as a witness will receive their full salary for that workweek. Employees may elect to substitute accrued vacation time during any unpaid leave due to jury duty or a witness appearance. Employees are required to provide reasonable advance notice of the need for jury or witness leave. Employees also are expected to report to work each day or portion of a day they are not performing jury or witness duty.

14.4.4. Leave to Attend Children's School at Teacher's Request. Valley CAPS will grant employees who are parents, step-parents, foster parents, grandparents, guardians, or persons who stand *in loco parentis* of a pupil unpaid time-off to appear at their children's school pursuant to a teacher's request under Education Code section 48900.1, if the employee, gives reasonable advance notice to Valley CAPS that he or she is requested to appear in the school.

14.4.5. Leave For Educational/Daycare Purposes. Employees will be granted unpaid time-off for up to 40 hours per calendar year, but no more than eight hours in any calendar month, to:

- participate in the activities of schools or licensed child daycare facilities attended by their children.
- Find, enroll, or reenroll their children in a school or with a licensed child care provider, or
- Address a child care provider or school emergency (i.e. a request that the child be picked up, a behavioral or discipline problem, closure, natural disaster or other circumstance requiring that the child be kept home or picked up from the school or child-care provider).

Employees must substitute accrued vacation time for purposes of a planned absence under this policy.

Employees wishing to take time off under this policy must provide their supervisors with reasonable notice of the planned absence. If both parents of a child are employed by Valley CAPS at the same worksite, the request for time off under this policy will be granted to the first parent to provide notice of the need for time off. The request from the second parent will be accommodated, if possible.

Valley CAPS reserves the right to request that the employee furnish written verification from the school or daycare facility as proof that the employee participated in school or daycare activities on the specific date and at a particular time. Failure to provide written verification is grounds for disciplinary action.

14.4.6. Volunteer Firefighter, Reserve Peace Officer, and Emergency Rescue Personnel. Non-exempt employees will be granted unpaid time-off to perform emergency duties as a volunteer firefighter, reserve peace officer, or emergency rescue personnel. Employees who are volunteer firefighters also are eligible for leave of up to 14 days per calendar year for fire or law enforcement training. Exempt employees who work any portion of a workweek in which they also perform such emergency duties or training will receive their full salary for that workweek. Otherwise, exempt employees will be granted time-off without pay. Employees may substitute accrued vacation time for any unpaid portion of leave to perform such emergency duties or training.

14.4.7. Voting Time-Off. Employees who do not have sufficient time outside of their regular working hours to vote in a statewide election may request time-off to vote. If possible, employees should make their request at least two days in advance of the election. Up to two hours of paid time off will be provided, at the beginning or end of the employee's regular shift, whichever will allow the most free time for voting and the least time off from work.

14.4.8. Bereavement Leave. Employees who have been employed for at least 30 days will be eligible for up to five working days of bereavement leave upon the death of a family member. The five days of bereavement leave do not have to be consecutive, but the leave must be completed within three months of the date of death of the family member. Valley CAPS may request documentation of the death of the family member be provided within 30 days of the date the leave is to begin, which be in the form of a death certificate, a published obituary, or written verification of death, burial or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or governmental agency. Unless an employee chooses to use accrued sick leave or vacation, bereavement leave is unpaid. For purposes of this policy, an employee's family member means the employee's spouse, domestic partner, child, parent, parent-in-law, sibling, grandparent or grandchild. Employees requiring more than five days off for bereavement leave may request additional leave by contacting Human Resources.

14.4.9. Reproductive Loss Leave. Employees who have been employed for at least 30 days are eligible to take up to five (5) unpaid days off for a reproductive loss. Reproductive loss is defined as a failed adoption, failed surrogacy, miscarriage, stillbirth, or unsuccessful assisted reproduction experienced by the employee, the employee's spouse or the employee's domestic partner.

Reproductive loss leave may be taken intermittently but must be completed within 3-months of the loss event. However, if the employee, prior to or immediately following a reproductive loss event, chooses to take or is already taking leave pursuant to FMLA/CFRA, Pregnancy Disability Leave, or other leave entitlement under state or federal law, then reproductive loss leave must be completed within 3 months of the end of the other leave.

Reproductive loss leave is unpaid, but employees may use sick leave or other paid leave for the unpaid portion.

If an employee experiences more than one reproductive loss event within a 12-month period, Valley CAPS is not obligated to grant a total amount of reproductive loss leave time in excess of 20 days within a 12-month period.

14.4.10. Leave for Victims of Crime and Violence. Valley CAPS will grant unpaid time-off to an employee who is a victim of certain crimes and violent acts as described below. Employees eligible for paid sick leave benefits may take any available sick leave for the purposes set forth in this policy (See Section 12.3.) Moreover, Valley CAPS will not discharge or in any manner discriminate against any employee for taking time off for the reasons stated in this policy.

*Leave to Obtain Relief Related to Being a Victim of Crime or Violence.*

Employees who are victims of crime or a qualifying act of violence as defined below may be eligible for unpaid leave to seek certain relief including, but not limited to, obtaining restraining orders, or appearing in court to obtain relief to ensure the health, safety, or

welfare, of the employee or their child.

Employees who are victims of certain crimes or qualifying acts of violence or who have family members who are victims may also be eligible for unpaid leave from work for any of the following purposes:

- To obtain or attempt to obtain any relief for the family member. Relief includes, but is not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the family member of the victim.
- To seek, obtain, or assist a family member to seek or obtain, medical attention for or to recover from injuries caused by a qualifying act of violence.
- To seek, obtain, or assist a family member to seek or obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of a qualifying act of violence.
- To seek, obtain, or assist a family member to seek or obtain psychological counseling or mental health services related to an experience of a qualifying act of violence.
- To participate in safety planning or take other actions to increase safety from future qualifying acts of violence.
- To relocate or engage in the process of securing a new residence due to the qualifying act of violence, including, but not limited to, securing temporary or permanent housing or enrolling children in a new school or childcare.
- To provide care to a family member who is recovering from injuries caused by a qualifying act of violence.
- To seek, obtain, or assist a family member to seek or obtain civil or criminal legal services in relation to the qualifying act of violence.
- To prepare for, participate in, or attend any civil, administrative, or criminal legal proceeding related to the qualifying act of violence.
- To seek, obtain, or provide childcare or care to a care-dependent adult if the childcare or care is necessary to ensure the safety of the child or dependent adult as a result of the qualifying act of violence.

As used in this policy, a victim of a “qualifying act of violence” means someone who has suffered the following acts regardless of whether anyone is arrested for, prosecuted for, or convicted of any crime:

- Domestic violence;
- Sexual assault;

- Stalking;
- An act, conduct, or pattern of conduct that includes:
  - An individual causing bodily injury or death to another
  - An individual who exhibits, draws, brandishes, or uses a firearm or other dangerous weapon
  - An individual who uses or makes a reasonably perceived or actual threat of use of force against another to cause physical injury or death

A “family member” under this policy means the employee’s child, parent, grandparent, sibling, spouse, domestic partner, or designated person.

Valley CAPS requires reasonable advance notice of the leave when feasible. You must also provide a certification of the reason for the leave within a reasonable time after your first day of absence. Certification may be sufficiently provided by documentation that reasonably verifies the activity such as:

- A police report indicating that the employee was a victim of domestic violence, sexual assault, stalking or other crimes;
- A court order protecting or separating the employee from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney that the employee appeared in court;
- Documentation from a medical professional, domestic violence advocate, health-care provider, victim advocate, or counselor that the employee was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse; or
- Any other form of documentation that reasonably verifies that the crime or abuse occurred, including but not limited to, a written statement signed by the employee, or an individual acting on the employee’s behalf certifying that the absence is authorized by law.

Depending on the reason for the leave, Valley CAPS may limit the total leave time the employee may take, and such leave would run concurrently with FMLA/CFRA leave if the employee is eligible. Valley CAPS will, to the extent allowed by law, maintain the confidentiality of an employee requesting leave under this provision.

*Reasonable Accommodation for Victims of Crime and Violence.*

Employees who have disclosed their status as a victim of a crime or a qualifying act of violence may request an accommodation for his or her safety while at work. The request should also include a certification as described above. Such accommodations may include transfer, modified schedule, or implementing safety procedures. However, Valley CAPS is not required to implement any action that constitutes an undue hardship on business

operations. Upon receiving a request and certification, Valley CAPS will engage in a timely, good faith, interactive process with the employee to determine effective reasonable accommodations.

*Leave to attend judicial proceedings related to being a victim of crime.*

Valley CAPS will also provide unpaid time off to an employee to attend judicial proceedings related to a crime if that employee is the victim of crime, an immediate family member of a victim, a registered domestic partner of a victim, or the child of a registered domestic partner of a victim. Valley CAPS requires that where feasible, in advance of taking leave, the employee provide it with a copy of the notice of each scheduled proceeding that is provided to the victim by the agency responsible for providing notice. If advance notice is not possible, the employee is required to provide Valley CAPS with a copy of the notice within a reasonable time.

14.4.11. Leave for Organ and Bone Marrow Donation. Valley CAPS will grant an employee the following paid leaves of absence for the purpose of organ or bone marrow donation: (a) a leave of absence up to five business days in any one-year period for the purpose of donating the employee's bone marrow to another person; and (b) a leave of absence of up to thirty business days in any one-year period for the purpose of the employee donating his or her organ to another person.

Valley CAPS will grant an additional *unpaid* leave of absence of up to thirty days in any one-year period for the purpose of the employee donating his or her organ to another person.

If an employee has accrued sick or vacation time available, the employee is required to first use up to five days of paid sick or vacation leave for a bone marrow donation and up to two weeks for an organ donation.

In order to receive a leave of absence pursuant to this policy, the employee must provide written verification to Human Resources that he or she is an organ or bone marrow donor and that there is a medical necessity for the donation of the organ or bone marrow. Any leave taken for the donation of an organ or bone marrow will not constitute a break in service for purposes of the employee's right to salary adjustments, sick leave, vacation benefits, or seniority. During any leave taken under this policy, Valley CAPS will maintain and continue to pay for coverage under any group health plan for the full duration of this leave. Leave provided under this policy may be taken in one or more periods. Leave taken under this policy will not run concurrently with any FMLA-CFRA leave.

Upon expiration of a leave of absence authorized by this policy, Valley CAPS will restore the employee to the position held by the employee when the leave began or to a position with equivalent seniority status, employee benefits, pay, and other terms and conditions of employment. Valley CAPS may decline to restore an employee because of reasons unrelated to the exercise of rights under this policy by the employee.

14.4.12. Personal Leave. Employees who have at least one year of continuous full-time employment in good standing and who have exhausted, do not qualify for, or are otherwise ineligible to take the other leaves described in this section may request a Personal Leave

for significant life events. Employment in a classification other than as a full-time employee does not count toward the one-year eligibility requirement. Full-time employees who are reclassified to less than full-time status will no longer be eligible for leave under this policy and must be employed for at least one year after a return to full-time classification before once again becoming eligible for personal leave.

Employees may request a Personal Leave, without pay, not to exceed ten (10) days per calendar year, which may be taken all at once or intermittently.

Employees must exhaust all accrued vacation time before requesting a Personal Leave. Employees wishing to take Personal Leave for purposes that fall under the permitted uses of sick leave (see Section 12.3.3, i.e., care of an injury, illness, or medical condition of the employee or qualified relative), must first use any accrued sick leave before requesting a Personal Leave.

An employee on a Personal Leave is entitled to no greater right to reinstatement or protection against termination or other employment benefits than if he or she had been continuously employed rather than on leave.

Personal Leave must be requested and approved in writing at least two weeks prior to the start of the leave. Personal Leave may or may not be granted in the sole discretion of the Executive Director.

14.5. Transfer of Time-Off. Transfer of vacation time from one employee to another may be allowed under the condition that it becomes “sick leave” to the recipient and is limited to 8 hours per year per recipient. Any such transfer may or may not be granted in the sole discretion of the Executive Director.

## **15. SEPARATION**

Employees are free to resign from the Company at any time just as Valley CAPS is free to terminate the employment of any employee at any time, with or without notice, and with or without cause.

### **15.1. Final Paycheck.**

15.1.1. Employees who resign voluntarily will be given their final paycheck on the last day of work provided that the employee has given at least 72 hours prior notice. If an employee resigns without giving at least 72 hours prior notice, his or her final paycheck will be made available at the office at which the employee was performing services within three days after the employee gives notice of the resignation or, if the employee requests so in writing, mailed to the employee within three days after the employee gives notice of the resignation.

15.1.2. Employees who are terminated involuntarily will be given their final paycheck on the last day of work. Temporary or substitute employees who are hired for a specific assignment or for a specified term of employment will be given their final paycheck upon the completion of the assignment or term.

In all cases, final paychecks will include payment of all wages owed and any accrued but unused vacation time.

Exit Interview. Exit interviews are encouraged upon separation of employment. At the exit interview, employees will be given information regarding unemployment insurance and continuation of health insurance coverage under COBRA.

## **16. PERSONNEL RECORDS**

The Company keeps a personnel file on each employee. The contents of personnel file are permanent and confidential to the extent permitted by law. Employees should inform Human Resources whenever there are changes in personal data such as address, telephone number, marital status, number of dependents, and persons to notify in case of emergency. Employees have the right to inspect their personnel files at reasonable times and on reasonable notice. In addition, employees have the right to request copies of all employment-related documents signed by the employee, any personnel records relating to the employee's performance or to any grievance concerning the employee, and all payroll records regarding the employee's compensation. Employees wishing to inspect or copy records should notify the Human Resources Manager.

Personnel files are the property of the Company and may not be removed from the premises without written authorization from the Executive Director or his or her designee.

## **17. OUTSIDE ACTIVITIES AND CONFLICTS OF INTEREST**

17.1. Outside Employment. Employees may engage in outside employment to the degree that it does not conflict with the interests of the Company. No employee is permitted to accept employment, whether for pay or otherwise, if the additional outside employment leads to a conflict or potential conflict of interest, if the outside employment conflicts with the duties of the employee, or if the nature of the outside employment will reflect negatively on the Company. Any employee who engages in outside employment in any field directly related to the work of Valley CAPS must have prior, written approval of the Executive Director. This includes other regular employment as well as special appearances, speeches, conference participation, and consultations. If during normal working hours, any fee for such activity must be paid to Valley CAPS. No employee may represent himself or herself as a spokesperson for Valley CAPS without prior, written approval of the Executive Director.

17.2. Outside Work with Participants. Employees who work with participants of Valley CAPS for another, non-Valley CAPS employer are requested to disclose in writing to the Executive Director that they are working elsewhere with participants enrolled at Valley CAPS. The appropriateness of such an arrangement will be decided on a case by case basis. If a conflict exists, Valley CAPS may direct the employee does not work with the same participants.

Fraternization with Participants. Dating, sexual relations, or romantic involvement at any level with a participants is prohibited under all circumstances. Employees are further prohibited from visiting or contacting participants outside of program hours without express prior authorization from the Executive Director. This includes social media (i.e., Facebook, Instagram, Twitter, etc.), e-mail, telephone and any other form of communication. An employee must report any after-hour encounter, even if unplanned, to his or her supervisor.

## 18. DRESS AND HYGIENE

In dressing and grooming for the workplace, employees should consider the following guidelines: Office personnel and clerical staff make “first impressions” and so their appearance needs to promote a positive and professional organizational image to the participants and families, other agencies, and the general community. Accordingly, these employees may wear dress shoes as part of an overall professional attire (while not an exhaustive list, these shoes can have a “peek-a-boo toe cutout” and must have a strapped heel at a minimum). Direct care staff must be mindful of their function as caregivers to the participants, and for safety reasons, these staff must wear closed-toed, closed heeled shoes at all times.

In a causal work setting, employees should wear clothing that is comfortable and practical for work, but not distracting or offensive to others. Any clothing that has words, terms, or pictures that may be offensive to other employees is unacceptable. Fashion brand names on clothing are generally acceptable.

On Fridays, office staff may dress more casually in jeans, clean tennis shoes, and Valley CAPS t-shirt or polo shirt. Valley CAPS may also designate certain Fridays as “Fan Friday’s” where employees may wear university/professional sports attire. “Casual Friday” and “Fan Friday” is a benefit, not a right. Casual dress on Fridays is prohibited when office staff has scheduled meetings with outside agencies or community members, and business casual or professional attire must be worn.

The following guidelines are a non-exhaustive list of authorized and prohibited standards:

- Prohibited: torn or soiled clothing; dragging or low-crotched pants; revealing attire such as cropped tops, see-through materials, low-cut shirts, spaghetti-strap dresses or shirts; shirts that are not long enough to cover the midriff; flip-flops or sandal type shoes, slippers, house slippers, Croc or Croc type shoes, sweat pants, any attire or accessory that is untidy or ill-fitting, unprofessional or inappropriate for the function or duties of the position or poses a health or safety risk to participants or other employees.
- Authorized May-September: Knee-length walking or cargo pocket shorts.
- Authorized: Jeggings, leggings, yoga pants (must be clean, free from holes or ill repair, cannot be transparent while bending at the waist, squatting, or assisting program participants. If skin or undergarments can be seen through any material, they are deemed as unauthorized wear of this type of garment.
- Prohibited: Tattoos depicting words, terms, or images that may be offensive to others must be covered.
- Authorized body piercings: Ears and nostril/nose. Employees are authorized stud earrings worn flush to the earlobe. Nose piercings are authorized in only one nostril, stud, no larger than 1 mm in diameter. If employees choose to wear either stud earrings, or nose piercings (stud), they do so at their own risk. No other visible body piercings are authorized. Tongue piercings are considered visible and expressly prohibited.
- Authorized: Natural fingernails or fingernail overlays provided they do not extend more than one quarter inch (1/4”) beyond the tip of the finger. No other artificial fingernails or nail enhancements, including, but not limited to, built



nails with gel or building gel tips, wraps, tips, or raised decorations are permitted.

- Authorized: Work-related messages, manufacturer logos less than three square inches, and seasonal traditional holiday symbols are acceptable.
- Prohibited: Clothing and accessories (such as masks and other PPE) may not display political affiliation, sexual content, gang affiliation, words, terms or pictures that may be offensive to other employees, or clothing that advertises or advocates drugs or alcohol.

Valley CAPS is a “No Scent Zone.” No perfume or cologne is allowed to be worn in order to respect the sensitivities of the participants and staff.

Employees who have any questions as to the acceptability of their attire or appearance, or who may require a reasonable accommodation due to religious beliefs or disability, should check with the site Assistant Director.

## **19. TECHNOLOGY, SECURITY AND SAFETY**

19.1. Access to Technology Resources. The Company provides various Technology Resources to authorized employees to assist them in performing their job duties. Each employee has a responsibility to use the Company’s Technology Resources in a manner that increases productivity, enhances the Company’s public image, and is respectful of other employees. Failure to follow the Company’s policies regarding Technology Resources will subject the employee to disciplinary action, up to and including, termination of employment.

“Technology Resources” consist of all electronic devices and hardware, software, and means of electronic communication including, but not limited to, any of the following: desktop computers and workstations; laptop computers; mainframe computers or servers; disk drives, tape drives, external hard drives and flash/thumb drives; peripheral equipment such as printers, modems, fax machines, and copiers; the Internet; electronic mail, documents, and data; telephones, mobile phones, and smart phones; personal organizers, tablets, and other handheld devices; smart watches, and voicemail.

Access to the Company’s Technology Resources is within the sole discretion of the Executive Director. Generally, employees are given access to our various technologies based on job function. Only employees whose job performance will benefit from the use of the Company’s Technology Resources are authorized to access and use the necessary technology and then only for the purpose of conducting Company business. Further, employees must successfully complete Company-approved training before they are authorized to use our Technology Resources.

The Company assumes no liability for loss, damage, destruction, alteration, receipt, transmission, disclosure, or misuse of any personal data or communications transmitted over or stored on the Company’s Technology Resources. The Company accepts no liability for the loss or non-delivery of any personal e-mail or voicemail communication or any personal data stored on any Company property. The Company strongly discourages employees from storing any personal data on any of the Company’s Technology Resources.

19.2. Prohibited Uses of Technology Resources. As set forth more fully in the

Company's "Policy Against Harassment, Discrimination, and Retaliation" we do not tolerate discrimination, retaliation, or harassment based on any other protected by State or federal law. Under no circumstances shall employees use the Company's Technology Resources to transmit, receive or store any information that is discriminatory, harassing, defamatory, obscene, or threatening.

Employees shall not use the Company's Technology Resources to copy, retrieve, forward or send copyrighted materials unless the employee has the author's permission or is accessing a single copy only for the employee's reference.

Employees shall not use the Company's Technology Resources for any illegal purpose, violation of any Company policy, in a manner contrary to the best interests of the Company, in any way that discloses confidential or proprietary information of the Company or third parties, or for personal pecuniary gain.

19.3. Inspection of Technology Resources. All messages sent and received, including personal messages, and all data and information stored on the Company's Technology Resources (including on its e-mail, voicemail, or computer systems) are Company property regardless of the content. As such, the Company reserves the right to access, inspect and search all of our Technology Resources including our e-mail, voicemail, or computer systems, at any time with or without notice. We may also monitor our Technology Resources at any time in order to determine compliance with our policies, for purposes of legal proceedings, to investigate misconduct, to locate information, or for any other business purpose. No employee, other than the Executive Director, has authority to waive, vary or amend the Company's right to access our Technology Resources.

Employees should understand, therefore, that they have no right of privacy with respect to any messages or information created, collected or maintained on our Technology Resources, including personal information.

Some of the Company's Technology Resources can be accessed only by entering a password. Passwords are intended to monitor access and prevent unauthorized access to information and do not confer any right of privacy upon any employee of the Company. Thus, even though employees may maintain passwords for accessing Technology Resources, employees must still not expect that any information maintained on our Technology Resources, including e-mail and voicemail messages, are private.

So that employees may understand the extent to which information is collected and stored, examples of information currently maintained by the Company are as follows:

- Telephone and Voicemail: Calls made to and from a particular telephone extension are logged. Although voicemail is password-protected, an authorized administrator can listen to voicemail messages, retrieve deleted messages, and also reset the password.
- Electronic Mail: E-mail is backed-up and archived on a server. Although e-mail is password-protected, an authorized administrator can read e-mail, retrieve deleted messages, and also reset the password.
- Facsimiles: Copies of all facsimile transmissions are maintained on a server.

- Documents: Documents are backed-up and archived on a server. An authorized administrator can review a history of documents accessed on Company computers and retrieve deleted documents.
- Internet: Internet sites visited, the number of times visited, and the total time connected to each site are logged and periodically monitored.

19.4. The Internet and On-Line Services. The Company provides authorized employees access to online services such as the Internet. The Company expects that employees will use these services in a responsible way and for business-related purposes only. Under no circumstances are employees permitted to use the Company's Technology Resources to access, download, or contribute to Internet sites that contain inappropriate content such as that which is discriminatory, harassing, defamatory, obscene or threatening.

The Company reserves the right to limit such access by any means available, including revoking access altogether. The Company, through technological tools, may also prohibit or limit access to certain sites considered inappropriate by the Company or our technology providers.

19.5. Electronic Mail Guidelines. Employees are expected to use good judgment with respect to use of electronic mail ("e-mail"). While e-mail provides an easy manner with which to communicate, it is not appropriate to say in an e-mail something that would never be said in person or in formal correspondence. All employees should adhere to the following with respect to use of e-mail:

- Always ask before sending an e-mail if it is the appropriate medium of communication. When communicating about a sensitive subject, consider whether e-mail is the appropriate medium or whether using the phone rather than e-mail might be more appropriate (but keep in mind that voicemail is similar to e-mail in that it may be stored on a computer server and forwarded to third parties).
- Use the "front page" test. Assuming that e-mail is the appropriate medium of communication, each e-mail should be treated as a formal written document. Do not write anything in an e-mail that could not be printed on the front page of the newspaper. Off-the-cuff, sarcastic, or angry comments can come back to haunt the author.
- E-mail is part of the workplace environment. E-mail containing rude and insensitive comments is not only personally embarrassing, but also may serve as the basis for legal liability. Employees and managers should exercise the same care and sensitivity in communicating via e-mail as they would communicating in person or in traditional forms of writing. Offensive e-mail received from others should not be forwarded, and the recipient should ask the sender to refrain from sending inappropriate e-mail.
- Provide context. As with other forms of communication, there is a risk that an e-mail message may be taken out of context. To reduce the risk that the message will be taken out of context, consider including the original message to which the reply e-mail relates.

- Know your audience. When sending an e-mail, always double-check to whom the e-mail is addressed, especially when using the “reply to all” button. Ask whether it is appropriate for each addressee to receive the e-mail and whether sending the e-mail to a particular addressee will result in the unauthorized disclosure of Confidential Information. If in doubt, remove the doubted addressee.
- Do not use a home PC or personal e-mail address for business purposes. E-mail relating to Company business, even though stored on a home computer, may be recoverable and discoverable in litigation.

#### 19.6. Social Media.

Participation in online social media sites and blogging are popular and valuable means of communicating and sharing ideas.

Valley CAPS encourages employees to post freely and exchange opinions and ideas on interactive websites, including blogging, media sites, chat rooms, bulletin boards, newsgroups, discussion groups, non-Valley CAPS email groups, personal websites, video sharing sites, picture sharing sites, dating sites, and social networking sites (e.g., Facebook, X (Twitter), Instagram, etc.) (“Social Media”) whether or not such sites are set to private, in a way that is constructive and follows all Valley CAPS policies, applicable law, and codes of conduct. Nothing in this policy is meant to contravene employees’ rights to engage in protected concerted activity relating to terms and conditions of employment.

Employees are free to create or participate in social media sites and other forms of online publishing and discussion, provided such participation does not violate any Valley CAPS policy and does not interfere with an employee’s regular work duties. All Company policies, including those set forth in this handbook apply to employee’s use of Social Media. If an employee is unsure whether a posting or comment would violate law or Company policy, he or she is encouraged to speak with a supervisor prior to making such posting or comment. Employees may not engage in the use of any Social Media during work time.

Employees use Social Media at their own risk. Employees may be personally and legally responsible for their online postings and comments. Valley CAPS will not assume any liability or risk for an employee’s use of or postings on Social Media, even if the employee uses the Company’s Technology Resources in doing so.

If an employee’s use of Social Media in any way identifies Valley CAPS or discusses Valley CAPS or its business, the employee must identify himself or herself as an employee of Valley CAPS, speak in the first person, and make it clear that what is being said is representative of the employee’s personal views and opinions and do not necessarily reflect the views and opinions of Valley CAPS. At a minimum, an employee’s posting on Social Media should include the following standard disclaimer language: “I am an employee of Valley CAPS. The views expressed are mine alone and do not necessarily reflect the positions, strategies, or opinions of Valley CAPS.” Employees may not represent or suggest that their opinions or positions are endorsed by Valley CAPS or any of its managers or employees. In addition, employees should not republish postings or statements of other Valley CAPS employees without making the same disclaimer that the views expressed are of an employee of Valley CAPS and do not reflect the

positions, strategies, or opinions of Valley CAPS.

Employees must always be in compliance with Company policies regarding non-disclosure of Confidential Information as set forth in Section 19.7. Accordingly, employees are prohibited from revealing, or making any reference to, any proprietary or confidential information, participant information, trade secrets, or any other information covered by Valley CAPS policies. Even vague or disguised references to such information could violate the Valley CAPS policies and applicable laws. Employees also must respect copyright and fair use laws when posting. Additionally, employees may not identify a Valley CAPS participant, partner, vendor, supplier or affiliate by name, nor discuss the confidential information of a Valley CAPS participant, partner, vendor, supplier, or affiliate online. If an employee is unsure whether a posting or comment would violate this policy, he or she should consult with a supervisor.

Employees are prohibited from using Valley CAPS logos, trademarks or other intellectual property or adding a link to the Company's website without written permission from the Executive Directors. Valley CAPS monitors the use of its name, copyrights, trademarks, website, and other information on the Internet. Employees likewise may not post any content that is harassing, discriminatory, defamatory, threatening, disparaging, libelous or otherwise illegal or injurious.

Employees who allow others to post comments on their online activities are encouraged to carefully monitor the comments and remove any inappropriate postings to avoid violation of any Company policy. Employees who may have a workplace-related complaint, concern or criticism should bring it to the attention of a supervisor or other individual at Valley CAPS who can investigate the matter pursuant to Grievance Policy in Section 5.

Employees may not post photos of or identify any Valley CAPS participant without the written authorization of the Executive Director.

Failure to adhere to Valley CAPS policies regarding the use of Social Media will be considered grounds for discipline up to and including termination. Such violations can also lead to serious legal ramifications for offending individuals, as they can be held personally liable for any post that is defamatory, proprietary, discriminatory, harassing, obscene, or in violation of any other law.

**19.7. Confidential Information.** The Company is very sensitive to the issue of protection of confidential or proprietary information of the Company, the participant and third parties ("Confidential Information"). Therefore, employees are expected to use good judgment and to adhere to the highest ethical standards when using or transmitting Confidential Information on the Company's Technology Resources.

Employees should avoid sending Confidential Information via the Internet, except when absolutely necessary. Employees should verify electronic mail addresses before transmitting any messages containing Confidential Information. Confidential Information should not be accessed in the presence of unauthorized individuals. Similarly, Confidential Information should not be left visible or unattended. Moreover, any Confidential Information transmitted via Technology Resources should be marked with the following confidentiality legend: "This message contains confidential information. Unless you are the addressee (or authorized to receive for the addressee), you may not copy, use, or distribute this information. If you have received this message in error, please advise [employee's name] immediately at [employee's telephone number] or return it

promptly by mail.”

Employees are expected to maintain their passwords as confidential. Employees must not share passwords or access the password-protected systems of others without express authorization.

19.8. Security. The Company has installed a variety of programs and devices to ensure the safety and security of the Company’s Technology Resources. Any employee found tampering with or disabling any of the Company’s security devices will be subject to discipline up to and including termination. To maintain the effectiveness of the Company’s security measures, employees should use only secure networks established by the Company to access or use Confidential Information. Such information may not be downloaded, stored, or copied on any non-Company equipment or media (including personally owned computer, handheld devices, external memory devices, or disks) without prior, written approval of the Executive Director. If Confidential Information is downloaded, stored, or copied on non-Company equipment or media, the employee must take all appropriate measures to safeguard against loss, theft, damage, or breach of such equipment or media. If Confidential Information is downloaded, stored, or copied on non-Company equipment or media, employees must permanently delete such information prior to selling or otherwise transferring out of their own possession or control such equipment or media. If Confidential Information is downloaded, stored, or copied on non-Company equipment or media and employee resigns, is terminated, or is requested to do so by management, employees must delete all Confidential Information they received, including any and all copies thereof. Similarly, employees may not send Confidential Information to their personal e-mail accounts, even for work-related purposes, without prior, written approval of the Executive Director.

Any loss or suspected loss of Confidential Information, or any suspicious activity such as external hacking attempts or unusual activity, should be reported immediately to management.

19.9. Video Monitoring Policy. In order to ensure participant safety, and to deter and detect illegal activity including theft, physical assault, and property damage, Valley CAPS monitors all common areas accessible to participants through the use of video cameras. Employees should understand, therefore, that they have no expectation of privacy in the monitored areas. Information obtained through video monitoring will be used exclusively for security and safety purposes.

Video monitoring is conducted in accordance with all federal, state, and local laws. No audio is recorded, and cameras are prohibited in restrooms or changing areas. All video cameras are placed in conspicuous places and signs are posted in the common areas to notify employees and participants that the area is being monitored.

Access to video recordings is limited to management, who periodically monitor the activity on the cameras or review recorded footage in response to a specific incident. Video cameras are not monitored on a continuous basis and recorded video is generally kept for a period of 14 days, unless it is required to be kept longer under applicable law. Therefore, any employee who believes that an incident involving safety or security occurred in a monitored area should report the incident to management immediately.

Employees should contact their supervisor or the Executive Director if they have questions about this policy.

19.10. Intellectual Property. Patents, copyrights or other intellectual property resulting from work performed by employees in the course and scope of their employment by Valley CAPS must be in the name of the Manteca CAPS Corporation and will remain the property of Valley CAPS.

19.11. Software Use and License Restrictions. All software in use on the Company's Technology Resources is officially licensed software. No software is to be installed or used that has not been duly paid for and licensed appropriately for the use to which it is being put. No employee may load any software on the Company's computers, by any means of transmission, unless authorized by the Executive Director and thoroughly scanned for viruses or other malware prior to installation.

19.12. Photographs. Employees are prohibited from taking any photographs, digital or any other format, depicting or containing the image of any participant unless written authorization is obtained from the Executive Director. Employees grant Valley CAPS the right and permission to use any photographs or video taken of them in the scope and course of their employment for marketing and other business purposes.

19.13. Phones and Other Personal Electronic Devices. Employees are requested to keep all personal telephone calls to a minimum and should limit those persons to whom Company telephone numbers are shared. Friends and relatives should be discouraged from calling during working hours unless there is an emergency. Phone calls will not be transferred to employees while the participants are present, unless there is an emergency. Under no circumstances are employees to make or charge a long-distance call to Valley CAPS unless it is work-related and approved by a supervisor.

Use of mobile and other personal electronic devices for private calls or messaging is prohibited during working hours. Your cell phone and or electronic devices can only be used on your breaks or lunch periods. Cell phones are not to be carried on your person or be in your possession during work hours. For those employees who are provided a mobile phone by Valley CAPS, use of the mobile phone shall be limited only to employment-related business except in cases of emergency. To the extent that a mobile phone or other personal electronic device is being used within an employee's scope of employment with Valley CAPS, the device should not be used while operating a vehicle. "Other personal electronic devices" include, but are not limited to, cell phones, smart watches, MP3 players, laptops, tablets, PDAs, and CD players.

However, in the event of an "emergency condition" employees are permitted to access their mobile devices or other communications devices to seek emergency assistance, assess the safety of the situation, or to communicate with a person to verify their safety. For purposes of this policy, an "emergency condition" means (i) conditions of disaster or extreme peril to the safety of persons or property at the workplace or worksite caused by natural forces or a criminal act; or (ii) an order to evacuate a workplace, worksite, a worker's home or the school of a worker's child due to natural disaster or a criminal act. Emergency Condition does not include a health pandemic.

19.14. Vehicles. When it is necessary and approved in writing by the Executive Director, staff members may use their own vehicles for Valley CAPS business and will be reimbursed at the rate approved by the Board of Directors in line with IRS guidelines. On extended trips, automobile mileage reimbursement may not total more than round trip economy airfare. Mileage accrued must

be recorded and submitted on a Travel Expense Statement.

Participants may only be transported in Company vans or buses. participants may be transported in privately-owned automobiles under exigent circumstances only or with the approval of the Executive Director. Company vehicles cannot be used to transport persons not working or not enrolled at Valley CAPS without the approval of the Executive Director.

## **20. INJURY AND ILLNESS PREVENTION PROGRAM**

The Company is committed to providing and maintaining a healthy and safe work environment for all employees. Our objective is to complete all work without injury, illness, and losses to personnel or equipment, and to eliminate or minimize all work hazards. Accordingly, the Company has instituted an Injury and Illness Prevention Program designed to protect the health and safety of all personnel. Every employee will receive a copy of the Company's General Safety Rules and will receive health and safety training as part of the Injury and Illness Prevention Program. A complete copy of the Injury and Illness Prevention Program is kept and implemented by the Safety Officer and is available for review.

All employees are required to know and comply with the Company's General Safety Rules and to follow safe and healthy work practices at all times. Employees may be subject to discipline for engaging in any unsafe or unhealthy work practice or for violating established safety rules. Employees also are required to report immediately to their supervisor any potential health or safety hazards, and all injuries or accidents. An employee will not be discriminated against for bringing to the attention of the designated safety officer any unsafe conditions or participating in our safety activities.

## **21. OTHER RULES**

21.1. Inspection of Work Areas. Valley CAPS reserves the right to inspect and search any and all work areas, workstations, desks, file cabinets, lockers, Company vehicles, and their contents for illegal drugs, alcohol, weapons, explosives, stolen property, or evidence in a workplace investigation. The Company will conduct inspections or searches when there is reasonable cause to believe that there are such items in the possession of the employee. The Company may confiscate such items and take any other appropriate action. "Reasonable cause" is defined as those facts that would lead a reasonably prudent person to believe that the employee has the items or that the items are in the area to be searched. Employees should have no reasonable expectation of privacy in Company-supplied property such as desks, file cabinets, lockers, Company vehicles. Inspections may occur at any time, with or without notice, by the Executive Director or his or her designee.

## **22. POLICY AGAINST HARASSMENT, DISCRIMINATION, AND RETALIATION**

22.1. Purpose. The Company is committed to providing a workplace free of unlawful harassment, discrimination, and retaliation (collectively "Prohibited Conduct"). This includes Prohibited Conduct based on sex (which includes Prohibited Conduct based on gender, gender expression, gender identity, pregnancy, perceived pregnancy, childbirth, breastfeeding or related



medical conditions) and Prohibited Conduct based on such factors as race, color, creed, religion (including religious dress and religious grooming), national origin, citizenship, ancestry, age, physical disability, mental disability, medical condition, marital status, sexual orientation, domestic partner status, family care or medical leave status, military status, veteran status, genetic information, or any other basis protected by law. The Company will not tolerate discrimination, retaliation, and harassment of employees by managers, supervisors, or co-workers. Similarly, the Company will not tolerate Prohibited Conduct by its employees of non-employees with whom the Company has a business or service relationship. The Company will attempt to protect employees from Prohibited Conduct by non-employees in the workplace.

## 22.2. Definitions:

Harassment. Harassment includes verbal, physical, and visual conduct that creates an intimidating, offensive, or hostile working environment or that interferes with an employee's work performance. Such conduct constitutes harassment when: (1) submission to the conduct is made either an explicit or implicit condition of employment; (2) submission 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 may include, but is not limited to, the following (when based upon an employee's protected status as noted above: slurs, jokes, statements, gestures, assault, impeding or blocking another's movement or otherwise physically interfering with normal work, pictures, drawings, or cartoons, violating someone's "personal space," foul or obscene language, leering, stalking, staring, unwanted or offensive letters or poems, offensive email or voicemail messages.

Sexually harassing conduct in particular may include all of these prohibited actions, as well as other unwelcome conduct, such as requests for sexual favors, conversation containing sexual comments, and other unwelcome sexual advances. Sexually harassing conduct can be by a person of either the same or opposite sex. Sexually harassing conduct need not be motivated by sexual desire to be violative of this policy.

Discrimination: Discrimination (when based on the employee's protected status as noted above) includes refusing to hire or employ a person or to refuse to select the person for a training program leading to employment or to bar or discharge a person from employment or from a training program leading to employment or to discriminate against the person in compensation or in terms, conditions, or privileges of employment (i.e. benefits, promotions, transfers, disciplinary action, etc.).

Retaliation: Retaliation includes the discharge, expulsion or other discrimination against any person because he or she has opposed any practices prohibited by the California Fair Employment and Housing Act (FEHA) or because the person has filed a complaint, testified, or assisted in any proceeding under FEHA.

22.3. Reporting and Investigating Prohibited Conduct. The Company understands that victims of Prohibited Conduct are often embarrassed and reluctant to report such acts for fear of being blamed, concern about being retaliated against, or, in the case of sexual harassment, because it is difficult to discuss sexual matters openly with others. However, no employee should have to endure harassing, discriminatory or retaliatory conduct, and the Company therefore encourages employees to promptly report any incidents of Prohibited Conduct so that corrective action may

be taken. Any incidents of Prohibited Conduct, including work-related Prohibited Conduct by any Company personnel (including supervisors and manager) or any other person (including third-party non-coworkers), should be reported immediately to the Human Resources Manager, who is responsible for investigating complaints. An employee is not required to complain to the Human Resources Manager if that person is the individual who is being complained about but may instead report the Prohibited Conduct to his or her immediate supervisor or the Executive Director. Supervisors and managers who receive complaints or who observe Prohibited Conduct should immediately inform the Human Resources Manager, the Executive Director, or other appropriate Company official so that an investigation may be initiated.

Every reported complaint of Prohibited Conduct will be investigated thoroughly and promptly by impartial and qualified personnel. The investigation will be handled in as confidential a manner as possible consistent with a full, fair, and proper investigation.

In addition to notifying the Company about discrimination, harassment or retaliation complaints, affected employees may also direct their complaints to the California Civil Rights Department (“CRD”) (Formerly the Department of Fair Employment and Housing (“DFEH”) or the U.S. Equal Employment Opportunity Commission (“EEOC”), which have the authority to conduct investigations. The deadline for filing complaints with the CRD is three years from the date of the alleged unlawful conduct and the deadline to file complaints with the EEOC is three hundred (300) days from the date of the alleged unlawful conduct. Employees can contact a CRD or EEOC office at the locations listed in the Company’s DFEH/EEOC poster or by checking the State Government listings in the local telephone directory.

22.4. Corrective Action. The Company will not tolerate retaliation against any employee for making a good faith complaint of Prohibited Conduct or for cooperating in an investigation. If discrimination, harassment or retaliation is established, the Company will take corrective action. Corrective action may include, for example: training, referral to counseling, or disciplinary action ranging from a verbal or written warning to termination of employment, depending on the circumstances. With regard to acts of Prohibited Conduct by customers or vendors, corrective action will be taken after consultation with the Board of Directors.

22.5. Anti-Harassment Training. Every Company employee is required to undergo training regarding the prohibition on harassment, discrimination, retaliation and abusive conduct within his or her first six months of employment or promotion to a supervisory position and at least once every two years thereafter. An employee who fails to comply with this policy may be subject to disciplinary action, up to and including termination of employment.

## **23. VIOLENCE IN THE WORKPLACE**

23.1. Statement of Policy. The Company recognizes that workplace violence is a concern among employers and employees across the country. The Company is committed to providing a safe, violence-free workplace. In this regard, the Company strictly prohibits employees, consultants, customers, visitors, or anyone else on Company premises or engaging in a Company-related activity from behaving in a violent or threatening manner. Moreover, the Company seeks to prevent workplace violence before it begins and reserves the right to address certain behaviors, even in the absence of violent behavior. The Company believes that prevention of workplace violence begins with recognition and awareness of potential early warning signs and has established procedures within Human Resources for responding to any situation that presents the

possibility of violence.

23.2. Workplace Violence Defined. Workplace violence includes, but is not limited to, the following:

- Threats of any kind;
- Threatening, physically aggressive, or violent behavior, such as intimidation of or attempts to instill fear in others;
- Other behavior that suggests a propensity towards violence, which can include belligerent speech, excessive arguing or swearing, sabotage, or threats of sabotage of Company property, or a demonstrated pattern of refusal to follow Company policies and procedures;
- Defacing Company property or causing physical damage to the facilities; or
- With the exception of security personnel, bringing weapons or firearms of any kind on Company premises, in Company parking lots, or while conducting Company business.

23.3. Reporting. If any employee observes or becomes aware of any of the above-listed actions or behavior by an employee, customer, consultant, visitor or anyone else, he or she should notify Human Resources immediately. Further, employees should notify Human Resources if any restraining order is in effect, or if a potentially violent nonwork-related situation exists that could result in violence in the workplace.

23.4. Investigation. All reports of workplace violence will be taken seriously and will be investigated promptly and thoroughly. In appropriate circumstances, the Company will inform the reporting individual of the results of the investigation. To the extent possible, the Company will maintain the confidentiality of the reporting employee and of the investigation. The Company may, however, need to disclose results in appropriate circumstances, for example, in order to protect individual safety. The Company will not tolerate retaliation against any employee who reports workplace violence.

23.5. Corrective Action and Discipline. If the Company determines that workplace violence has occurred, the Company will take appropriate corrective action and will impose discipline on offending employees. The appropriate discipline will depend on the particular facts but may include written or oral warnings, probation, reassignment of responsibilities, suspension, or termination. If the violent behavior is that of a non-employee, the Company will take appropriate corrective action in an attempt to ensure that such behavior is not repeated.

Under certain circumstances, the Company may forego disciplinary action on the condition that the employee takes a medical leave of absence. In addition, the Company may request that the employee participate in counseling, either voluntarily or as a condition of continued employment.

## **24. MANDATED REPORTING OF ABUSE**

24.1 Statement of Policy. The Company is committed to providing a safe environment free of unlawful dependent adult or elder abuse or neglect. In this regard, the Company strictly

prohibits employees, consultants, customers, visitors, or anyone else on Company premises from abusing or neglecting any dependent adult or elder. The Company will not tolerate dependent adult or elder abuse or neglect by any employee, manager, or supervisor. As an employee of the Company, you are by law a mandated reporter. A mandated reporter must report: physical abuse, neglect, financial abuse, abandonment, isolation, and abduction.

#### 24.2 Definitions:

Mandated Reporter. Any person who has assumed full or intermittent responsibility for care or custody of an elder or dependent adult, whether or not that person receives compensation, including administrators, supervisors, and any licensed staff of a public or private facility that provides care or services for elder or dependent adults, or any elder or dependent adult care custodian, health practitioner, clergy member, or employee of a county adult protective services agency or a local law enforcement agency, is a mandated reporter. Cal. Welf. & Inst. Code § 15630(a).

Abuse. Abuse includes, but is not limited to the following:

- Any treatment with resulting
  - Physical harm,
  - Pain,
  - Mental suffering, or
  - Deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering.

Physical Abuse. Physical abuse includes, but is not limited to any of the following:

- Assault,
- Battery,
- Assault with a deadly weapon or force likely to produce great bodily injury,
- Unreasonable physical constraint, or prolonged or continual deprivation of food or water,
- Sexual assault, which includes any of the following:
  - Sexual battery,
  - Rape,
  - Rape in concert,
  - Spousal rape,
  - Incest,
  - Sodomy,
  - Oral copulation,
  - Sexual penetration, or
  - Lewd or lascivious acts.
- Or, use of a physical or chemical restraint or psychotropic medication under any of the following conditions:
  - For punishment;
  - For a period beyond that for which the medication was ordered, or
  - For any purpose not authorized by the physician and surgeon.

Neglect. Neglect includes, but is not limited to the following:

- The negligent failure of any person, having the care or custody of an elder or a dependent adult, to exercise that degree of care that a reasonable person in a like position would exercise; or
- The negligent failure of an elder or dependent adult to exercise that degree of self-care that a reasonable person in a like position would exercise.
- Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.
- Failure to provide medical care for physical and mental health needs.
- Failure to protect from health and safety hazards.
- Failure to prevent malnutrition or dehydration.

Elder. Elder means any person residing in this state who is 65 years of age or older. Cal. Welf. & Inst. Code § 15610.27.

Dependent Adult. Dependent adult means any person residing in this state, between the ages of 18 and 64, who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. Cal. Welf. & Inst. Code § 15610.23.

24.3 Employee’s Reporting Responsibilities. If any employee observes, becomes aware of, or suspects any of the above-listed actions or behavior by any employee, customer, consultant, visitor or anyone else, he or she must notify Human Resources, the Executive Director, or his or her direct supervisor or other manager immediately. Any employee who makes a mandated report in good faith will not face disciplinary action or any retaliation by the Company for having made the report.

#### 24.4 The Company’s Reporting Responsibilities.

##### 24.4.1 Reporting for Physical Abuse.

24.1.1. Reporting suspected or alleged physical abuse that results in serious bodily injury requires: (1) making an immediate telephone report to the local law enforcement agency, no later than within two hours of the mandated reporter observing, obtaining knowledge of, or suspecting the physical abuse; and (2) submitting a written report to the local ombudsman, the corresponding licensing agency, and the local law enforcement agency within two hours of the mandated reporter observing, obtaining knowledge of, or suspecting the physical abuse. Any employee who observes or becomes aware of suspected or alleged physical abuse, whether or not it results in serious bodily injury, must immediately notify Human Resources, the Executive Director, or his or her direct supervisor or other manager so that the Company can meet its obligations to timely and properly report the matter to the appropriate agencies.

24.1.2. Reporting suspected or alleged physical abuse that does not result in serious bodily injury requires: (1) making an immediate telephone report to the local law enforcement agency, no later than within two hours of the mandated reporter observing, obtaining knowledge of, or suspecting the physical abuse; and (2) submitting a written report to the local ombudsman, the corresponding licensing agency, and the local law enforcement agency within two hours of the mandated reporter observing, obtaining knowledge of, or suspecting the physical abuse. Any employee who observes or becomes aware of suspected or alleged physical abuse,

whether or not it results in serious bodily injury, must immediately notify Human Resources, the Executive Director, or his or her direct supervisor or other manager so that the Company can meet its obligations to timely and properly report the matter to the appropriate agencies.

24.4.2 Reporting Non-Physical Abuse. Reporting suspected or alleged abuse that is not physical abuse requires the mandated reporter to make a telephone report and submit a written report to the local ombudsman or the local law enforcement agency. Any employee who observes or becomes aware of suspected or alleged non-physical abuse, whether or not it results must immediately notify Human Resources, the Executive Director, or his or her direct supervisor or other manager so that the Company can meet its obligations to timely and properly report the matter to the appropriate agencies.

24.5 Corrective Action. The Company will not tolerate retaliation against any employee for making a good faith report of suspected or alleged abuse or neglect to a dependent adult or elder. If unlawful dependent adult or elder abuse or neglect is established, or if it is established that an employee failed to make a mandated report under this policy or retaliated against any other person for having made a mandated report, the Company will take corrective action. Corrective action may include, for example: training, referral to counseling, or disciplinary action ranging from a verbal or written warning to termination of employment, depending on the circumstances. Government agencies responsible for enforcement of the laws prohibiting dependent adult or elder abuse may also independently take action against any person who is found to be in violation of law, including that a failure to make a mandatory report may result in fines ranging from One Thousand Dollars (\$1,000) to Five Thousand Dollars (\$5,000) and imprisonment for six (6) months to one (1) year, depending on the circumstances. Cal. Welf. & Inst. Code § 15630(h). Thus, it is imperative that any employee who observes, becomes aware of, or suspects any abuse or neglect notify Human Resources, the Executive Director, or his or her direct supervisor or other manager immediately.

## **25. SMOKE/TOBACCO-FREE FACILITY**

In the best interests of participants, employees, and the general public, and in compliance with the Manteca Unified School District, Valley CAPS Board of Directors prohibits the use of all tobacco products and e-cigarettes/vape pens at all times on Company facility grounds and in Company vehicles.

## **26. SUBSTANCE ABUSE POLICY FOR A DRUG-FREE WORKPLACE**

Valley CAPS desires to maintain a workplace that is free of drugs and alcohol and to discourage drug and alcohol abuse by its employees. Employees who are under the influence of a drug or alcohol in the workplace compromise the Company's business and operations and endanger their own health and safety and the health and safety of the participants and others with whom we have contact. Substance abuse in the workplace can also cause a number of other work-related problems, including absenteeism and tardiness, substandard job performance, increased workloads for co-workers, disruptive behavior, and loss of good customer relations. To further its interest in avoiding all such consequences, Valley CAPS has established this policy concerning the use of alcohol and drugs. As a condition of continued employment with Valley CAPS, each employee must abide by this policy.

26.1. Definitions. For purposes of this policy:

26.1.1. “Illegal drugs or other controlled substances” means any drug or substance that is not legally obtainable; is legally obtainable but has not been legally obtained; or has been legally obtained but is being sold or distributed unlawfully. Marijuana is considered an “illegal drug” under federal law and this policy despite any change in state law. (However see “special note re: cannabis” below.)

26.1.2. “Legal drug” means any drug, including any prescription drug or over-the-counter drug, that has been legally obtained and that is not unlawfully sold or distributed.

26.1.3. “Abuse of any legal drug” means the use of any legal drug: for any purpose other than the purpose for which it was prescribed or manufactured; or in a quantity, frequency, or manner that is contrary to the instructions or recommendations of the prescribing physician or manufacturer.

26.1.4. “Reasonable suspicion” includes a suspicion that is based on specific personal observations such as an employee’s manner, disposition, muscular movement, appearance, behavior, speech or breath odor; information provided to management by an employee, law enforcement officials, or a security service, or by other persons believed to be reliable; or a suspicion that is based on other surrounding circumstances. Other surrounding circumstances include, but are not limited to, any accident which causes injury to persons or property.

26.1.5. “Possession” means that an employee has the substance on his or her person or otherwise under his or her control.

26.2. Scope. The prohibitions of this policy apply whenever the interests of Valley CAPS may be adversely affected, including any time the employee is: on Valley CAPS premises; conducting or performing Valley CAPS business, regardless of location; operating or responsible for the operation, custody, or care of Valley CAPS equipment or other property; or responsible for the safety of others in connection with, or while performing, Valley CAPS-related business. An employee who is convicted under a criminal drug statute for a violation occurring in the workplace or during any Valley CAPS-related activity or event may be deemed to have violated this policy.

26.3. Prohibitions. The following acts are prohibited and will subject an employee to termination: the unauthorized use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of alcohol; being under the influence of alcohol; the use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of any illegal drug or other controlled substance; being under the influence of any illegal drug, or other controlled substance; the abuse of any legal drug; the purchase, sale, manufacture, distribution, transportation, dispensation, or possession of any legal prescription drug in a manner inconsistent with law; and working while impaired by the use of a legal drug whenever such impairment might: endanger the safety of the employee or some other person; pose a risk of significant damage to Company property or equipment; or substantially interfere with the employee’s job performance or the efficient operation of Company business or equipment.

26.4. Disciplinary Action. A first violation of this policy is likely to result in immediate

termination, whenever the prohibited conduct: causes injury to the employee or any other person or, in the sole opinion of management, endangers the safety of the employee or any other person; results in significant damage to Company property or equipment or, in the sole opinion of management, poses a risk of significant damage; involves the sale or manufacture of illegal drugs or other controlled substances; involves the possession, distribution, or dispensation of illegal drugs or other controlled substances or alcohol in a quantity greater than for personal use; involves the failure of employee to report a criminal conviction as required below. In any other circumstances, Valley CAPS may choose not to terminate an employee for a first violation of this policy if the employee satisfactorily participates in and completes an approved drug or alcohol abuse assistance or rehabilitation program when recommended to do so by Valley CAPS.

A subsequent violation of this policy at any time is very likely to result in immediate termination.

26.5. Use of Legal Drugs. Valley CAPS recognizes that employees may, from time to time, be prescribed legal drugs that, when taken as prescribed or according to the manufacturer's instructions, may result in impairment. Employees may not work while impaired by the use of legal drugs if the impairment might endanger the employee or someone else, pose a risk of significant damage to Company property, or substantially interfere with the employee's job performance. If an employee is so impaired by the appropriate use of legal drugs, he or she should not report to work. To accommodate the absence, the employee may use accrued vacation time or sick leave. The employee may also contact the Executive Director to determine whether or not he or she qualifies for an unpaid leave of absence, such as family care or medical leave. Nothing in this policy is intended to sanction the use of accrued vacation time or sick leave to accommodate absences due to the abuse of legal drugs. Further, nothing in this policy is intended to diminish our commitment to employ and reasonably accommodate qualified disabled individuals.

26.6. Unregulated or Authorized Conduct.

26.6.1. Customary Use of Over-The-Counter Drugs. Nothing in this policy is intended to prohibit the customary and ordinary purchase, sale, use, possession, or dispensation of over-the-counter drugs, so long as that activity does not violate any law or result in an employee being impaired by the use of such drugs in violation of this policy.

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

26.6.3. Confidentiality. Disclosures made by employees to Valley CAPS concerning their use of legal drugs will be treated confidentially and will not be revealed to managers or supervisors unless there is an important work-related reason to do so and in order to determine whether it is advisable for the employee to continue working. Disclosures made by employees to Valley CAPS concerning their participation in any drug or alcohol rehabilitation program will be treated confidentially.

26.7. Drug Testing.

As part of our employment screening process, any applicant to whom an offer of



employment is made must pass a test for controlled substances. The offer of employment is conditioned on a negative test result. Furthermore, employees who are required to have a Class B driver license will be required to submit to drug testing every two years. If an employee refuses to cooperate with the administration of the drug test, the refusal will be handled in the same manner as a positive test result.

If an employee's supervisor or manager has a reasonable suspicion that the employee is working in an impaired condition or otherwise engaging in conduct that violates this policy, the employee will be asked about any observed behavior and offered an opportunity to give a reasonable explanation. If the employee is unable to explain the behavior, he or she will be requested to immediately take a drug test. If the employee refuses to cooperate with the administration of the drug test, the refusal will be handled in the same manner as a positive test result.

Valley CAPS will refer the applicant or employee to an independent, National Institute on Drug Abuse (NIDA)-certified medical clinic or laboratory, for testing. Valley CAPS will pay the cost of the test and reasonable transportation costs to the testing facility. The employee will have the opportunity to alert the clinic or laboratory personnel to any prescription or non-prescription drugs that he or she has taken that may affect the outcome of the test. All drug testing will be performed by urinalysis. Initial screening will be done by an EMIT II. Positive results will be confirmed by gas chromatography/mass spectrometry. The clinic or laboratory will inform Valley CAPS as to whether the applicant passed or failed the drug test. If an applicant or employee fails the test, he or she will be considered to be in violation of this policy and will be subject to revocation of employment offer or discipline accordingly.

Any employee subject to testing under this policy will be asked to sign a form acknowledging the procedures governing testing and consenting to: (a) the collection of a urine sample for the purpose of determining the presence of alcohol and/or drugs; and (b) the release to Valley CAPS of medical information regarding the test results. Refusal to sign the agreement and consent form, or to submit to the drug test, will result in the revocation of an applicant's employment offer or will subject an employee to discipline up to and including termination.

All drug-testing records will be treated as confidential.

Special Note re: Cannabis/Marijuana. Subject to the exceptions below, employees and applicants will not be subject to discipline or otherwise penalized for the use of cannabis off the job and away from the workplace. Nor will any action be taken based solely on an employer-required drug screening test that has found the person to have nonpsychoactive cannabis metabolites in their hair, blood, urine, or other bodily fluids.

However, persons are still in violation of this policy and subject to discipline if they: (i) use, possess, sell, manufacture, distribute or dispense cannabis on the job; or (ii) are under the influence of, or impaired by, the use of cannabis on the job. Valley CAPS may also take action based on the results of a valid drug screening test that does not screen for nonpsychoactive cannabis metabolites.

Further these restrictions on the employer related to off-duty cannabis use and employer testing do not apply where applicants or employees are hired for positions that require federal background clearance, or where state or federal law requires Valley CAPS to test persons for controlled substances as a condition of employment, receiving federal funding or federal-licensing-related

benefits, or entering into a federal contract.

## **27. PERFORMANCE IMPROVEMENT AND DISCIPLINE**

Any deviation from accepted standards of performance or conduct or violation of any policy, procedure, guideline, or written rule may subject an employee to disciplinary action. The at-will nature of the employment relationship means that an employee may be terminated without resort to any formal system of warnings or discipline. Valley CAPS may nevertheless exercise its discretion to progressively discipline an employee, without abrogation of the at-will status, according to one or more of the following steps:

27.1. Verbal Reminder. The immediate supervisor may meet with the employee to review job standards, discuss current performance and suggest ways to improve, taking note of the date and content of the verbal reminder.

27.2. Written Reminder. The immediate supervisor may complete a written reminder sheet, including a statement of the job standards, current performance, recommended means of demonstrating improved performance, and target date for improvement, with copies to the affected employee, his or her personnel file, and the Executive Director.

27.3. Termination. If terminated, the employee will usually receive a notice and other documentation at an exit interview. If the employee is not available for an exit interview, the notice of termination and other documentation will be sent by certified mail to his or her last known address. Copies of termination notices will also be sent to the personnel file, the Executive Director, and the Chairperson of the Personnel Committee established by the Board of Directors.

## **PERSONNEL HANDBOOK ACKNOWLEDGMENT**

PLEASE CAREFULLY READ THIS PERSONNEL HANDBOOK AND COMPLETE AND RETURN THIS PORTION TO HUMAN RESOURCES.

I, \_\_\_\_\_ (Employee's Name), acknowledge that I have received a copy of Valley CAPS' Personnel Handbook. I understand that I am responsible for reading the Handbook and for knowing and complying with the policies set forth in the Handbook during my employment with Valley CAPS.

I further understand, however, that the policies contained in the Handbook are guidelines only and are not intended to create any contractual rights or obligations, express or implied, and shall not be construed to create any type of right to a "fair procedure" prior to termination or other disciplinary action. I also understand that Valley CAPS has the right to amend, interpret, modify or withdraw any of the provisions of the Handbook at any time in its sole discretion, with or without notice. Furthermore, I understand that, because Valley CAPS cannot anticipate every issue that may arise during my employment, if I have any questions regarding any of Valley CAPS' policies or procedures, I should consult the Human Resources Director or the Executive Director.

I understand and agree that my employment relationship with Valley CAPS is "at-will," which means that my employment is for no definite period and may be resigned by me or terminated by Valley CAPS at any time and for any reason, with or without cause and with or without notice. I also understand that Valley CAPS may demote or discipline me or otherwise alter the terms of my employment at any time at its discretion, with or without cause and with or without notice.

I understand and agree that the terms of this Acknowledgment may not be modified or superseded except by a written agreement signed by me and the Executive Director. I further understand and agree that no other employee or representative of Valley CAPS has the authority to enter into any such agreement, and that any agreement to employ me for any specified period of time or that is otherwise inconsistent with the terms of this Acknowledgment will be unenforceable unless in writing and signed by me and the Executive Director. I further understand and agree that if the terms of this Acknowledgment are inconsistent with any policy or practice of Valley CAPS now or in the future, the terms of this Acknowledgment shall control.

Finally, I understand and agree that this Acknowledgment contains a full and complete statement of the agreements and understandings that it recites, that no one has made any promises or commitments to me contrary to the foregoing, and that this Acknowledgment supersedes all previous agreements, whether written or oral, express or implied, relating to the subjects covered in this Acknowledgment.

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

Signature: \_\_\_\_\_