



# PRODUCTION WORKER HANDBOOK

**Personnel Policies effective July 1, 2008**

*Full Inclusion*

OPTIONS Mission Statement

*by increasing self-reliance, we will improve  
the quality of life for those we serve*

OPTIONS Philosophy Statement

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# OPTIONS PRODUCTION WORKER HANDBOOK

## INTRODUCTORY STATEMENT

Welcome! As an employee of OPTIONS Family of Services, Inc., you will find your employment to be both rewarding and challenging. Because the quality of our staff is the key to our success, we carefully select each of our new employees, and in turn expect employees to contribute to the success of OPTIONS and the persons we serve. Our Core Values are:

### **Ethical Pillars**

- Trustworthiness
- Responsibility
- Respect
- Caring

### **Values Implementation:**

- Providing a Safe and Secure Environment
- Active Treatment
- Implementation of the Individual Service Plan (ISP)
- Implementation of OPTIONS' Policies

This handbook is applicable to all employees of OPTIONS except those whose terms of employment are governed by individual written agreement. This handbook is not to be construed as an employment contract as OPTIONS retains the right to employ staff at will, which means that an employee has the right to terminate his or her employment relationship for any reason with or without cause or notice at any time, and OPTIONS reserves the right to do the same. This handbook contains the policies and practices in effect at the time of publication. All previously issued handbooks and any inconsistent policy or benefit statements or memoranda are superseded. The personnel policies contained in this handbook do not confer contractual rights, expressed or implied. They are intended only as general internal guidelines for OPTIONS, subject to amendment without notice by the OPTIONS Family of Services, Inc. Board of Directors, and interpretation of them is the exclusive prerogative of the OPTIONS Chief Executive Officer, whose decisions on their application will be final and binding.

This handbook is designed to familiarize you with our major policies. Although it is the responsibility of each employee to become familiar with the provisions contained in these policies, your supervisor or manager will be happy to answer any questions you may have.

## AUTHORITY AND RESPONSIBILITY

The Board of Directors of OPTIONS Family of Services, Inc. selects the Chief Executive Officer and designates the Chief Executive Officer to serve as the Personnel Officer for OPTIONS. All other employees are employed by the Chief Executive Officer or his or her authorized designee(s) within organizational and financial limitations.

Adoption of the personnel policies contained in this handbook by the Board of Directors delegates authority and responsibility for their execution and administration to the Chief Executive Officer. The Chief Executive Officer is responsible for presenting to the Board of Directors written recommendations for modification, revisions, and/or changes to the personnel policies, as may be needed from time to time for more effective administration.

## AMENDMENTS

The task of setting, reviewing, and revising, when necessary, all personnel policies is the responsibility of the OPTIONS Family of Services, Inc. Board of Directors, which will act on all personnel policy recommendations submitted by the Chief Executive Officer. All personnel practices which do not have financial or adverse legal impact on OPTIONS may be implemented directly by the Chief Executive Officer, who will report such action at the next scheduled Board meeting. Any proposed changes in personnel policies having a financial or legal impact must be recommended to and approved by the Board of Directors prior to adoption.

# **OPTIONS PRODUCTION WORKER HANDBOOK**

The Board of Directors, on approving an annual operating budget, approves personnel costs for salaries, wages, and related expenses. This approval action generally determines the size of the staff complement, staff organization, and salary levels.

## **STATEMENT OF AT-WILL EMPLOYMENT STATUS**

Employment at OPTIONS is employment at-will. Employment at-will may be terminated with or without cause and with or without notice at any time by the employee or OPTIONS. Nothing in this handbook or in any document or statement will limit the right to terminate employment at-will. No manager, supervisor or employee of OPTIONS has any authority to enter into any agreement for employment for any specified period of time or to make any agreement for employment other than at-will. Only the Chief Executive Officer, with Board authorization, has the authority to make any such agreement and then only in writing.

## **EEO POLICY WITH ADA PROVISION**

OPTIONS is an equal opportunity employer and makes employment decisions on the basis of merit. We want to have the best available persons in every job. OPTIONS' policy prohibits unlawful discrimination based on race, color, creed, gender, religion, marital status, age, national origin or ancestry, physical or mental disability, medical condition including genetic characteristics, sexual orientation, or any other consideration made unlawful by federal, state or local laws. It also prohibits unlawful discrimination based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. All such discrimination is unlawful.

OPTIONS is committed to compliance with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in OPTIONS operations and prohibits unlawful discrimination by any employee of OPTIONS, including supervisors and coworkers.

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, OPTIONS will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship would result.

Any applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact an OPTIONS representative with day-to-day personnel responsibilities and request such an accommodation. The individual with the disability should specify what accommodation he or she needs to perform the job. OPTIONS will then conduct an investigation to identify the barriers that interfere with the equal opportunity of the applicant or employee to perform his or her job. OPTIONS will identify possible accommodations, if any, that will help eliminate the limitation. If the accommodation is reasonable and will not impose an undue hardship, OPTIONS will make the accommodation.

If you believe you have been subjected to any form of unlawful discrimination, submit a written complaint to your supervisor or the individual with day-to-day personnel responsibilities. Your complaint should be specific and should include the names of the individuals involved and the names of any witnesses. If you need assistance with your complaint, or if you prefer to make a complaint in person, contact The Human Resources Manager. OPTIONS will immediately undertake an effective, thorough, and objective investigation and attempt to resolve the situation.

If OPTIONS determines that unlawful discrimination has occurred, effective remedial action will be taken commensurate with the severity of the offense. Appropriate action also will be taken to deter any future discrimination. OPTIONS will not retaliate against you for filing a complaint and will not knowingly permit retaliation by management employees or your coworkers.

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## UNLAWFUL HARASSMENT

OPTIONS is committed to providing a work environment free of unlawful harassment. OPTIONS policy prohibits sexual harassment and harassment based on pregnancy, childbirth, or related medical conditions; race, religious creed, color, national origin, or ancestry; physical or mental disability, or medical condition; marital status, age, sexual orientation, or any other basis protected by federal, state or local law or ordinance or regulation. All such harassment is unlawful. OPTIONS anti-harassment policy (Administrative Policy 200.1.26) applies to all persons involved in the operation of OPTIONS and prohibits unlawful harassment by any employee of OPTIONS, including supervisors and co-workers.

Prohibited unlawful harassment includes, but is not limited to, the following behaviors:

- Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments.
- Visual conduct such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings or gestures.
- Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race or any other protected basis.
- Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid a loss, and offers of employment benefits in return for sexual favors.
- Retaliation for having reported or threatened to report harassment.

If you believe that you have been unlawfully harassed, provide a written complaint to your supervisor, the Chief Executive Officer or Board President of OPTIONS as soon as possible after the incident. Your complaint should include details of the incident or incidents, names of the individuals involved and names of any witnesses. Supervisors will refer all harassment complaints to the Chief Executive Officer. OPTIONS will immediately undertake effective, thorough and objective investigation of the harassment allegations.

If OPTIONS determines that unlawful harassment has occurred, effective remedial action will be taken in accordance with the circumstances involved. Any employee determined by OPTIONS to be responsible for unlawful harassment will be subject to appropriate disciplinary action, up to and including termination. A company representative will advise all parties concerned of the results of the investigation and OPTIONS will take appropriate action to remedy any loss to you resulting from the harassment. OPTIONS will not retaliate against you for filing a complaint and will not tolerate or permit retaliation by management, employees or co-workers.

OPTIONS encourages all employees to report any incidents of harassment prohibited by this policy **immediately** so that complaints can be quickly and fairly resolved. You should also be aware that the Federal Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing investigate and prosecute complaints of prohibited harassment in employment. If you think you have been harassed or that you have been retaliated against for resisting or complaining, you may file a complaint with one of the government agencies listed above. The nearest office is listed in the telephone book.

## EMPLOYMENT POLICIES AND PRACTICES

### HIRING POLICY AND PROCEDURE

It is the policy of OPTIONS to consider the promotion of employees currently employed by OPTIONS before advertising an employment opportunity. When an employment opportunity arises and it is not filled by an individual currently employed by OPTIONS, the following procedure will be followed:

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The available position will be advertised in one or more of the local newspapers and/or at college or other placement centers. A uniform employment application form, provided by OPTIONS, must be completed by all job applicants, which includes Criminal Record Statement (LIC 508).

A personal interview may be arranged with the Human Resources Director and/or a designated staff person(s). Pertinent reference information covering the applicants qualifications, including education, training, and experience, will be obtained.

Applicants considered for employment will be interviewed by one or more of the following persons: Chief Executive Officer, Chief Operating Officer, Human Resources Director, Program Manager, or a person designated by one of the above-named persons to perform such an interview. A job description for the open position will be available at the time of the interview.

Upon a favorable interview, the prospective employee's references, educational background and work experience will be confirmed. Any decision to offer a person employment with OPTIONS will always be a team decision. Teams will consist of at least two of the following persons: OPTIONS Board Member, OPTIONS Consultant, Chief Executive Officer, Human Resources Director, Chief Operating Officer, Program Manager, or a person designated to participate in the hiring decision by one of the above-named persons. Offers of employment are contingent upon the fulfillment of all Federal, State, and local regulations, guidelines, and policies, as well as receipt of clearances from designated governing authorities.

Once an offer of employment is made to and accepted by an applicant, he or she will receive verbal or written notification of employment, including initial salary or hourly rate, onset date of employment, position title, and job site. The employee's date of hire is the date the employee first reports to work at the assigned program/department, or reports for paid training, whichever comes first. The new employee must first make an appointment with the OPTIONS Human Resources Director for a New Employee Orientation, and to obtain and process the following documentation:

1. Copy of valid California Driver's License and Social Security Card.
2. Signed Verification of Driving Status and Authorization for the Release of Motor Vehicle Record Information. Applicants with one or more major infractions or more than one minor infraction may be denied employment if the position for which they are being considered involves transportation of clients.
3. Physical Exam and PPD (tuberculosis) skin test must be completed, at OPTIONS expense, within 7 days of the hire date. Applicants with health problems may be denied employment only if the position for which they are being considered will subject them to health risks.
4. A completed INS Employment Eligibility Verification (I-9), plus related documentation.
5. Completed Employee Withholding Allowance Certificate (W-4).
6. Signed Statement of Receipt of Production Worker Handbook.
7. Signed and completed Direct Deposit Authorization for payroll purposes.
8. Signed Job Description.
9. Signed Release for the Use of Pictures.
10. Signed Drug-Free Workplace Policy and Program.

## EMPLOYEE REFERRAL PROGRAM

OPTIONS is committed to hiring and retaining the highest caliber of employees. OPTIONS has established an employee referral program which provides a monetary bonus for referring an individual that is hired. Bonuses are paid out for 3, 6, 9 month increments.

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The employee referring and the employee referral must both be working as required (non-relief) staff. The employee referral must be either a new employee or an employee returning after a separation of one year or more with OPTIONS. Members of OPTIONS' steering committee will not be eligible for bonuses. The employee who provides the referral is responsible for contacting Human Resources when bonus eligibility is due.

## LICENSURE AND CERTIFICATION

Employees who are required to have licensure or certification to perform a specific job function must already have or must obtain such licensure or certification prior to the conclusion of their six-month orientation period in order to successfully complete the orientation period. If such licensure or certification has not been obtained, the orientation period may be extended an additional six months. Employment with OPTIONS in the capacity for which the license or certificate is required may be terminated if licensure or certification has not been obtained before the first anniversary of employment.

Licensed or certified employees are expected to remain current in their certifications, and employment may be terminated if an employee fails to maintain current licensure or certification required for his or her position. Exceptions or modifications to this policy may be made under certain extenuating circumstances, as determined by the Chief Executive Officer.

## HEALTH INFORMATION

All new employees are required to obtain a physical examination and PPD (tuberculosis) skin test within 7 days of their first day of employment. The physical examination is available at no cost to the employee when performed by a physician(s) or at a medical facility designated by OPTIONS. Physical examinations and/or PPD skin test performed by a physician or at a medical facility not designated by OPTIONS, the cost for which is **not** reimbursable, will be accepted only when reported on a form acceptable to OPTIONS, and **must** be received by the Human Resource Manager within 7 days of the first day of employment.

## ORIENTATION PERIOD

An orientation period of six months is provided for all new employees, newly promoted employees, or employees transferring to a new position. Orientation, training and appropriate supervision will be provided the employee during the specified orientation period.

## JOB DUTIES

During your first week of employment, your supervisor will explain your job responsibilities and the performance standards expected of you. Be aware that your job responsibilities may change at any time during your employment, and you may be asked to work on special projects or to assist with other work necessary or important to the operation of your program or OPTIONS.

OPTIONS reserves the right, at any time, with or without notice, to alter or change job responsibilities, reassign or transfer job positions, transfer employees to other programs or departments, or assign additional job responsibilities.

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## TEMPORARY POSITION TRANSFERS

An employee who requests a transfer for medical and/or family medical leave reasons will be considered for a temporary transfer if a position exists at the time the transfer is requested and the employee is qualified to perform the job. The employee will be paid in accordance with the responsibilities and duties of the temporary job.

## PERMANENT POSITION TRANSFERS

In cases of permanent transfer or promotion to a new position, employees may become subject to new wage scales. The new wage scale will be effective as of the first day of work at the new position.

In some cases, an hourly employee may transfer to a position at a wage scale lower than his or her current scale. In these cases, the new hourly wage will be calculated as follows:

- A. If the employee has held the position previously, his or her last wage in that position will serve as the base amount for calculating the new wage following transfer back to that position. If the employee has not previously held the position, the base wage amount will be calculated with the formula used for new hires for the position.
- B. Added to the base amount as calculated in A) above will be all performance evaluation-related wage increases earned during the employees tenure in positions held since the lower-wage scale position was last held. Any previous wage increases granted for promotion to higher wage scale positions and **not** tied to performance evaluations will **not** be added to the base wage amount used for the calculation of the new wage.

## WORK SCHEDULES

### Exempt

Employees will organize their time schedules to most effectively carry out their responsibilities. It is recognized that in all administrative and supervisory positions the demands of the position may require staff to work beyond regular working hours and that such work time is not considered for compensation or compensatory time off in accordance with the provisions for "exempt employees" of the Federal Wage and Hour and State and local regulations.

### Non-Exempt

Staff schedules will normally be as follows:

- a. At all OPTIONS's work sites, employee schedules will be established on the basis of the operating hour(s) of the program. Any adjustments must be approved by the employee's supervisor.

## TIMEKEEPING REQUIREMENTS

All hourly and non-exempt employees are required to record time worked on a time card for payroll purposes. Employees must record their own time at the start and at the end of each work period. Employees also must record their time whenever they leave the work site for any reason other than OPTIONS business. Any errors on your time card should be reported immediately to your supervisor, who will correct legitimate errors.

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Salaried and exempt employees are required to record days worked during the pay period on a time sheet specified for that purpose.

## PAYMENT OF WAGES

Paydays are every two weeks on Wednesday. If a regular payday falls on a holiday, employees will be paid the day prior to the holiday. Time cards are collected every other Monday, on non-payday weeks, giving the central office ten days to process payroll.

Employees have an obligation to see that all time worked is accurately reported. OPTIONS has an obligation to see that properly reported time is paid in a timely manner. If there is an error in the time reported or if an employee feels that there is a discrepancy between his or her pay and the hours worked, such errors must be fully explained in writing, supported by documentation and forwarded to the employee's supervisor. Telephone inquiries to OPTIONS Chief Financial Officer will not be accepted.

If, after review by all parties, a balance is due to the employee, an adjustment payment will be generated as soon as possible after verification of the error.

Paychecks or direct deposit pay advice are normally available by 5:00 p.m. at the office of your job site on each pay date. Your supervisor will distribute your payroll check or pay advice to you. If there is an error on your paycheck or pay advice, please report it immediately to your supervisor.

## ADVANCES

OPTIONS does not permit advances against pay or against unaccrued vacation.

## GIFTS

OPTIONS recognizes the need to acknowledge and reward employees and outside associates who contribute to our operations. However, OPTIONS also recognizes that the practice of extending perks and gifts is subject to abuse. Such gifts can create a conflict of interest, may be misunderstood or may be inappropriate given the circumstances. The following will guide OPTIONS in its use of perks and gifts.

OPTIONS, at its discretion, may recognize an employee for exceptional job done or as employee of the month. A small token of appreciation may be extended. Such gifts will not exceed \$150 per employee per fiscal year. Gifts, cash or other tokens of appreciation may be given as a gesture of goodwill to individuals who do business with or have associations with OPTIONS. Such gifts must have prior approval by the CEO and will not exceed \$150 per fiscal year.

If an OPTIONS employee receives a gift of \$150 or more in the form of cash, perks, or compensation while the employee is working for OPTIONS, he/she must report the gift to the CEO within 7 days. If an honorarium is paid while the employee is working for OPTIONS, it must be reported to the CEO within 7 days. The CEO will decide if a gift is appropriate or may decide that it is not in the best interest of OPTIONS and recommend that the gift be returned. Given the amount, the CEO may decide that such a gift is of sufficient value to be considered part of an employee's salary and may reduce the employee's salary in an amount not to exceed the value of the gift. At no time is an OPTIONS employee to solicit such gifts. Such action will be considered a violation of OPTIONS policy subject to suspension or termination.

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## OVERTIME

Employees may be required to work overtime as necessary. For purposes of determining which hours constitute overtime, only actual hours worked during a given workweek will be counted. OPTIONS will attempt to distribute overtime evenly and accommodate individual schedules. All overtime work must be authorized in advance by a supervisor. OPTIONS provides compensation for all authorized overtime hours worked by nonexempt employees in accordance with State and Federal law as follows:

Compensation for hours worked in excess of 40 hours in a seven-day period, or for the first eight hours worked on the seventh consecutive day of work, or for more than eight hours worked in any given 24-hour period will be paid at a rate one and one-half times the employee's regular rate of pay. The only exception to this policy applies to overnight staff and to programs whose workers who have agreed in writing to work 10-hour shifts at their regular rate of pay.

Compensation for overtime hours in excess of eight on the seventh consecutive workday in a workweek will be paid at double the regular rate of pay.

Exempt employees may elect to work hours beyond their normal schedules as work demands require. No overtime compensation will be paid to exempt employees.

## SALARY RANGES

It is the responsibility of the Board of Directors to adopt salary ranges applicable to each position which will be the basis for compensation. The salary scale will be reviewed periodically, but at least once annually. The salary scale will be available to each employee upon written request to his or her immediate supervisor. The Salary Plan, as approved and periodically refined, represents a major part of OPTIONS basic budget and is not subject to interim adjustment unless such adjustment is made as a result of unforeseen financial considerations.

## PAYROLL DEDUCTIONS

All deductions from the gross salary are itemized on the pay stub or direct deposit pay advice.

### **Income Tax:**

Federal and State income tax will be withheld each pay date, if applicable. The amount deducted will be determined by the number of dependents reflected on the Federal and State withholding W-4 tax form. At the time of employment, employees are required to complete a W-4 form. Any subsequent changes must be reported and submitted to the Chief Financial Officer on a new W-4 form.

### **Social Security (Federal Insurance Contribution Act/Medicare):**

Employees participate with OPTIONS in the Federal Social Security program. The employee and OPTIONS each contribute the amount as required by law.

## REIMBURSEMENT FOR EXPENSES

## ACCOUNTING FOR EXPENSES

OPTIONS *Employee Expense Voucher Form* and *Employee Expense Voucher Form (mileage)* will be used by all employees to obtain reimbursement when the employee has used his or her own funds to cover an OPTIONS **pre-approved** expense. In order to be reimbursed, receipts for

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expenditures must be furnished by the employee and attached to the *Employee Expense Voucher* except in those instances when it is impossible to obtain a receipt, such as reporting mileage and telephone calls. The *Employee Expense Voucher* will be submitted bi-weekly unless an extended itinerary makes this impractical or the total amount of reimbursement is less than \$10.00 for the month.

## REIMBURSABLE EXPENSES

### **Air:**

Regular coach, tourist fare or the lowest available fare when air travel is a required component of the employee's itinerary.

### **Rail and Bus:**

Regular coach fare.

### **Employee's Automobile:**

Reimbursement according to the OPTIONS budgeted rate per mile will be allowed for all employees who are authorized to use their personal automobiles for OPTIONS business. The *Employee Expense Voucher Form (mileage)* will be used for all personal automobile mileage expense claims.

### **Rented Automobiles:**

Auto rentals will be allowed with prior approval from the Chief Executive Officer; however, this mode of transportation will not be used when an OPTIONS car or ordinary public transportation is available within the employee's itinerary requirements. The lowest commercial rental rate should be obtained.

### **Other Transportation:**

Taxicab, airport bus, and similar fares are allowed in full, but an employee is expected to use the most economical form of transportation possible.

### **Parking and Tolls:**

Costs, with appropriate documentation where possible, will be reimbursed.

### **Hotel/Motel:**

Single occupancy accommodations in a comfortable motel or hotel at the minimum rate or lowest rate available. When family members accompany employee, reimbursement to employee will be based on the minimum rate for single occupancy accommodations.

### **Meals:**

Reimbursement for meals is permitted in reasonable amounts while on OPTIONS business that extends beyond normal working hours or for staff involved in conferences and seminars relating to OPTIONS business.

### **Guest Meals:**

Reimbursement for meals of guests of OPTIONS is permitted in reasonable amounts when pre-approved by the Chief Executive Officer or other designated staff.

### **Telephone:**

Reimbursement will be made for business calls while traveling on OPTIONS business or for pre-approved toll charges incurred by the employee on his or her home telephone on behalf of OPTIONS.

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## **BUSINESS CREDIT CARDS**

The use of OPTIONS credit cards by certain employees may be authorized for specific purposes by the Chief Executive Officer or authorized designee. Any use of an OPTIONS credit card must be logged in the Credit Card Log and receipts for all credit card charges must be provided by the employee to the OPTIONS Chief Financial Officer.

## **BUSINESS CHARGE ACCOUNTS**

No OPTIONS employee may charge purchases or services to any OPTIONS business charge account without preauthorization. Once preauthorization is obtained, the employee using the charge account is required to submit details of the purchase to the Chief Operating Officer and/or Chief Financial Officer.

## **ADVANCES FOR TRAVEL EXPENSES**

Advances for travel expenses, requested in writing, may be provided upon the approval of the Chief Executive Officer or authorized designee.

# **PERSONNEL RECORDS**

## **EMPLOYEE FILES**

The Chief Executive Officer or designee will maintain individual files for each employee in accordance with applicable laws and regulations. Such files for each employee contain his or her employment application, copies of letters of reference, evaluations, physical examination result form, and other pertinent job related documents. The employee may request to review his or her personnel file in the personnel office by submitting such request in writing to the Office Manager. An appointment will be scheduled for the employee to review his or her file. All employee files are the property of OPTIONS. Copies of specified documents may be duplicated at the request of the employee for a fee.

Because of the personal nature of this information, these records will be kept confidential and will be available only to those persons within OPTIONS who have a legitimate business reason to review such files. Information from the personnel file can be shared with other persons or organizations only with the employee's written permission and consent. However, OPTIONS will cooperate with requests from authorized law enforcement or local, State or Federal agencies conducting official investigations and as otherwise legally required. OPTIONS is required by law to keep current all employees names and addresses. Employees are responsible for updating the information in their personnel files.

## **EMPLOYEE REFERENCES**

All requests for references must be directed to the Human Resources Director. No other manager, supervisor or employee is authorized to release references for current or former employees. OPTIONS policy regarding references for employees who have left OPTIONS is to disclose only the dates of employment and the title of the last position held. If you authorize disclosure in writing, OPTIONS will also provide a prospective employer with the information on the amount of salary or wage you last earned.

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## SEPARATION AND TERMINATION OF EMPLOYMENT

### RESIGNATION

Employees should submit a letter of resignation to their supervisor, who will, in turn, notify the Office Manager, Human Resources Director, and Chief Financial Officer. The Human Resources Director, or designee, will conduct an Exit Interview and complete all necessary paperwork on or before the employee's last day of work.

**Notice:**

Exempt employees are requested to give, exclusive of leave time and/or holiday time, *21 calendar days notice* in writing when resigning.

Hourly employees are requested to give, exclusive of leave time and/or holiday time, *14 calendar days notice* in writing when resigning.

**Effective Date of Resignation:**

The effective date of an employee's resignation is his or her last day of work.

### LAYOFFS

In the event of a staff reduction or reorganization, the following factors will be given consideration if it becomes necessary to lay off employees: job responsibilities, job performance, length of employment with OPTIONS, and individual circumstances. OPTIONS will attempt to give affected personnel written notice as far in advance of anticipated changes as is possible.

### DISMISSAL

All terminations will be coordinated with the Chief Executive Officer and the Human Resources Director. The Program Director, Program Managers and other supervisors will work closely with the Chief Executive Officer and Human Resources Director during the termination planning process.

Grounds for dismissal include, but are not limited to, failing or refusing to fulfill the position duties as outlined in the job description, violating the Standards of Conduct listed later in this handbook, or not following the OPTIONS policies and procedures. Grounds for dismissal rest solely at the discretion of the Chief Executive Officer and his or her designees, and are not necessarily limited to what may be specified in this handbook.

An employee may be dismissed from employment without notice as the result of an allegation of abuse or neglect or other work-related misconduct.

Despite warnings and provisions in these policies relating to rules violations that frequently result in termination of employment, it is the policy of OPTIONS that employment is "at will" and may be terminated by either the employer or employee at any time without cause.

An employee who is not satisfactorily fulfilling his or her job responsibilities may be made aware of the unsatisfactory performance through any or all of the following methods: verbal communication, written communication, and a written evaluation. The written evaluation may specify a period of time in which the employee is expected to improve his or her performance. If the employee has not yet completed his or her orientation period and his or her performance is still considered inadequate, the employee may be dismissed at that time, without further notice. If the employee has completed the orientation period, he or she may, in OPTIONS discretion, be given written notice of dismissal.

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An employee receiving a dismissal notice may follow the Termination Appeal Procedure outlined at the end of this handbook.

Authority to dismiss the Chief Executive Officer rests with OPTIONS Family of Services, Inc. Board of Directors.

Authority to dismiss employees in all categories rests with the Chief Executive Officer and/or designated staff in consultation with the employee's immediate supervisor and the Human Resources Director.

## STANDARDS OF CONDUCT

### PROHIBITED CONDUCT

The following conduct is prohibited and will not be tolerated by OPTIONS. This list of prohibited conduct is illustrative only; other types of conduct injurious to security, personal safety, employee welfare and OPTIONS operations may also be prohibited.

1. Reporting to work under the influence of alcohol or drugs.
2. Dishonesty, including but not limited to theft, falsification of reports, time records, applications, résumés, or other significant documents.
3. Misuse of funds or property of OPTIONS or persons served.
4. Obtaining employment on the basis of false or misleading information.
5. Engaging in criminal conduct, whether or not related to job performance.
6. Excessive personal phone calls.
7. Excessive tardiness or unauthorized absences.
8. Unprofessional or damaging actions to persons within OPTIONS or the community.
9. Insubordination.
10. Failure to maintain confidentiality of privileged information, verbal or written.
11. Failure to fulfill job responsibilities.
12. Failure to uphold policies and procedures.
13. Failure to follow safe work practices.
14. Failure to obtain permission to leave work for any reason during normal working hours.
15. Abuse/neglect/mistreatment of person(s) served.
16. Threatening bodily harm against other employees, persons served, members of management, visitors, or any actual act of violence, assault and/or battery committed against any of these named individuals.
17. Condoning, authorizing, and/or participating in any inappropriate conduct committed on the employees behalf by a family member, friend, or anyone else with whom the employee shares a personal relationship.
18. Carrying any weapon while on OPTIONS business, job site, premises, or property.
19. Engaging in or committing any false, fraudulent, misleading or harmful statement, action, or omission involving another employee, person served, or OPTIONS.
20. Use of profane or abusive language in the workplace.
21. Sexual harassment of another employee, including but not limited to verbal or physical conduct and/or contact or unwelcome advances.
22. Removing property belonging to OPTIONS, or persons served, without prior authorization from the Chief Executive Officer or his designee.
23. Working overtime without authorization.

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24. Wearing extreme, unprofessional or inappropriate styles of clothing, hair or jewelry while working.
26. Leaving persons served unattended in a vehicle

OPTIONS has a zero tolerance policy for violence in the workplace. Violation of this Code of Conduct may result in severe disciplinary action including immediate discharge and termination of employment.

## OUTSIDE EMPLOYMENT

While employed by OPTIONS, employees are expected to devote their energies to their jobs with our nonprofit organization. For this reason, certain second jobs are strongly discouraged. The following types of outside employment are strictly prohibited:

- Employment that conflicts with an employee's work schedule, duties and responsibilities;
- Employment that creates a conflict of interest or is incompatible with the employee's employment with the employer;
- Employment that impairs or has a detrimental effect on the employee's work performance with the employer;
- Employment that requires the employee to conduct work or related activities on the employer's property during the employer's working hours or using the employer's facilities and/or equipment;
- Employment that directly or indirectly competes with the business or the interests of the employer.

Employees who wish to engage in outside employment that may create a real or apparent conflict of interest must submit a written request to OPTIONS explaining the details of the outside employment. If the outside employment is authorized, OPTIONS assumes no responsibility for the outside employment. OPTIONS will not provide worker's compensation coverage or any other benefit for injuries occurring from or arising out of outside employment. Authorization to engage in outside employment can be revoked at any time.

## DRUG-FREE WORKPLACE POLICY AND PROGRAM

To ensure the effective operation of its programs and the safety and welfare of persons served, OPTIONS has established a policy regarding controlled substances, alcohol, and substance abuse.

This prohibits the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in the workplace, which conforms with the Drug-Free Workplace Act of 1988.

Each OPTIONS employee is given a copy of this policy at the time of hire and is thereby notified that the provisions of a drug-free workplace policy are a term and condition of employment at OPTIONS.

Employees who violate this policy will be subject to personnel action in addition to applicable criminal penalties.

As part of the drug-free workplace policy, employees agree to notify the Chief Executive Officer of any criminal drug statute conviction for a violation within five days of the conviction.

Penalties for employees who are convicted of criminal drug statute violations in the workplace are defined under the law. Within 30 days after receiving notice of such a conviction, OPTIONS will

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take appropriate personnel action up to and including discharge against the employee or require the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved by a Federal, State, or local health, law enforcement, or other appropriate agency.

OPTIONS drug-free workplace policy is extended to also prohibit arriving at work while under the influence of any substance, including controlled substances, alcohol, and/or medication(s), that result in the employee being unable to perform assigned job responsibilities. Consumption of alcohol during scheduled periods of work is prohibited. Employees who violate this policy will be suspended immediately, and will be subject to discharge in addition to applicable criminal penalties.

If an employee must, for medical or other reasons, take a substance which may impair performance, including driving ability, the employee is required to notify his or her supervisor immediately. An employee taking a substance that may impair his or her driving ability is prohibited from operating OPTIONS vehicles and from transporting persons served in his or her own vehicle.

In accordance with Federal and State law, OPTIONS reserves the right to administer or have administered drug tests of new and current employees as deemed appropriate by the Chief Executive Officer or designee.

## PERSONAL APPEARANCE

Every employee serves as a representative of OPTIONS to the general public. Dress and personal appearance should always be businesslike and represent and reflect OPTIONS position in the community as a professional organization. It is important that all employees report to work properly groomed and wearing appropriate attire. Employees are expected to dress neatly and in a manner consistent with the nature of the work performed. Clothing should be clean, tasteful, and in good repair. Examples of unacceptable clothing include, but are not limited to: cutoffs, jeans with holes, and tee-shirts with profane or otherwise inappropriate messages. Employees engaged in direct care with clients are to wear securely fitting shoes with traction soles and closed toes, should have clean and neatly trimmed fingernails, and should not wear dangling or loop earrings and/or exposed body ornaments. Employees working in managerial or administrative roles are expected to dress professionally. Examples of unprofessional office attire include, but are not limited to: "flip flops," "thongs," jeans, and t-shirts. Employees who report to work inappropriately dressed may be asked to sign out and return in acceptable attire.

## CONFIDENTIALITY

Each employee is responsible for safeguarding confidential information obtained in connection with his or her employment. In the course of your work, you will have access to confidential information regarding OPTIONS, its clients, government agencies or perhaps even fellow employees. It is your responsibility to in no way reveal or divulge any such information unless it is necessary for you to do so in the performance of your duties. Access to confidential information should be on a "need-to-know" basis and must be authorized by your supervisor. Any breach of this policy will not be tolerated and legal action may be taken by OPTIONS.

## CONFLICTS OF INTEREST

Situations of actual or potential conflict of interest are to be avoided by all employees. Personal or romantic involvement with a competitor, supplier or subordinate employee of OPTIONS which impairs an employee's ability to exercise good judgment on behalf of OPTIONS creates an actual or potential conflict of interest. Supervisor-subordinate romantic or personal relationships including relatives, married couples, and couples who marry during the course of their employment can lead to supervisory problems, possible claims of sexual harassment and morale problems.

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An employee involved in any of the types of relationships or situations described in this policy should immediately and fully disclose the relevant circumstances to his or her immediate supervisor, or any other appropriate supervisor, to determine whether a potential or actual conflict exists. If a potential or actual conflict is determined, the employer may take whatever corrective action appears appropriate according to the circumstances. Failure to disclose facts will constitute grounds for disciplinary action.

## **PUBLIC RELATIONS**

Employees may sometimes be approached for interviews or comments by the news media. Only contact people designated by the Chief Executive Officer may comment on OPTIONS policy or events that have an impact on OPTIONS.

## **FACILITIES AND OPERATIONS**

### **EMPLOYER PROPERTY**

Individuals employed by OPTIONS have a responsibility to ensure that OPTIONS property is properly used and maintained so it is not damaged or destroyed, so it remains available for others to use and enjoy. If an employee abuses or neglects OPTIONS property, that person may be responsible for the cost of repair or replacement.

Prior authorization must be obtained before any OPTIONS property may be removed from the premises.

Employees are required to adhere to OPTIONS procedure for information management. Data in all forms, including local area network, Internet, electronic and/or hard copy, software and e-mail on OPTIONS computers is the property of OPTIONS. OPTIONS maintains the right to examine all files and media residing on its systems. All OPTIONS policies and standards regarding appropriate conduct apply to electronic communication and use of the network and Internet accounts. Willful destruction, misuse, unauthorized use, attempts to breach network security, or use for a purpose contrary to OPTIONS and its clients best interests will be treated as grounds for dismissal and/or criminal prosecution.

### **OFF-DUTY USE OF FACILITIES**

Employees are prohibited from being on OPTIONS premises or making use of OPTIONS facilities while not on duty. Employees are expressly prohibited from using OPTIONS facilities, OPTIONS property or OPTIONS equipment for personal use.

### **PERSONAL VISITORS**

Employees are prohibited from entertaining personal guests at any OPTIONS site, unless they have prior approval from their supervisor. Overnight guests at any of the OPTIONS residential or transitional/supported/independent living sites will not be tolerated, and may be grounds for immediate dismissal.

### **EMPLOYEE PROPERTY**

OPTIONS is not liable or responsible for any loss or damage to the personal property of employees not covered under any insurance policy carried by OPTIONS.

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## OPERATION OF OPTIONS VEHICLES

Employees who operate OPTIONS vehicles must have a valid California driver's license and an acceptable driving record, as determined by criteria established by OPTIONS insurance carrier and OPTIONS policy. Employees who have an automobile accident while driving a vehicle owned or operated by OPTIONS may be required to take an approved defensive driving course within 30 days of the accident in order to continue their employment. In such cases, employees who have had an accident may not drive an OPTIONS vehicle until they have successfully completed the defensive driving course. Employees whose license to drive is suspended or revoked or whose driving record precludes coverage by OPTIONS insurance carrier may be reassigned or terminated at the discretion of the Chief Executive Officer. It is the employee's responsibility to inform the Human Resources Director if his or her driver's license has been suspended or revoked.

## UNAUTHORIZED USE OF OPTIONS VEHICLES

Vehicles owned or operated by OPTIONS are assigned and available for use by staff to carry out legitimate OPTIONS business such as transporting persons served for approved purposes. Any personal use of an OPTIONS vehicle without proper authorization is prohibited and may be cause for termination. Employees are required to take the most direct route to a business-related destination, and any deviation from the most direct route, or unauthorized stops along the way, will be construed as personal or unauthorized use of the vehicle.

## HEALTH AND SAFETY ON THE JOB

The safety of each employee is extremely important. OPTIONS works constantly to ensure that all employees have safe working conditions and equipment. The help of all staff is needed to meet these safety goals. Employees must be aware of safety considerations and learn and follow all safety guidelines. Emergencies, accidents, injuries and disasters can occur at any time and without warning. It is the duty of each employee to accept and follow established health and safety regulations and procedures. Each program or department has emergency guidelines and safety protocols which must be followed. In order to create a safer work environment, employees cannot be guaranteed the expectation of privacy in the workplace.

Any injury that may occur to an employee while on duty and in the course of fulfilling his or her job-related responsibilities is to be reported **immediately** to his or her supervisor to enable the supervisor to complete forms required by Federal and State Law. Treatment should be obtained according to OPTIONS protocol. If an employee is absent from work three or more days as the result of an injury, before returning to work the employee must submit medical documentation that he or she can resume his or her full schedule and normal duties. If the employee is out of work for four or more work days, the employee must contact his or her supervisor to request a leave of absence for the period of time the employee will not be at work. This leave of absence may fall under any or all of the following: Workers Compensation Leave, Family and Medical Leave Act, California Family Rights Act, and OPTIONS Leave Policy. The employees supervisor will forward documentation of the injury immediately to OPTIONS Office Manager, who will file a report with the OPTIONS Workers Compensation Insurance carrier.

OPTIONS will inform employees of any known exposure to a chemical known to cause cancer or reproductive toxicity.

## SMOKING AND USE OF SMOKELESS TOBACCO

The smoking of cigarettes, cigars, and pipes, and use of smokeless tobacco products will be prohibited inside any of OPTIONS buildings or vehicles. Smoking and use of smokeless tobacco

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will be allowed only in designated areas outside OPTIONS buildings where cigarette butt/ash receptacles will be provided.

Designated smoking/smokeless tobacco use areas will be clearly identified at each site.

Smoking and use of smokeless tobacco products will be allowed only during an employee's personal time during the work/program day. Personal time includes scheduled breaks, lunch periods and the times preceding or following the scheduled work period.

Employees may not smoke or use smokeless tobacco products in the presence of other staff or clients, even if the other staff or clients use tobacco themselves.

Absolutely no one under the age of 18 will be allowed to smoke or use smokeless tobacco products. Clients who use tobacco products will not do so in the presence of anyone under the age of 18.

Smokers must extinguish their cigarettes or other tobacco products in designated cigarette butt/ash receptacles prior to leaving designated smoking areas. Users of smokeless tobacco will dispose of used tobacco in a hygienic manner that is not offensive to others.

Employees who disregard this policy may be subject to disciplinary actions (including termination for repeated offenses) of employment by OPTIONS.

## SOLICITATION AND DISTRIBUTION OF LITERATURE

In order to ensure efficient operation of OPTIONS business and to prevent annoyance to employees, it is necessary to control solicitations and distribution of literature on OPTIONS property. OPTIONS has established rules applicable to all employees governing solicitation, distribution of written material and entry onto the premises and work areas. All employees are expected to comply strictly with these rules. Any employee who is in doubt concerning the application of these rules should consult with his or her supervisor immediately.

No employee will solicit or promote support for any cause or organization during his or her working time or during the working time of the employee or employees at whom such activity is directed.

No employee will distribute or circulate any written or printed material in work areas at any time, or during his or her working time or during the working time of the employee or employees at whom such activity is directed.

Under no circumstances will non-employees be permitted to solicit or to distribute written material for any purpose on OPTIONS property.

## USE OF ELECTRONIC MEDIA

OPTIONS uses various forms of electronic communication including, but not limited to: computers, e-mail, telephones, and Internet. All electronic communications, including all software, databases, hardware, and digital files, remain the sole property of OPTIONS and are to be used only for OPTIONS business and not for any personal use.

Electronic communication and media may not be used in any manner that would be discriminatory, harassing, or obscene, or for any other purpose that is illegal, against OPTIONS' policy, or not in the best interest of OPTIONS.

Employees who misuse electronic communications and engage in defamation, copyright or trademark infringement, misappropriation of trade secrets, discrimination, harassment, or related

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actions will be subject to discipline and/or immediate termination.

Employees may not install personal software on OPTIONS computer systems.

All electronic information created by any employee using any means of electronic communication is the property of OPTIONS and remains the property of OPTIONS. Personal passwords may be used for purposes of security, but the use of a personal password does not affect OPTIONS ownership of the electronic information.

OPTIONS will override all personal passwords if necessary for any reason.

OPTIONS reserves the right to access and review electronic files, messages, mail, and other digital archives, and to monitor the use of electronic communications and Internet usage as necessary to ensure that no misuse or violation of OPTIONS policy or any law occurs.

Employees are not permitted to access the electronic communications of other employees or third parties unless directed to do so by OPTIONS management.

No employee may install or use anonymous e-mail transmission programs or encryption of e-mail communication, except as specifically authorized by the Chief Executive Officer or his designee.

Employees who use devices on which information may be received and/or stored, including but not limited to cell phones, cordless phones, portable computers, fax machines, and voice mail communications are required to use these methods in strict compliance with the trade secrets and confidential communication policy established by OPTIONS. These communication tools should not be used for communicating confidential or sensitive information or any trade secrets.

Access to the Internet, websites, and other types of OPTIONS-paid computer access are to be used for OPTIONS-related business only. Any information about OPTIONS, its products or services, or other types of information that will appear in the electronic media about OPTIONS must be approved by the Chief Executive Officer or his designee before the information is placed on an electronic information resource that is accessible to others.

Questions about access to electronic communications or issues relating to security should be addressed to the Chief Executive Officer or his designee.

## PROHIBITED USE OF CELL PHONE WHILE DRIVING

In accordance with the law, and in the interest of the safety of our employees and other drivers, OPTIONS employees are prohibited from using cell phones while driving on OPTIONS business and/or OPTIONS time. If your job requires that you keep your cell phone turned on while you are driving, you must use a hands-free device or safely pull off the road before conducting company business. Employees who disregard this policy are subject to disciplinary action up to and including the termination of employment.

Cell phone use during working hours will be allowed only during an employee's personal time. Personal time includes scheduled breaks and lunch periods. Hands-free devices are not to be worn during working hours.

## SECURITY/WORKPLACE VIOLENCE

OPTIONS has developed guidelines to help maintain a secure workplace. Be aware of persons loitering for no apparent reason in parking areas, walkways, entrances and exits, and service areas. Report any suspicious persons or activities to local Law Enforcement. Secure your desk or work site at the end of the day. When called away from your work area for an extended length of time, do not leave valuable and/or personal articles in or around your workstation that may be accessible. The security of facilities as well as the welfare of our employees depends upon the alertness and sensitivity of every individual to potential security risks. You should immediately

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notify your supervisor when unknown persons are acting in a suspicious manner in or around the facilities, or when keys are missing.

## EMPLOYEE BENEFITS

### LIABILITY INSURANCE

All employees are covered under OPTIONS liability insurance plan immediately upon employment, which includes coverage for employees driving on OPTIONS business. All employees driving their own cars on OPTIONS business are responsible for liability to the limits of their insurance coverage, and OPTIONS will be responsible for claims in excess of the employees liability insurance. Employees are required to insure their personal vehicles in compliance with State law.

### WORKERS' COMPENSATION

OPTIONS will maintain, without cost to the employee, Workers' Compensation Insurance in accordance with applicable regulations. Employees are covered under the workers' compensation plan immediately upon employment. All work-related injuries, despite how minor they may be, must be reported **immediately** to the employee's supervisor, in accordance with OPTIONS Policies and Procedures.

Workers' Compensation may not pay for lost wages for the first three days of disability related to a compensable injury, unless the disability continues for more than 14 days. Employees may use paid leave time, if it is available.

When an employee remains off work beyond three days, the employee must contact the Human Resources Manager to request leave. The employee may qualify for Family and Medical Leave, covered later in this handbook.

If it is projected that the employee will need to remain off work for longer than a three-day period, OPTIONS may require the employee to obtain a second medical opinion and/or be examined by the medical representative of OPTIONS.

### SOCIAL SECURITY (FEDERAL INSURANCE CONTRIBUTION ACT/MEDICARE)

OPTIONS will make contributions for its employees in amounts required of employers under the Social Security Act.

### DISABILITY INSURANCE

Each employee contributes, through payroll withholding, to the State of California Disability Insurance Fund (SDI), pursuant to the California Unemployment Insurance Code. Disability insurance is payable when an employee cannot work because of illness or injury not caused by employment at OPTIONS, or when an employee is entitled to temporary Workers Compensation at a rate less than the daily disability benefit amount. Specific rules and regulations governing disability are available from the Department of Human Resources.

### HOLIDAYS

#### Recognized Holidays:

OPTIONS recognizes the following as paid holidays:

New Year's Day	Thanksgiving Day
Presidents' Day	Day After Thanksgiving
Memorial Day	Christmas Eve
Independence Day	Christmas Day
Labor Day	

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## **Eligibility:**

All employees who are regularly scheduled to work are eligible for holiday pay. Holidays are based on an employee's regularly scheduled hours.

Exempt employees are not normally required to work on holidays, but if an exempt employee is requested by his or her supervisor to work on a holiday, the employee will receive equivalent time off in lieu of the time worked, as scheduled and approved by his or her supervisor.

## **Compensation for Holidays:**

Full-time and part-time hourly employees who work on any holiday listed above will be compensated at double their regular rate of pay. Full-time or part-time hourly employees in programs that operate on a seven-day schedule who do not work on a holiday will not receive compensation for the holiday.

## **PUNCTUALITY AND ATTENDANCE**

As an employee of OPTIONS, you are expected to be punctual and regular in attendance. Any tardiness or abuse of attendance policies causes problems for your fellow employees, your supervisor, and the persons we serve. When you are absent, your assigned work must be performed by others.

Employees are expected to report to work as scheduled, on time, and prepared to start work. Employees also are expected to remain at work for their work schedule, except for when required to leave on authorized OPTIONS business. Late arrival, early departure, or other unanticipated and unapproved absences from scheduled hours are disruptive and must be avoided.

If you are unable to report for work on any particular day, you must under all but the most extenuating circumstances call your supervisor at least two hours before the time you are scheduled to begin working for that day. If you call less than one hour before your scheduled time to begin work and do not arrive in time for your assigned shift, you will be considered tardy for the day. In all cases of absence or tardiness, employees must provide their supervisor with an honest reason or explanation. Employees also must inform their supervisor of the expected duration of any absence. Excessive absenteeism or tardiness, whether excused or not, will not be tolerated. OPTIONS defines excessive absenteeism as more than two occurrences in a one-month period.

If you fail to report for work without any notification to your supervisor and your absence continues for a period of three days, OPTIONS will consider that you have abandoned your employment.

## **PAID EDUCATIONAL LEAVE**

Upon the approval of the employees supervisor and Chief Executive Officer or designee, full- and part-time staff members may be allowed a leave of absence with pay for attending educational short courses or seminars. OPTIONS encourages attendance at professional or related conferences during the year for professional staff on a rotating basis.

## **PAID JURY DUTY OR WITNESS LEAVE**

All full and part-time employees will be granted leave with pay, less government reimbursement, for one (1) work day for jury or witness duty. The employee is responsible for notifying his or her supervisor upon receipt of a jury summons or subpoena. Verification of the term of jury or witness duty must be provided from the Court.

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## PAID BEREAVEMENT LEAVE

In the event of the death of your current spouse, child, parent, legal guardian, brother, sister, grandparent, grandchild, or mother-, father-, sister-, brother-, son- or daughter-in-law, you may take up to three consecutive scheduled work days off with pay, without having to use accrued paid time off, with the approval of your supervisor and the Chief Executive Officer. Your supervisor may approve additional time off without pay.

## FAMILY AND MEDICAL LEAVE

State and federal family and medical leave laws provide up to 12 workweeks of unpaid family/medical leave within a 12-month period, under the following conditions:

- The employee has more than 12 months of services;
- The employee has worked at least 1,250 hours during the previous 12-month period before the need for leave; and
- The employee is employed at a work site where there are 50 or more employees within a 75 mile radius.

Leave may be taken for one or more of the following reasons:

- The birth of the employee's child, or placement of a child with the employee for adoption or foster care;
- To care for the employee's spouse, child, or parent who has serious health condition; or
- For a serious health condition that makes the employee unable to perform his or her job.

For purposes of calculating the 12-month period during which 12 weeks of leave may be taken, OPTIONS uses the calendar year.

Under most circumstances, leave under federal and state law will run at the same time and the eligible employee will be entitled to a total of 12 weeks of family and medical leave in the designated 12-month period.

However, leave because of the employee's disability for pregnancy, childbirth or related medical condition is not counted as time used under California law (the California Family Rights Act). Time off because of pregnancy disability, childbirth or a related medical condition does count as family and medical leave under federal law (the Family and Medical Leave Act). Employees who take time off for pregnancy disability and who are eligible for family and medical leave will also be placed on family and medical leave that runs at the same time as their pregnancy disability leave. Once the pregnant employee is no longer disabled, she may apply for leave under the California Family Rights Act, for purposes of baby bonding.

Any leave taken for the birth, adoption, or foster care placement of a child does not have to be taken in one continuous period of time. California Family Rights Act leave taken for the birth or placement of a child will be granted in minimum amounts of two weeks. However, OPTIONS will grant a request for a California Family Rights Act leave (for birth/placement of a child) of less than two weeks duration on any two occasions. Any leave taken must be concluded within one year of the birth or placement of the child with the employee.

The following procedures shall apply when an employee requests family leave:

Contact the Human Resources Director as soon as you realize the need for family/medical leave.

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If the leave is based on the expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or a family member, the employee must notify OPTIONS at least 30 days before leave is to begin. The employee must consult with his or her supervisor regarding scheduling of any planned medical treatment or supervision in order to minimize disruption to the operations of OPTIONS. Any such scheduling is subject to the approval of the health care provider of the employee or the health care provider of the employee's child, parent, or spouse.

If the employee cannot provide 30 days' notice, OPTIONS must be informed as soon as is practical.

If the Family and Medical Leave Act/California Family Rights Act request is made because of the employee's own serious health condition, OPTIONS may require, at its expense, a second opinion from a health care provider that OPTIONS chooses. The health care provider designated to give a second opinion will not be one who is employed on a regular basis by OPTIONS.

If the second opinion differs from the first opinion, OPTIONS may require, at its expense, the employee to obtain the opinion of a third health care provider designated or approved jointly by the employer and the employee. The opinion of the third health care provider shall be considered final and binding on OPTIONS and the employee.

OPTIONS requires the employee to provide certification within 15 days of any request for family and medical leave under state and federal law, unless it is not practicable to do so. OPTIONS may require recertification from the health care provider if additional leave is required.

If the leave is needed to care for a sick child, spouse, or parent, the employee must provide a certification from the health care provider stating:

- Date of commencement of the serious health condition;
- Probable duration of the condition;
- Estimated amount of time for care by the health care provider;  
and
- Confirmation that the serious health condition warrants the participation of the employee.

When both parents are employed by OPTIONS, and request simultaneous leave for the birth or placement for adoption or foster care of a child, OPTIONS will not grant more than 12 work weeks total of family/medical leave for each employee.

If an employee cites his/her own serious health condition as a reason for leave, the employee must provide a certification from the health care provider stating:

- Date of commencement of the serious health condition;
- Probable duration of the condition; and
- Inability of the employee to work at all or perform any one or more of the essential functions of his/her position because of the serious health condition.

OPTIONS will require certification by the employee's health care provider that the employee is fit to return to his or her job.

Failure to provide certification by the health care provider of the employee's fitness to return to work will result in denial of reinstatement for the employee until the certification is obtained.

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Under most circumstances, upon return from family/medical leave, an employee will be reinstated to his or her original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement than if he or she had been continuously employed rather than on leave. For example, if an employee on family/medical leave would have been laid off had he or she not gone on leave, or if employee's job is eliminated during the leave and no equivalent or comparable job is available, then the employee would not be entitled to reinstatement. In addition, an employee's use of family/medical leave will not result in the loss of any employment benefit that the employee earned before using family/medical leave.

Reinstatement after family/medical leave may be denied to certain salaried "key" employees under the following conditions:

- An employee requesting reinstatement was among the highest-paid 10 percent of salaried employees employed within 75 miles of the work site at which the employee worked at the time of the leave request;
- The refusal to reinstate is necessary because reinstatement would cause substantial and grievous economic injury to OPTIONS operations;
- The employee is notified of OPTIONS intent to refuse reinstatement at the time OPTIONS determines the refusal is necessary; and
- If leave has already begun, OPTIONS gives the employee a reasonable opportunity to return to work following the notice described previously.

For additional information about eligibility for family/medical leave, contact the Human Resources Director.

## PREGNANCY RELATED DISABILITY LEAVE

Pregnancy, childbirth, or related medical conditions will be treated as any other disability, and an employee on leave will be eligible for temporary disability benefits in the same amount and degree as any other employee on leave.

Any female employee planning to take Pregnancy Disability Leave should advise the Human Resources Director as early as possible. The individual should make an appointment with the Human Resources Director to discuss the following conditions:

- Employees who need to take Pregnancy Disability Leave must inform OPTIONS when a leave is expected to begin and how long it will likely last. If the need for a leave or transfer is foreseeable, employees must provide notification at least 30 days before the Pregnancy Disability Leave or transfer is to begin. Employees must consult with the Human Resources Director regarding the scheduling of any planned medical treatment or supervision in order to minimize disruption to the operations of OPTIONS. Any such scheduling is subject to the approval of the employee's health care provider. If 30 days' advance notice is not possible, notice must be given as soon as practical;
- Upon the request of an employee and recommendation of the employee's physician, the employee's work assignment may be changed if necessary to protect the health and safety of the employee and his or her child;

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- Requests for transfers of job duties will be reasonably accommodated if the job and security rights of others are not breached;
- Temporary transfers due to health considerations will be granted when possible. However, the transferred employee will receive the pay that accompanies the job, as is the case with any other temporary transfer due to temporary health reasons;
- Pregnancy leave usually begins when ordered by the employee's physician. The employee must provide OPTIONS with a certification from a health care provider. The certification indicating disability should contain:
  - The date on which the employee became disabled due to pregnancy;
  - The probable duration of the period or periods of disability; and
  - A statement that, due to the disability, the employee is unable to perform one or more of the essential functions of her position without undue risk to herself, the successful completion of her pregnancy, or to other persons.
- Leave returns will be allowed only when the employee's physician sends a release;
- Duration of the leave will be determined by the advice of the employee's physician, but employees disabled by pregnancy may take up to four months. Part-time employees are entitled to leave on a pro rata basis. The four months of leave includes any period of time for actual disability caused by the employee's pregnancy, childbirth, or related medical condition. This includes leave for severe morning sickness and for prenatal care.

Under most circumstances, upon submission of a medical certification that an employee is able to return to work from a Pregnancy Disability Leave, an employee will be reinstated to her same position held at the time the leave began or to an equivalent position, if available. An employee returning from a pregnancy disability leave has no greater right to reinstatement than if the employee had been continuously employed.

## COORDINATION OF PDL WITH FAMILY/MEDICAL LEAVE

If you take pregnancy disability leave and are eligible under the federal or state family and medical leave laws, OPTIONS will maintain group health insurance coverage for up to a maximum of 12 workweeks (if such insurance was provided before the leave was taken) on the same terms as if you had continued to work. Leave taken under the pregnancy disability policy runs concurrently with family and medical leave under federal law, but not family and medical leave under California Law. If you are ineligible under the federal and state family and medical leave laws, while on pregnancy disability you will receive continued paid coverage on the same basis as other medical leave that OPTIONS may provide and for which you are eligible. In some instances, OPTIONS may recover premiums it paid to maintain health coverage for you if you fail to return to work following pregnancy disability leave.

If you are on pregnancy disability leave and are not eligible for continued paid coverage, or if paid coverage ceases after 12 workweeks, you may continue your group health insurance coverage through OPTIONS in conjunction with federal COBRA guidelines by making monthly payments to

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OPTIONS for the amount of the relevant premium. Contact the Human Resources Manager for further information.

## **UNPAID PERSONAL LEAVE**

Upon approval from the employees supervisor and the Chief Executive Officer, full- or part-time employees may be allowed a leave of absence without pay for personal reasons not covered under the provisions of the Family and Medical Leave Act or the California Family Rights Act. Unpaid personal leaves may not exceed two months in duration. For the duration of the unpaid personal leave, OPTIONS will maintain the employee's health coverage under any employee group health plan in which he or she is enrolled; however, the employee will be responsible for the full amount of premiums payable during the employees absence. Satisfactory arrangements must be made for the payment of employee health insurance premiums prior to the beginning of the employee's leave. Employees on unpaid personal leave will not accrue combined sick/vacation leave or receive holiday pay for holidays occurring during the leave period.

## **UNPAID MILITARY SERVICE LEAVE**

Upon approval from the Chief Executive Officer, full- and part-time employees may be allowed a leave of absence without pay for the purposes of fulfilling military service obligations. For the duration of military leave, OPTIONS will maintain the employee's health coverage under the employee group health plan in which he or she is enrolled. Coverage will be maintained on the same basis as exists for all other employees not on military leave. When the employee takes unpaid military leave, satisfactory arrangements must be made for the payment of employee health care premium contributions prior to the beginning of the employee's leave. Employees on military leave will not accrue combined sick/vacation leave or receive holiday pay for holidays occurring during the military leave period.

## **TIME OFF FOR VOTING**

In the event that an employee has insufficient time outside of working hours to vote in a statewide election, the employee may take up to one paid hour to allow him or her to vote. Time off for voting must be taken at the beginning or the end of the regular working shift, and, where possible, the employee will give his or her supervisor at least two days notice that time off to vote is needed.

## **SCHOOL CONFERENCES INVOLVING SUSPENSION**

If it becomes necessary for an employee who is the parent or guardian of a child to attend the child's school to discuss possible suspension, the employee should alert his or her supervisor as soon as possible so that arrangements may be made to cover the employees shift. Pursuant to California Labor Code Section 230.7, no discriminatory action will be taken against the employee for taking time off for this purpose; however, employees attending school conferences will not be compensated for the time they are absent from their regular shift.

## **RECREATIONAL ACTIVITIES AND PROGRAMS**

OPTIONS or its insurer will not be liable for the payment of workers compensation benefits for any injury that arises out of an employee's voluntary participation in any off-duty recreational, social, or athletic activity that is not part of the employee's work-related duties.

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## EMPLOYEE GRIEVANCE PROCEDURE

### APPEAL PROCEDURE (OTHER THAN TERMINATION APPEALS)

When an employee has a grievance or issue with an OPTIONS' policy or employee, or incident, or if an issue regarding the operation of services operated by OPTIONS, the following procedures will guarantee the rights of any persons with a grievance. The following procedures will be followed, in order, to ensure that all grievances will be resolved as expeditiously and as simply as possible. In all measures described below, the persons filing the grievance has a right to receive verbal and/or written documentation of any discussion regarding the grievance.

Any person filing a grievance has the right to:

1. Discuss the problem with the immediate supervisor. If the problem is not resolved within a week of the discussion, then:
2. Discuss the problem with the department manager. If the problem is not resolved within a week of the discussion, then:
3. Discuss the problem with the Chief Executive Officer (CEO). If the matter is not resolved within a week of the discussion, then:
4. Write a formal grievance/complaint letter addressed to the CEO. The CEO is responsible for responding, in writing, within 20 working days of the receipt of such a letter and will include an outline of the action to be taken. If the matter is not resolved, then:
5. Write a formal grievance/complaint letter addressed to one or more members of the OPTIONS' board of directors. The letter should include any actions that are believed to resolve the problem. Any OPTIONS board member in receipt of a such a letter may, at their discretion, convene a special board of directors meeting within 20 days of receipt of the letter to address the grievance/complaint. The board of directors as a whole will then be responsible for responding, in writing, to the person or persons filing the complaint. This written response will be sent to the author of the grievance/complaint within 10 days of the specially convened board meeting, and will outline any and all board action taken in the matter. If a board member(s) who receives the letter, decide that no action is necessary, the board member(s) will respond to the author of the letter, in writing, within 20 days of receipt of the letter, outlining the reason for their decision not to take any action. The boards action on the particular issue will be final.

### APPEAL PROCEDURE-TERMINATION APPEALS

If an employee is notified that he or she has been terminated for disciplinary or performance reasons, he or she may ask for reconsideration of the decision by submitting a written request to the Human Resources Manager within thirty (30) calendar days of the date of notification of discharge. An informal conference between the employee and the Human Resources Manager will be held usually within ten (10) working days of receipt of request. While this process is taking place, the employee's disciplinary status does not change, and the discharge will remain in effect. The employee will usually be informed of the results of this conference within fifteen (15) working days of the date it was held. No decision is final until approved by the Chief Executive Officer or his designee. Once a decision has been rendered and approved, it is final and binding on all concerned.

This guideline is applicable only to those employees who have successfully completed their orientation period of employment. If an employee is eligible to use this procedure and fails to pursue it in a timely manner, it is understood that he or she will not further challenge

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OPTIONS's actions. Nothing in this guideline alters an employee's at-will relationship with OPTIONS as described elsewhere in these Personnel Policies.

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