

***Creative Behavioral Consultants, Inc.***

**EMPLOYEE HANDBOOK**

**Updated as of 9.24.22**

## **INTRODUCTION TO THE EMPLOYEE HANDBOOK**

This manual has been developed to provide you with an overview of the benefits available to Creative Behavioral Consultants, Inc. (CBC) employees, and to explain the policies and procedures that have been developed to ensure that our clients receive consistent and high quality services. As an employee, you should familiarize yourself with the contents of this manual. It is designed to help you maximize your job performance and satisfaction. As a member of our team, you have the opportunity to work in an exciting and rewarding field where you will gain new skills and have an opportunity to grow both personally and professionally. Your personal contributions directly impact and significantly improve the lives of the children and families that you will work with. In order to provide the best services possible, you will obtain comprehensive and on-going training from CBC's competent and supportive supervisory staff.

We look forward to your contributions and participation and are always available to answer any questions you may have. We wish you the best of luck and are sincerely happy that you have joined our team! This handbook will help familiarize you with our company policies and expectations. CBC reserves the right to modify or change any of the policies or procedures contained in this manual as necessary. If changes occur, all amendments will be disseminated in writing.

At CBC, we value a collaborative working environment and encourage creative brainstorming and problem-solving, therefore, your opinions and suggestions are encouraged and welcomed. As professionals in the field of psychology, we understand the importance of keeping open lines of communication and addressing problems or challenges as they occur in real time.

Therefore, please feel free to talk to any one of us if you feel there is an issue that needs to be addressed in order to avoid possible miscommunications or escalations in the future. Lastly, due to the nature of our business in working closely with children and families in their homes and at schools, we expect the highest ethical and moral standards in the industry including maintaining professional boundaries at all times.

### **SECTION 1.** **Equal Opportunity Employment**

#### **POLICY AGAINST DISCRIMINATION**

CBC is committed to providing a work environment that is free of discrimination. In keeping with this commitment, the Company maintains a strict policy prohibiting unlawful discrimination. This policy applies to all employees of the Company, including supervisors and non-supervisory employees.

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

All aspects of employment with the Company will be governed on the basis of merit, competence and qualifications and will not be influenced in any manner by an individual's race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation or from exercising the right to any legally provided leave of absence in the application of any policy, practice, rule or regulation or any other class protected by state or federal law.

If an employee believes in good faith that he/she has been discriminated against or harassed, the employee should contact the Executive Director or the Clinical Director immediately and file a complaint as outlined in the policy entitled "Complaint Procedure and Investigation."

#### **POLICY AGAINST UNLAWFUL HARASSMENT AND SEXUAL HARASSMENT**

CBC is committed to providing a work environment that is free of harassment. In keeping with this commitment, the Company maintains a strict policy prohibiting unlawful harassment and sexual harassment. This policy applies to all phases of employment - including recruiting, testing, hiring, upgrading, promotion, demotion, transfer, layoff, termination, rates of pay, benefits and selection for training, travel or Company social events.

The Company has implemented the following steps to make sure harassment does not occur:

- (a) Monitoring the workplace:

Complaint procedures have been established for any employee who believes that he or she has been harassed by a co-worker or non-employee. In addition, periodic meetings and/or training will take place regarding illegal harassment to keep the employees informed of their rights regarding the same.

- (b) Discipline:

Any employee found to have violated this policy shall be subject to appropriate disciplinary action including warnings, reprimands, demotions, suspensions and/or discharge.

(c) Retaliation:

Any employee who brought a harassment complaint or assisted in the investigation of such a complaint will not be adversely affected in terms and conditions of employment, discriminated against or discharged because of the complaint. Complaints of retaliation will be promptly investigated and appropriate remedial action shall be taken.

More importantly, this policy prohibits sexual harassment in any form, including verbal, physical and visual harassment. Prohibited sexual harassment includes:

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

Sexual harassment also includes express sexual or social interest/flirtations after being informed directly that the interest is un-welcomed, and using sexual behavior to control, influence or affect the career, salary or work environment of another employee.

It is impermissible to suggest, threaten or imply that failure to accept a request for a date or sexual intimacy will affect an employee's job prospects. For example, it is forbidden either to imply or actually withhold support for an appointment, promotion, or change of assignment, or suggest that a poor performance report will be given because an employee has declined a proposition of a personal or sexual nature.

Also, offering benefits, such as promotions, favorable performance evaluations, favorable assigned duties or shifts, recommendations or reclassification in exchange for sexual favors is forbidden.

#### **HARASSMENT BY NON-EMPLOYEES**

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

If an employee believes in good faith that he/she has been harassed, he/she should contact the Executive Director or Clinical Director immediately and file a complaint as outlined in the policy entitled "Complaint Procedure and Investigation."

#### **AMERICANS WITH DISABILITIES ACT (ADA)**

CBC is an equal opportunity Employer and does not discriminate against individuals with physical and/or mental disabilities. Any employee with a disability that may impact their job duties is expected and required to engage in a good faith interactive dialogue with the Company to see if any accommodation might be required. To comply with the laws ensuring equal employment opportunity to qualified individuals with a disability, the Company will enforce the following policy:

1. Reasonable Accommodation:

It is the policy of the Company to make reasonable accommodations for an employee who has a disability. Such accommodations may include, but are not limited to, work station modifications and/or adaptation of work equipment, work schedules and travel/transportation adjustments.

2. Job Retention:

Both employer and employee will work cooperatively to retain an employee who has become disabled on or off the job. Both parties also agree to work together to facilitate the individual's return to work as soon as possible.

3. Retraining and/or transfer of employee:

It is the policy of the Company that if an employee injured on or off the job is unable to return to his or her present job, the employer will work to place the employee in another position for which he or she is qualified or can be qualified through a reasonable accommodation which may include a reasonable period of time for retraining an individual.

4. Promotion:

It is the Company's policy that promotions are based on ability and merit. This policy applies to all employees, including those who have disabilities. Disability alone shall not be grounds for excluding a candidate from consideration.

If an employee believes in good faith that he/she has been discriminated against based on a disability, he/she should contact the Executive Director or Clinical Director immediately and file a complaint as outlined in the policy entitled "Complaint Procedure and Investigation."

#### **WORKPLACE VIOLENCE**

**CBC has zero tolerance for violent acts or threats of violence against employees, applicants, customers or vendors.** No employee should commit or threaten to commit any violent act against a co-worker, applicant, customer or vendor. Any employee who is subjected to or threatened with violence by a co-worker, customer or vendor, or is aware of another individual who has been subjected to or threatened with violence, is to report this information to Executive Director or Clinical Director immediately and file a complaint as outlined in the policy entitled "Complaint Procedure and Investigation."

Please do not assume that any threat is not serious. Please bring all threats to management's attention so that they can be dealt with appropriately.

#### **COMPLAINT PROCEDURE AND INVESTIGATION**

CBC strictly forbids any type of discrimination, harassment, retaliation and/or workplace violence from occurring in the workplace. To ensure that this does not occur, the Company encourages those employees believing that they have been discriminated against, harassed, retaliated against or a victim of workplace violence to either call or file a written complaint with the Executive Director or Clinical Director immediately.

Once a claim has been made, the employee's statement will be taken and a written complaint will be filed. If an employee files a written complaint on his/her own, the employee is asked to state in detail all facts which support the claim of discrimination/harassment/retaliation/workplace violence in the complaint.

Within fourteen (14) calendar days of reviewing the complaint or as soon as possible thereafter, either the Executive Director or Clinical Director will begin to conduct a fair and impartial investigation into the alleged incident. Interviews will be scheduled with the complaining party, the accused and all relevant witnesses.

In all cases, necessary measures will be taken to protect the individual reporting the incident from any retaliatory actions. Furthermore, CBC will make every effort to protect the privacy of the complaining party and the privacy and reputation of the accused, and will limit disclosure of facts revealed in the investigation only to those with a legitimate need to know.

However, the Company reserves the right to disclose such information as is necessary to conduct a complete investigation. At the conclusion of the investigation, either the Executive Director or Clinical Director will communicate to the accused and the complaining employee his findings and the corrective measures to be taken to end or resolve the incident. Corrective measures may include, but need not be limited to, verbal reprimand, written warning, job suspension, demotion or dismissal. Any corrective action taken as a result of the investigation will be communicated to the complaining employee. The Executive Director or Clinical Director will also take whatever steps are necessary to prevent any further incident from occurring. If the conduct continues, the complaining employee should report such continuing conduct as soon as possible so that further corrective action can be taken immediately.

Any employee bringing a complaint or assisting in the investigation of a complaint will not be adversely affected in terms and conditions of employment or disciplined provided that the complaint was initially brought in good faith. If an employee is subjected to retaliation for alleging a good faith claim of discrimination, harassment, retaliation and/or workplace violence, such retaliation will be promptly investigated by the Company and appropriate remedial action shall be taken.

#### **COMMUNICATION**

CBC is dedicated to continuing what we believe is an excellent employee relations program. We will do our best to maintain good working conditions, competitive wages and benefits, open communications and employee involvement. **We practice an "open door" policy of communication with our employees.**

With this in mind, most employees will have a job-related question, concern or inquiry at some time during his/her employment. If so, remember the only way the Company can answer your question or help you resolve a problem is if you communicate with management. If you have a question or complaint, please first refer to the Employee Handbook to determine whether or not a policy exists to answer your question. If not, please feel free to talk to a member of management or the Executive Director or Clinical Director.

In addition, some of the best suggestions on ways to improve our Company have come from our employees. We believe the person doing a job is in the best position to think of ways of doing it more easily, more efficiently, and more effectively. Remember, there may be areas in the Company's operation that can be improved. Such areas include service, production methods,

equipment, communications, safety, cost reduction, losses and/or waste. Please give us the benefit of your unique experience and thoughts.

If you think of a better way of doing your job or the job of a fellow employee, please discuss it with a member of management or the Executive Director or Clinical Director. Since the Company values and listens to all suggestions and ideas, your job will not be adversely affected in any way because you choose to use this procedure.

## **SECTION II.**

### **EMPLOYEE CLASSIFICATIONS**

#### **NATURE OF RELATIONSHIP – AT WILL EMPLOYMENT**

Your employment with CBC is deemed to be "at-will" so that you, as an employee, have the right to terminate your employment at any time and the Company may terminate your employment at any time, for any reason, or no reason, and with or without cause and with or without notice. Furthermore, as an at-will employee, CBC may discipline, demote and change your employment status at the discretion of management.

Also, the policies contained within this Employee Handbook are not to be construed as a contract of employment. Nothing in this Employee Handbook, or in any other personnel document, including benefit plan descriptions, creates or is intended to create a promise or representation of continued employment for any employee. Furthermore, any representations of continued employment are not intended to alter the at-will status.

In addition, no manager, supervisor or employee of the Company has any authority to enter into an agreement for employment for any specified period of time or to make an agreement for employment other than at-will. Only the Executive Director or Clinical Director has the authority to make any such agreement and then only in writing.

#### **EMPLOYMENT CATEGORIES (Amended 1/29/16)**

##### Exempt (Salaried Employees):

Exempt Employees meet certain salary and responsibility requirements which exempt them from overtime and minimum wage requirements as mandated by State and Federal laws. The responsibility requirements include exercising independent judgment, such as executives, administrators, and professionals. Exempt employees are expected to work the number of hours necessary to carry out their responsibilities. The minimum number of hours they are required to work per week is 40. They are eligible for vacation accrual after a 90-day waiting period and sick time accrual begins immediately but they are not eligible to take a sick day until 90 days has passed. When calculating accrual rates, 4.333 weeks is equivalent to 1 month.

##### Non-Exempt (Hourly Employees):

Non-Exempt Employees are paid on an hourly basis and are subject to minimum wage, timesheet, and overtime requirements as specified by State and Federal laws. They are not eligible for vacation accrual.

### **EMPLOYMENT CLASSIFICATIONS**

#### 1. Introductory Employees:

Newly employed persons who have not yet completed the Introductory Employment Period are classified as Introductory Employees. These employees may not be eligible for any or all benefits normally provided to regular full-time employees. Please refer to the Introductory Employment Period or each benefit policy for further details as to eligibility of benefits.

#### 2. Regular Full-Time Employees:

Employees who successfully complete their Introductory Employment Period and regularly work a minimum of forty (40) hours or more per week are classified as regular full-time employees. This category includes exempt and non-exempt employees.

#### 3. Regular Part-Time Employees:

Employees who successfully complete their Introductory Employment Period and regularly work less than forty (40) hours per week are classified as regular part-time employees.

#### 4. Direct Service Staff:

Direct Service Staff work directly (face-to-face) with clients. This includes Behavior Instructors and Case Supervisors.

### **INTRODUCTORY EMPLOYMENT PERIOD**

The Introductory Employment Period for all new employees is six (6) consecutive months following the date of hire. Employees will be reviewed on or about the completion of the Introductory Employment Period and will be advised of their work progress and status with the Company. CBC reserves the right to extend the "Introductory Employment Period" for any length of time for any employee whom the Company feels needs the additional training but has not successfully satisfied the initial Introductory Employment Period.

During the Introductory Employment Period, employees will also have the opportunity to learn about the objectives, history and nature of our organization, as well as the requirements of the work they will be performing. Furthermore, the Company will have an opportunity to observe your skills, abilities, conduct and work progress to determine whether or not you are meeting the essential job functions of the position for which you were employed.

During the Introductory Employment Period, some benefits may or may not accrue/apply. If an employee has a specific question regarding a benefit, the employee should review the policy covering the benefit in question. And finally, employees may be terminated at any time during and after the Introductory Employment Period in accordance with the "at will" policy.

### **EMPLOYEE ELIGIBILITY**

The following criteria must be met to be eligible for employment with CBC:

#### **INITIAL ORIENTATION & TRAINING**

Applicants are invited to join a voluntary orientation so the applicant and CBC can determine if working as a Behavior Instructor is a good fit. Once the orientation is completed, certain applicants will be asked if they want to join CBC as a new hire. New hires join a 25 hour training program which includes overlap sessions with experienced instructors in the field, which is paid at the minimum wage rate. In addition, a Case Supervisor will observe the new Behavior Instructor to determine when they are ready to begin working independently without daily supervision.

The amount of training required may be determined on an individual basis depending on previous experience and performance as demonstrated by observation and the administration of the Baseline of Autism and Behavior Principles Knowledge document. After the initial training period, or when the instructor begins working independently with the client, they will be compensated at their regular hourly rate. \*Please note on your timesheet when you begin working alone on a case by putting an asterisk next to the date you worked alone.

If after the initial training the instructor is not sufficiently prepared to work independently, the instructor may be permitted to repeat portions of the training at the minimum wage rate if authorized by the Clinical Director. This will be determined on a case-by-case basis. Training may only be repeated once. If the instructor is not prepared to work independently after the second training, CBC reserves the right to terminate the employee.

After completion of the initial training and initial case assignments, if you are assigned to a different case, we will pay you at the minimum wage rate for training on a new case not to exceed two sessions. If we feel that you need additional training time, we will pay you at the minimum wage rate thereafter, until you are fully trained and ready to work on your own without assistance.

### **LEGAL RIGHT TO WORK IN THE UNITED STATES**

CBC complies with the Immigration Reform and Control Act of 1986, which specifies that every employee must provide valid documentation which proves his or her legal right to work in the United States within three days of the date of hire. In addition to the appropriate documentation at the time of hire, employees must provide current and valid replacement "authorization to work" permits, should they expire, prior to or upon expiration. Failure to provide such replacements may result in suspension or termination.

### **LIVESCAN CLEARANCE FOR DOJ and FBI**

All Direct Service Staff must obtain clearance to work from the Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) prior to commencing work. The employee is responsible to pay any fees related to Livescan. CBC receives subsequent arrest notification from the Department of Justice and/or Federal Bureau of Investigation when any employee is arrested. Any direct service staff member who is arrested must notify the Executive Director immediately. CBC reserves the right to place an employee who is in this situation on an unpaid leave of absence depending on the circumstances of the arrest. CBC reserves the right to terminate an employee who has been arrested. Dishonesty when reporting past criminal or current convictions is grounds for dismissal.

### **TUBERCULOSIS (TB) TESTING AND CLEARANCE (amended 12/8/21)**

In accordance with requirements by the California Department of Education, no applicant may work with school district students unless the person has submitted to an examination to determine if he/she is free of active tuberculosis. The examination can consist of an intradermal Mantoux Tuberculin Skin Test which, if positive (10mm or more induration), must be followed by an X-ray of the lungs. All direct service staff will provide CBC with verification of a negative TB test result. If you would like to work with Insurance Clients and Clients in the school districts, this is required both when initially hired, and when the test result expires (which

is every four years). CBC can provide you with a list of low-cost testing labs or clinics. Other options to meet this requirement are to have a blood test or have your medical provider fill out a TB form called: TB Risk Assessment Form (TB 512).

**SECTION III.**  
**WORK SCHEDULE AND OVERTIME PROCEDURES**

**WORK SCHEDULE**

**REST PERIOD**

All employees are entitled to two (2) ten (10) minute rest breaks each day for every four hours of work or major fraction thereof. Rest breaks are intended for you to take care of your personal needs. A break is considered to be anytime an employee stops work and/or leaves his/her work station for personal reasons, including personal phone calls, smoking, trips for food or drink and restroom needs. Normally these breaks will be scheduled in mid-morning and mid-afternoon.

Under no circumstances will an employee be allowed to combine the rest periods to have a longer lunch period or to schedule their rest periods at the end of their shift in order to leave work early. Failure to follow this policy will lead to disciplinary action, up to and including discharge.

If you are going to take a break, you must first notify the client's parent or other adult in the house that you are taking your break and you must handover full responsibility of the child to that adult. You must remain on the premises, as it is a paid break, but you do not have to be responsible for the child for those 10 minutes.

Employees who feel they were not provided the opportunity to take all rest periods authorized and permitted under this policy should inform their supervisor or manager, and (if not corrected) the Executive Director or Clinical Director immediately.

**MEAL PERIOD**

The Company provides employees who work more than five (5) hours in a day with an unpaid 30-minute, uninterrupted meal period starting no later than the end of the 5th hour of work. The Company provides employees who work more than ten (10) hours in a day with a second unpaid 30-minute, uninterrupted meal period starting no later than the end of the 10th hour of work. Employees who work no more than six hours in a day may waive the first meal period. Employees who work no more than 12 hours in a day may waive the second meal period if they took their first meal periods. Employees are entitled, encouraged, and expected to take all meal periods provided under this policy and not waived. During meal periods, the Company will relieve employees of all duty and will not exercise control over employees' activities. Employees are free to spend their meal period time as they choose (consistent with any other Company policies that may apply during off-duty time) and are free to leave the worksite. No supervisor or manager may impede or discourage employees from taking meal periods provided under this policy. All meal periods are to be recorded on the employee's time sheet. The Company is not responsible for employees while they are out on meal periods. Employees are entirely relieved of responsibilities and restrictions during meal periods, unless they have agreed in writing with the Company to work an on-duty meal period. Employees may not "work through lunch" to make up for a late arrival to work or if they plan to leave work early. Those employees who abuse this policy will be subject to discipline, up to and including discharge.

Employees who feel they were not provided a meal period that complies with this policy should inform their supervisor or manager, and (if not corrected) Human Resources immediately.

**OVERTIME**

Non-exempt/hourly employees are eligible for overtime pay, should they work more than 40 hours per week or 8 hours per day. No employee may work more than 40 hours per week, including times when they agree to cover another employee's shift, without the expressed written permission of the Scheduling Coordinator. All hours must be assigned on the employee's official schedule. Any overtime worked without prior authorization is cause for termination. The overtime rate is 1 ½ times the regular hourly wage for each hour worked in excess of 40 hours per week or 8 hours a day. Please note exception: if an employee requests to make-up hours for missed sessions, the employee is not entitled to overtime pay for hours worked in excess of 8 hours a day, up to 11 hours for that day. Make up sessions require verbal authorization from the Scheduling Coordinator. Written authorization is required if overtime pay is an issue.

**EMPLOYEE MUST BE AVAILABLE AT LEAST THREE (3) DAYS PER WEEK**

CBC requires that part-time employees have at least 3 days a week available in their schedule to work. (Monday – Friday). If the employee's schedule changes and the employee is unable to be available to work at least 3 days a week as described above, the Company may not be able to assign clients to the employee's schedule.

**EMPLOYEE ATTENDANCE AND PUNCTUALITY (Amended 6/15/15)**

Behavior Instructors are responsible for attending all regularly scheduled sessions and clinic meetings on time. If an employee will be late to a session for any reason, they should notify the 1) parent, 2) supervisor, 3) school and 4) Scheduling Coordinator. In any given week, if you are unavailable to fulfill all of your scheduled sessions, we reserve the right to remove you from that case in order to make flexible decisions based on the client's welfare.

### **SCHEDULED HOURS (Amended 6/15/15)**

Employees may only provide services to CBC clients as arranged by CBC. They may not make changes with the parents without first obtaining approval from the Scheduling Coordinator. Providing services that are unauthorized is strictly prohibited. If changes are made without prior approval, disciplinary actions may occur for policy violations. All hours must be coordinated by the Scheduling Coordinator.

### **UPON HIRE, THE AVAILABILITY PROVIDED IN YOUR APPLICATION CANNOT BE CHANGED FOR AT LEAST SIX (6) MONTHS**

If an employee's schedule changes prior to 6 months from the date of hire, it can be cause for termination. After being employed for 6 months, if an employee's schedule changes, the employee must notify CBC in writing 4 weeks prior to any availability changes. The Company will evaluate each situation on a case-by-case basis. CBC may not be able to accommodate a change in schedule depending upon client requirements. If an employee makes a change to his or her availability, without the proper notice, CBC reserves the right to terminate the employment.

CBC will make every effort to adjust the employee's caseload to accommodate new schedules with the proper notice, although it cannot guarantee the same number of hours with a new schedule due to funding and client availability.

### **FLOW CHART FOR CALLING IN SICK (Amended 6/22/22)**

- Text the Scheduling cell 818-383-4656. DO NOT SEND AN EMAIL
- Call Parent – Session is cancelled. Scheduling will notify parent if a replacement is found.
- Text your Supervisor.

### **STAFF AND CLIENT ILLNESS**

Since illness can spread quickly due to close contact between clients and Behavior Instructors, the following policy is in place to protect the health of CBC's clients and staff. The following list of symptoms and conditions may require the immediate cancellation of therapy sessions.

Therapy sessions will be cancelled if:

- You or a client has a fever of 100 degrees or more;
- You or a client has vomited;
- You or a client has a skin rash (a physician note is required before returning to therapy);
- A client did not attend school or was sent home from school due to illness;
- You or a client has acute diarrhea (loose stools twice the normal frequency in a 24-hour period);
- You or a client has any illness that requires antibiotics, such as strep throat, pink eye, etc., (therapy can be resumed after antibiotics have been taken for 24 hours);
- You or a client has any highly contagious illness, such as hand/foot/mouth disease, ring worm, poison ivy, etc.;
- You or a client has head lice (must be completely gone before resuming therapy);
- You or a client has excessive nasal discharge that is greenish or yellow in color;
- You or a client has excessive coughing.

The staff member or client must be free from symptoms for at least 24 hours before resuming therapy.

If the staff member arrives at the home and determines the child is ill according to the above criteria, the Scheduling Coordinator or Case Supervisor should be contacted to determine if the session should be cancelled.

### **ABSENTEESM AND JOB ABANDONMENT**

When you are going to be absent from work you must call the office as soon as possible. (Please see Flow Chart for Calling in Sick). If you do not show up for work and do not call the office, CBC will contact your emergency contact person. If you do not show up for work two (2) consecutive days, and fail to contact the office, CBC will consider this a resignation as you will have abandoned your position. Your last paycheck and mileage check will be mailed to you at the address on file within 72 hours after CBC receives your final timesheet and mileage form. If you prefer to pick up your check(s), please contact the Executive Director. Please notify CBC of any change of address as your end of the year W-2 will be mailed to the address on file.

### **EMPLOYEE PERSONNEL RECORDS - Hardcopy Files**

CBC maintains records according to the Health Insurance Portability and Accountability Act of 1996 (HIPAA). All information is confidential. Records kept include but are not limited to: job applications, resumes, contracts with CBC, pay rate, verification of legal right to work in the U.S. (I-9 form), fingerprint clearance, W-4 forms, performance appraisals, incident reports, records of policy violations, raises, medical insurance records, and correspondence. These records will be kept in a locked filing cabinet for at least three years after an employee leaves the company, unless otherwise mandated by law. CBC considers breaches in the security of personnel records to be very serious, and any employee accessing files without authorization is subject to termination.

Employees may view any records in their personnel files by notifying the Executive Director at least 24 hours in advance. Current or former employees may inspect or receive copies of their payroll records within 21 days of their request. Personnel files are not to be removed from the CBC office.

### **EMPLOYEE RECORDS**

To keep our personal records accurate and to comply with state and federal laws, you must notify the Company immediately of any change(s) in the following personnel information:

- Your name (whether by marriage or otherwise);
- Your home address and telephone number;
- Your marital status and correct number of dependents;
- Who to inform in case of emergency, including name(s) and home/work telephone numbers and addresses;
- Withholding tax information;
- Completion of education;
- Change of beneficiary on group health insurance; and
- Military/draft status.

The confidential nature of the information contained in each employee's personnel file is always respected in recognition of the employee's right to privacy of certain information. For this reason, the Company has adopted these basic principles:

1. The collection of employee information will be limited to that needed by the Company for business and legal purposes;
2. Personal information contained in the employee's personnel file will be held in confidence;
3. All employees involved in record keeping will be required to adhere to these policies and practices. Violations of the confidentiality of personnel information will lead to disciplinary action which may include termination;
4. Internal access to employee records will be limited to those employees having an authorized, business-related need to know. Access may also be given to third parties, including government agencies, pursuant to a court order or subpoena; and
5. The Company will not release personal information to outside sources except dates of employment and job title unless it is legally required to provide other information.

### **SECTION IV.** **WAGE AND SALARY POLICIES**

#### **PAY CYCLE**

#### **W-4**

All employees are responsible for ensuring that their W-4 forms reflect their current tax exemptions and correct social security number. Should an employee's W-4 status need amendment, this information should be submitted, in writing, to the Executive Director. Provide CBC with a current address at all times as W-2s for the previous year are mailed to the employees in February.

#### **PAY CYCLE (amended 12/8/21)**

All CBC employees are paid bi-monthly. Paychecks for the first pay period (1st through the 15th) are issued on the 25th of that month; and paychecks for the second pay period (16th through the last day of the month) are issued on the 10th of the following month. If the normal payday falls on a weekend or on a major holiday when ADP is closed, paychecks will be distributed one workday before the aforementioned schedule.

Direct service employees are required to submit parent verification forms on the 1st and the 16th of the month if they are working the last shift of the pay period along with their timesheets.

Non-clinical staff members are required to submit a timesheet only.

## **PAYROLL PROCEDURES (Amended 6/15/15)**

Scan and email to [time@cbc-autism.com](mailto:time@cbc-autism.com)

### **1<sup>ST</sup> PAY PERIOD (1st-15th of the month)**

**By 10 am on the 16th of the month please send in the following information:**

- Your timesheet for the 1st through the 15<sup>th</sup>;
- Submit a copy of your parent verification forms if you worked the last shift of the pay period.

### **2<sup>ND</sup> PAY PERIOD (16th through the end of the month)**

**By 10 am on the 1st of the month please send in the following information:**

- Your timesheet for the 16th through the end of the month;
- Submit a copy of your parent verification forms if you worked the last shift of the pay period;

### **DIRECT DEPOSIT**

CBC offers Direct Deposit through ADP. You will be given a form to complete to initiate direct deposit on your first day of hire. If you receive direct deposit your paycheck will be electronically deposited to your account on the 10<sup>th</sup> or the 25<sup>th</sup> of each month. If the normal payday falls on a weekend or on a major holiday when ADP is closed, direct deposit will occur one workday before the aforementioned schedule. If you choose not to receive direct deposit, your paycheck will be mailed to you, but you will not receive it on the 10<sup>th</sup> or the 25<sup>th</sup>, it will arrive at your address on file a few days later than those pay dates.

### **TIMESHEETS/RECORDS**

Employees must complete timesheets, mileage forms and Parent Verification (PV) forms as well as various data collection sheets. CBC expects accuracy of documents at all times. This includes indication of accurate start and end times. Forgery or filling out forms with incorrect information is cause for immediate termination.

All CBC employees are required to maintain careful records of their hours worked. Behavior Instructors should note all breaks (including meal) and travel time in their timesheets, making sure they clearly separate the time spent in direct intervention and travel time. Timesheets must be completed accurately. According to California State Law, CBC will issue paychecks within 10 days of receipt of timesheets. If accurate timesheets are not submitted on time as stated above, disciplinary procedures will apply. Timesheets that do not accurately reflect the actual hours worked is cause for termination.

The parent is responsible for filling in the start time and end time of sessions on your timesheet and on the Parent Verification form as well as signing the front and back of the PV form. The parent is also responsible for initialing each session date.

### **SALARY ADVANCES / LOANS**

For a number of business reasons, salary advances / loans are never granted.

### **EXPENSE REIMBURSEMENT / COMPENSATION - TRAVEL TIME**

CBC reimburses Non-exempt direct service staff employees for travel time to provide services to our clients. Direct Service staff members are reimbursed at the minimum wage rate for travel time between clients only.

### **COMPENSATION FOR MEETINGS/TRAININGS (Amended 6/15/15)**

CBC periodically offers 3 hour continuing education workshops. Behavior Instructors are required to attend these workshops, and they are compensated at the minimum wage rate. Attendance at these trainings is considered important and necessary because they add to a Behavior Instructor's body of knowledge and enhances their technical, clinical and professional skills. Lack of participation in training may affect an employee's ability to receive wage increases. A complimentary lunch is provided by CBC after the workshop. CBC does not pay the employee to attend the lunch.

If an employee cannot attend a clinic meeting for any reason, it may be rescheduled.

### **15 MINUTE WAIT PERIOD FOR CLIENT TARDINESS**

If the client is not at the scheduled session when the employee arrives they should call the parent. If the parent will be arriving within 15 minutes, the employee will be paid the minimum wage rate for the waiting time in addition to their regularly scheduled session. Indicate the wait time under the "Administration Time" on the timesheet but do not include it on the Parent Verification form. If the parent does not arrive within 15 minutes you may leave. If this occurs, this is considered a "No-Show". Call the Scheduling Coordinator and your Supervisor.

### **CANCELLATIONS (Amended 6/15/15)**

It is Company Policy that employees are not paid for scheduled sessions that do not take place (i.e., a cancellation). A cancellation occurs if the client or office cancels the scheduled session. Notice to the employee can be in the form of a phone call, voicemail or text. It is not necessary for CBC to receive confirmation from the employee that they received the notice. The employee is responsible for checking their voicemail or text or calling the CBC office prior to going to a session. A CBC voicemail will be provided to employees who request one.

### **NO COMPENSATION WHEN EMPLOYEE CANCELS A SESSION (Amended 6/15/15)**

CBC Company policy is that employees are not paid for sessions that do not take place. If an employee is unable to work a scheduled session, they do not receive any type of payment unless they meet all company policies for using accrued sick time.

### **MAKE-UP SESSIONS**

Make up sessions may vary depending on the funding source. It is best practice to always check with the Scheduling Coordinator or your supervisor before doing any make-up sessions, however if you coordinate a make-up session with the parent, call the Scheduling Coordinator to inform them of the date and time. Please make-up sessions in the same week by Sunday.

### **REIMBURSEMENT FOR BCBA CEUs (Amended 6/15/15)**

After a 90-day waiting period, the BCBA will be eligible for reimbursement of annual CEU's not to exceed \$250.00. The reimbursement is for BCBAs to attend conferences and lectures for the purpose of receiving Continuing Education Units. CBC will pay the reimbursement at year end on or about December 31. Please submit an Expense Reimbursement Form with attached receipts no later than December 15.

### **PARENT ADMINISTRATION FORMS AND ADMINISTRATIVE TASKS**

If an employee is working the last shift of the pay period, they are required to take the original PV forms from the client's home and fax or email and scan both sides of the forms to the office. It should not take more than 10 minutes or (.17) to complete this task. Any time spent on this or any other administrative task that is required by CBC will be reimbursed at minimum rate per hour. Please indicate this time on your timesheet under the Administrative Tasks category.

Please return the original PV form to the client's home. Indicate on the top of the form that you faxed or emailed the form to the office and indicate the date it was sent. When you return the PV forms to the client's home put them in the Notebook labeled "Submitted PV forms." The supervisor on the case will pick up the forms the next time they are at the home and will return them to the office at the next supervisor's meeting. It is not necessary to mail the originals to the office.

### **PURCHASING POLICY**

Please note that you may not make any type of purchase for your client(s) without your supervisor's prior authorization due to clinical treatment planning and safety reasons. Any purchases made without prior approval will not be reimbursed. Please do not purchase any live animals (e.g., fish). Please do not purchase any type of food for your clients without your supervisor's express knowledge and authorization. It is prohibited to buy any gifts for your client(s) without prior approval.

To receive reimbursement for an authorized purchase, please submit an Expense Reimbursement form that is signed by your supervisor with attached receipts. Any purchases by Supervisors must be approved by the Clinical Director or Executive Director. All office supplies must be requested using a Purchase Order Request Form. Reimbursement forms and copies of receipts must be turned in by the 1st of the month. Any supplies purchased without prior authorization will not be reimbursed.

## **SECTION V.** **BENEFITS FOR EMPLOYEES (Amended 4/3/15)**

### **THE BENEFITS PACKAGE**

In addition to receiving an equitable salary and having an equal opportunity for professional development and advancement, you may be eligible to enjoy other benefits which will enhance your job satisfaction. We are certain that you will agree that the benefits program described in this manual represents a very large investment by the Company, and we trust that you will not abuse any of the program's benefits.

A good benefits program is a solid investment in the Company and its employees. It not only insures the loyalty of long-time capable employees, it also helps to attract talented newcomers who can help the Company grow. The Company will periodically review the benefits program and will make modifications as it deems necessary.

## **HEALTH AND DENTAL INSURANCE**

Effective June 1, 2014, employees working an average of 30 hours per week are eligible for participation in the Health/Dental Insurance program the first of the following month after 30 days of service. CBC will pay 75% of the employee's premium of a base plan which is Blue Shield Bronze Local Access+ HMO plan. However, the employee can choose to be covered by any Blue Shield PPO or HMO plan that is offered. CBC will pay 75% per month of the employee's Dental PPO and 100% of the HMO dental insurance plan with DELTA DENTAL. Vision is voluntary. The employee is responsible for insurance premiums for spouses, significant others, and dependents. At the time of enrollment in the program, and for the duration of enrollment, the employee must work an average of 30 hours per week.

The long-term disability (LTD) insurance becomes effective on the first of the following month after 30 days of service. CBC is paying 100% of the employee's premium for the LTD insurance. At the time of enrollment in the program, and for the duration of enrollment, the employee must work an average of 30 hours per week.

If you are interested in receiving information about premiums and coverage, please contact the Executive Director who will ask our insurance broker to provide you with quotes for your health insurance and dental insurance premiums. They can be contacted directly at: Barbara C. Oberman Insurance Services, Inc., 818.436.2610.

Health and dental insurance terminates the last day of the month of employment. Information for Consolidated Omnibus Budget Reconciliation Act (COBRA) continued health coverage will be provided by the insurance company. Employees will be required to pay their share of the premiums through the end of the month.

## **PAID VACATION FOR SALARIED EMPLOYEES WITH EXEMPT STATUS (Amended 6/15/15)**

Non-Exempt Employees (Staff who are paid on an hourly basis) are excluded from accruing paid vacation.

Salaried Employees with Exempt status who work 40 hours per week are eligible to accrue vacation time as follows:

When an employee is initially hired with Exempt Status, there is a 90-day waiting period prior to accruing paid vacation time. The accrual begins in the following pay period after the 90-day waiting period has been satisfied. If an employee is initially hired on an hourly basis (Non-exempt status) and then they transition to a 40 hour per week, salaried position, there is a 90-day waiting period which begins on the day their position becomes salaried. Vacation time will begin to accrue in the following pay period after the 90-day waiting period has been satisfied. In addition, they must exceed the two-year mark as a Non-exempt employee before the time accrues at 3.34 hours per pay period, instead of 1.67 hours per pay period.

Exempt Salaried employees as defined above who have worked for CBC less than two years accrue 1.67 hours per pay period (i.e., 40 hours or 5 days of vacation per year). Exempt Salaried employees as defined above who have worked for CBC two years or more, accrue 3.34 hours per pay period (i.e., 80 hours or 10 days of vacation per year). Earned vacation hours, not to exceed 2 consecutive weeks or 80 hours, may be used at any time with five weeks advanced notice and subsequent written approval. Employees may not cash out vacation days (i.e., simultaneously work and get paid for vacation hours). If a holiday falls during the employee's vacation, the day will be charged to holiday pay rather than to vacation pay.

Any unused vacation hours roll over and are added to the following year's vacation accrual. The maximum amount allowed for vacation accrual is 15 days (120 hours). This is called a vacation cap. Once an employee has earned or accrued the maximum amount allowed for vacation, he or she will not be eligible to accrue any more vacation time. Once the employee falls below the vacation cap, vacation benefits will begin to accrue again. Upon termination or resignation, employees will be paid the value of any unused but earned vacation time.

Vacation time will not accrue during an unpaid leave of absence.

Time-off for religious observances other than Christmas (which is a paid holiday for Exempt Salaried staff), is permissible with prior written authorization. Under these circumstances, vacation time can be used or an employee can take time off without pay.

## **UNPAID VACATION DAYS FOR PART-TIME EMPLOYEES - REQUEST PROTOCOL (Amended 6/15/15)**

Beginning 7/1/15 or on the date of hire, whichever is later, part-time employees are given 4 unpaid vacation days per year. However, there is a 90 day waiting period before vacation days will be authorized or can be used. Approval for vacation days is not automatic and depends on scheduling needs. All CBC staff members are required to submit a written request to take a vacation or time off, regardless of whether their clients have services or not on those days. Employees can obtain a Vacation Request form from the office. This form must be completed and submitted to the Scheduling Coordinator at least five (5) weeks prior to the first day of vacation as the schedules are being created 5 weeks in advance. If an employee needs to take time off and it is not approved, a written warning will be issued. Three written warnings can be cause for dismissal.

Part-time employees cannot take off more than 2 days per month and cannot take off more than 2 consecutive days at a time. If you take off more time than allowed, we cannot guarantee that your client(s) will be available for you upon your return. Unpaid vacation days for part-time employees do not roll over to the following year. Each year on 7/1 or your anniversary date,

whichever is later, you will be given 4 unpaid vacation days.

All vacation requests must be approved by the Scheduling Coordinator, Executive Director or the Clinical Director. Employees will be notified within three days of submitting their request if it is denied. Special consideration will be made for requests made without the required five (5) weeks' notice for emergency situations. CBC reserves the right to terminate any employee who takes unapproved time off. The purpose of the vacation policy is to ensure that employees are able to access their vacation days and take time-off without causing major interruptions in clients' services.

**SICK LEAVE COMPANY POLICY (Amended 12/8/21)**

**The client's home or school setting is the "workplace." If the session is cancelled by the client, then the workplace is closed. If a session scheduled for 4:00 p.m. is cancelled by the client at 3:00 p.m., the workplace is closed. Sick time can only be used when the workplace is open.**

If an employee cannot attend a clinic meeting due to illness, it will be rescheduled. Sick time will not be paid for missing a clinic meeting.

California's Healthy Workplaces, Healthy Families Act (Paid Sick Leave Law)

- **Paid sick time accrual shall begin on the first day of employment or 7/1/15, whichever is later.**
- **An employee may use accrued paid sick time within Company Policies, beginning on the 90<sup>th</sup> day of employment.**
- According to Labor Code section 246(2)(j), ...an employer may set a reasonable minimum increment, not to exceed two hours. Creative Behavioral Consultants, Inc. (CBC) is setting the minimum paid sick time increment to be two hours.
- Paid sick time accrues at the rate of 1 hour for every 30 hours worked.
- According to Labor Code section 246(d), accrued paid sick time shall carry over to the following year of employment. However, an employer may limit an employee's use of paid sick time to 48 hours or six days in each year of employment. Accrued sick time will cap at 24 hours or three days in each year of employment.
- According to Labor Code section 246(h), the accrued sick time hours will be tracked by ADP and the written notice will be your pay stub which will set forth the amount of paid sick leave available for use.
- Accrued sick time is paid at the employee's regular wage rate.
- On 7/1/16 or your anniversary date, whichever is later, any accrued sick time will carry over to the following year of employment and will be capped at 48 hours or six days.
- CBC will provide paid accrued sick time within Company Policies, upon the oral or written request of an employee for themselves, or a family member for the diagnosis, care or treatment of an existing health condition or preventative care, or specified purposes for an employee who is a victim of domestic violence, sexual assault, or stalking.
- According to Labor Code section 246(f)(1), ...an employer is not required to provide compensation to an employee for accrued, unused paid sick days upon termination, resignation, retirement, or other separation from employment.

**401K PLAN INVESTED WITH  
PRINCIPAL FINANCIAL  
OPEN ENROLLMENT DATES: January 1 and July 1 (amended 12/8/21)**

**ELIGIBILITY:**

- Minimum age: 21
- Must have worked for CBC for 1 year
- Must have worked at least 1000 hours in the previous calendar year

You will be eligible to participate in the Plan when you have worked 1000 hours within one (1) Year of Service and have attained age 21. Beginning on your date of hire, you will have completed one (1) Year of Service if at the end of the 12-month period, you have been credited with at least 1,000 hours of service. If you have not worked 1000 hours by the end of that period, you will have completed a Year of Service at the end of the following Plan Year.

For example, if the hire date is 3/1/20, the employee must work 1000 hours between 3/1/20 and 3/1/21 to be eligible to join the 401k on July 1, 2021. If the employee does not work 1000 hours during that time period, then they must work 1000 hours between 1/1/21 and 12/31/21 (the calendar year) to enter the plan on 1/1/22.

#### **401k EXCLUSIONS:**

Nonresident alien, Bargaining employee (union member), and Independent Contractor.

#### **HOLIDAYS (Amended 6/15/15)**

FT Salaried Employees with Exempt status who work 40 hours per week are compensated for the following holidays at 8 hours per day if it falls on a weekday, immediately upon being hired. (i.e., no pay will be deducted for these holidays).

Working on a major holiday can only be arranged by the Scheduling Coordinator. We are not scheduling anyone on a major holiday unless the parent specifically requests the session take place on that day. No one is required to work on a major holiday. It is strictly voluntary.

You can take off the following holidays and they do not count against your 4 days of non-paid vacation time:

- New Year's Day (January)
- Martin Luther King, Jr. Day (January)
- President's Day (February)
- Memorial Day (May)
- Independence Day (July)
- Labor Day (September)
- Veteran's Day (November)
- Thanksgiving Day and Day after Thanksgiving (Nov.)
- Christmas Day (December)

If an employee wishes to take off any other holidays or religious holidays, they must get written authorization and use accrued vacation time or take time off without pay.

#### **RELIGIOUS HOLIDAYS**

Any employee may request unpaid time off or utilize accrued vacation time to attend religious services and/or observe religious holidays not reflected in the Holiday policy. CBC will attempt to make reasonable accommodations of the requests of the employee based upon the business needs of the Company. The employee must provide notification in writing at least thirty (30) calendar days in advance of such holiday.

#### **LEGISLATED BENEFITS**

##### 1. Workers' Compensation:

The state of California requires all employees to be covered under Workers' Compensation Insurance for work-related injuries and illnesses which is provided by the employer. A CBC employee should always make it a priority to maintain a safe work environment for themselves and their clients. However, accidents and injuries are sometimes unavoidable. If any employee is injured on the job, they are required to notify their Case Supervisor and the Executive Director immediately so that an injury or illness report can be completed. The employee should seek medical attention if necessary. Employees must submit a Designation Form, signed by both themselves and their personal physician, indicating that the personal physician will be responsible for treating job-related injuries. This form can be obtained from the Executive Director. All employees are responsible for obtaining the appropriate paperwork from their doctor, verifying the injury and specifying that it occurred at work. If no Employee Designation form has been signed and submitted to CBC, the injured employee must seek medical treatment from an authorized Workers' Compensation medical provider for the first 30 days of treatment. All employees are responsible for contacting the CBC office for the list of approved physicians in their immediate area.

The Executive Director is available to assist employees in filing out the necessary paperwork to access Workers' Compensation benefits. CBC does not discriminate against employees who have filed Workers' Compensation claims, suffered work related injuries, or testified or made known their intention to testify in another employee's case. To return to work following a work-related injury or illness, you must submit a physician's verification or release which states you are able to return to your usual job duties and the date that you may return. If the physician releases you to return to modified or restricted work, you must submit the physician's return to work notice. CBC will determine whether work is available in keeping with those restrictions.

##### 2. "Return to Work" Program:

An industrial "injury or illness" for purposes of this policy means an injury or disease arising out of the employment with CBC, which is compensable under the Workers' Compensation Laws of the State of California. For the purposes of this program, an employee who is temporarily totally disabled as a result of an occupational injury or illness is one who is medically incapable of performing any work. A temporarily partially disabled employee is a person whose medical condition permits him or her to perform some occupational functions. CBC recognizes the need to provide temporary transitional work to employees who are unable to perform regular duties due to industrial illness or injury as soon as the treating physician deems it medically feasible. However, due

to the type of work CBC performs there may not be any types of transitional work positions/cases available. Due to the responsibility of CBC to render services to clients, employees who are unable to perform their duties working with the client(s) may not be placed back on cases when they return to work.

The Return-To-Work Program is available to all employees who are recovering from an occupational illness/injury. The employee can initiate the process of returning to work by providing the Executive Director with a medical clearance authorization slip from the attending physician specifying work restrictions and abilities. In addition, the Executive Director will work in conjunction with the Scheduling Coordinator and Case Supervisors to create a transitional position, if possible, which is appropriate given the employee's medical restrictions. As an employee's medical status or restrictions change, they are required to provide appropriate documentation prepared by their physician to the Executive Director. Return to full duty will be achieved when the employee's attending physician deems it appropriate, and as new cases are available for staffing. The restoration of the employee's caseload prior to illness or injury cannot be guaranteed.

3. State Disability Insurance:

Employees are covered under the State Disability Insurance plan (SDI). This state operated insurance plan pays the employee directly if he or she is out of work due to a non-occupational illness or injury which prevents the employee from working and from receiving a salary or any sick leave benefits. All employees are eligible and pay for this program with state-mandated payroll deductions. Applications for SDI benefits are available from the California Employment Development Department Coordinator.

4. Unemployment Insurance:

If your employment terminates, you may be eligible to receive unemployment insurance. You must file a claim in order to collect this benefit. Should such a situation arise, you should contact the local Employment Development Department at the time of your separation from service.

5. Social Security:

As an employee of the Company, you are covered under the provisions of the federal Social Security law (FICA). Social Security benefits are significant in providing you and your family a retirement income or disability and survivor benefits. The Company matches the amount of the deduction from your wages for Social Security taxes. Since eligibility and benefit amounts are determined by each employee's individual Social Security Account Number, the Company must have your correct number.

6. Paid Family Leave:

Employees are covered under the State's Paid Family Leave Plan. Paid Family Leave offers up to six (6) weeks of benefits in a twelve (12) month period for those employees who qualify. A Paid Family Leave is only eligible to those employees who need to care for parents, children, spouses and domestic partners or to bond with a new child. This is a State benefit through the EDD. Paid Family Leave is not allowed for individuals needing time off for their own illnesses. To see if you qualify, employees should contact the California Employment Development Department Coordinator and file the appropriate forms.

**SECTION VI.**  
**LEAVES OF ABSENCE POLICIES**  
**UNPAID LEAVES OF ABSENCES**  
**Personal Leave - General Provisions**

Personal leave is any unpaid leave of absence for a compelling personal reason that does not qualify under the provisions of the state's Family Care and Medical Leave Act, or the Federal Family and Medical Leave Act or Pregnancy Disability Leave. If an employee wishes to take a leave of absence for any reason, they must submit notice of this leave, in writing, as early as possible, to the Executive Director, prior to taking their leave. All requests for a leave of absence will be handled confidentially. Benefits, such as paid vacation, do not accrue during time spent on leave of absence. Approval of a personal leave of absence does not imply re-employment. All personal leaves will be treated the same, regardless of the nature of the leave. Should an employee require an extension on their approved leave of absence, they should submit notice, in writing, to the Executive Director prior to the expiration of the original leave of absence. Failure to return to work on the first work day following the expiration of an approved leave of absence may be considered voluntary termination. The maximum amount of time that CBC will grant an employee a personal leave is 90 days. There is no guarantee that there will be available clients upon your return.

**FAMILY AND MEDICAL CARE LEAVE OF ABSENCE**

An employee, who has completed twelve (12) months of service and has at least one thousand two hundred fifty (1,250) hours of continuous service with the Company during the previous twelve (12) month period may be granted an unpaid family medical care leave for the birth of a child or placement in connection with the adoption or foster care of a child or to provide care for a child, spouse or parent who has a serious health condition, or to care for the employee's own serious health condition. Employees are entitled to take up to a total of twelve (12) unpaid workweeks within a twelve (12) month period. (Leaves pursuant to the Pregnancy Disability Leave of Absence Policy are separate from this leave).

Family medical care leave will be granted if a child, parent or spouse of the employee has an injury, illness, impairment or physical or mental condition which requires the participation of the employee to provide care during a period of the treatment or supervision of the treatment. Family medical care leave will be granted if the Employee has an injury, illness, impairment, or physical or mental condition which renders the Employee unable to perform the functions of the position.

An employee who is granted a leave of absence under this policy may elect or may be required to utilize any accrued vacation or other accrued paid time off benefits during the period of the leave for which the employee may be eligible. Employees are required to use any accrued sick leave if leave is taken for their own serious health condition.

If possible, you must provide at least thirty (30) calendar days written advance notice for foreseeable events (such as the expected birth of a child or a planned medical treatment). For events which are unforeseeable thirty (30) days in advance, you must notify the Executive Director or Clinical Director, preferably as soon as you learn of the need for the leave, but in any event no later than five (5) working days from learning of the event.

Failure to comply with these notice rules may result in denial or deferral of the requested leave until you comply with this notice policy. Employees are required to provide certification issued by the health care provider of the individual requiring care. The certification must include the date the serious health condition commenced, the probable duration of the condition, the anticipated time the health care provider believes the employee needs to provide care, or if it is the Employee's own illness a statement that the Employee is unable to perform the functions of the position, and a statement that the condition warrants the participation of a family member to provide care or supervision. The Company may require re-certification or a second opinion of the medical condition.

If leave is taken for the birth or placement of a child in connection with the adoption or foster care of a child the leave must be commenced within one (1) year from the date of the birth or placement. Leaves are to be taken in increments of no less than two (2) weeks for leaves other than birth, adoption or placement of a child. Intermittent leaves may be taken for planned medical treatment.

Returning employees retain all benefits they have accrued at the commencement of their leave but do not accrue vacation, sick or holiday benefits while on leave. At the conclusion of the employee's family and medical care leave, the Company will reinstate the employee to the same or a comparable position unless circumstances prevent such reinstatement as provided by law. Upon conclusion of the leave employees are to contact The Executive Director or Clinical Director to make arrangement for their return to work.

Failure to return to work upon the expiration of your approved leave of absence will constitute job abandonment.

#### **PREGNANCY DISABILITY LEAVE OF ABSENCE (Amended 6/15/15)**

Employees who are temporarily disabled and are unable to work due to a pregnancy or a pregnancy-related disability, will be granted a pregnancy disability leave of absence without pay for the period of the disability provided such a period shall not exceed four (4) months [88 working days]. If an employee is affected by a pregnancy or a related medical condition, she is also eligible to transfer to a less strenuous or hazardous position or to less strenuous or hazardous duties, if the transfer is medically advisable and an alternative position is available. Pregnancy disability leave need not be taken all at one time but can be taken on an "as needed" basis. CBC will continue to pay the Employer's portion of the employee's health insurance premium while the employee is on maternity leave. The employee will make arrangements to send CBC payment on a monthly basis for the employee's portion and any dependents' premium portions.

Pregnancy disability leaves will be granted on the basis of a physician's written statement that an employee is no longer able to work due to a pregnancy-related disability. Pregnancy disability leaves will be granted for any period of actual disability caused by the pregnancy, childbirth or related medical condition.

An employee who is granted a pregnancy disability leave of absence will be entitled, in addition to four (4) months, to utilize any accrued sick leave and/or vacation benefits during the period of disability for which the employee may be eligible. Employees may use their accrued vacation, sick leave time during any unpaid portion of the leave of absence.

Employees requiring a pregnancy disability leave must submit a written request to The Executive Director or Clinical Director along with a physician's certification stating a) the date on which the employee became disabled due to pregnancy or the date of the medical advisability for the transfer into a less strenuous or hazardous position or a position with less strenuous or hazardous duties; b) the probable duration of the period(s) of disability or the period(s) for the advisability of the transfer; and c) a statement that, due to the disability, the employee is unable to work at all or to perform any one or more of the essential functions of the Employee's position without undue risk to the Employee, the successful completion of the pregnancy, or to other persons, or a statement that due to the pregnancy, the transfer is medically advisable. The certification shall also provide the Company an estimated duration of the leave and the expected return to work date. The employee must inform the Company of the disability as soon as the employee becomes aware.

Employees returning to work after a pregnancy disability leave must have a written release from a physician verifying that they are able to return to work and safely perform their duties.

Employees on a pregnancy disability leave of absence are not eligible to accrue vacation or sick pay while on leave, nor are they eligible to receive paid holiday benefits.

At the conclusion of the employee's leave, the Company will reinstate the employee to the same or a substantially equivalent position. Please discuss with The Executive Director or Clinical Director, prior to your leave of absence, whether or not immediate reinstatement to your position or a substantially equivalent position can be accomplished while at the same time meeting the business needs of the Company.

#### **FAMILY/SCHOOL LEAVE TIME**

Any employee who is a parent, guardian, or grandparent having custody of one or more children in kindergarten or grades 1 - 12, may take up to forty (40) hours per school year of unpaid time off to participate in school activities of his or her children. Time off may not exceed eight (8) hours in any calendar month of the school year.

An employee must provide his or her supervisor with reasonable advance notice of the planned time off. Employees may use accrued vacation days, his/her floating holiday or take the time off without pay. If two parents work for the Company, the parent who gives notice first is the one entitled to the leave.

The Company reserves the right to require the employee to provide documentation from the school as verification of participation of the employee in the school activity.

#### **BONE MARROW/ORGAN DONATION LEAVE (Amendment 6/15/15)**

Employees may take up to five business days of paid leave for a bone marrow donation or up to thirty business days of paid leave for an organ donation in any one year period. The one year period begins when the leave of absence begins.

In order to receive a leave of absence pursuant to this policy, an employee shall provide written verification 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. During the leave, the employee will not be considered on a break in his or her continuous service for the purpose of salary adjustments, sick leave, vacation, paid time off, annual leave, or seniority. If the employee is eligible for health insurance, the Company will maintain the coverage during the leave of absence. CBC will continue to pay the Employer's portion of the employee's health insurance premium while the employee is on this type of leave. The employee will make arrangements to send CBC payment on a monthly basis for the employee's portion and any dependents' premium portions. The Company may require, as a condition of an Employee's initial receipt of bone marrow or organ donation leave, that the Employee take up to five days of earned but unused sick leave, vacation, or paid time off for bone marrow donation and up to two weeks of earned but unused sick leave, vacation, or paid time off for organ donation.

#### **BEREAVEMENT LEAVE**

The Company realizes how difficult a loss in the family is and for this reason provides paid bereavement leave of up to two (2) working days whenever there is a death in the employee's immediate family for regular full-time employees who have completed the Introductory Employment Period.

If the funeral is out of state, the employee may receive additional unpaid bereavement leave or, if available, may use other annual leave with prior written approval by The Executive Director or Clinical Director.

For purposes of this policy, immediate family is defined as a spouse, spousal equivalent, child, step-child, parent or legal guardian, step-parent, sibling, grandparents, grandchildren, mother/father-in-laws and any other relative that permanently resides in the employee's household.

#### **MILITARY LEAVE**

Employees who are required to fulfill annual military reserve obligations, or who may be called to active duty in emergency situations, will be granted a leave of absence, without pay, for the period of time required by law. Employees who meet all conditions of eligibility for re-employment under applicable federal and state laws will be accorded all rights and benefits pursuant thereto.

Employees are asked to provide a copy of their military leave orders to the Company as soon as possible.

#### **MILITARY SPOUSE LEAVE**

Employees who work more than twenty (20) hours per week whose spouse is a member of the service who has been deployed during a period of military conflict may be entitled to military spouse leave. Military spouse leave allows a qualified employee up to fifteen (15) unpaid days off when his/her spouse (who is a member of the Armed Forces, National Guard or Reserves) is on leave from active military deployment. To be eligible the employee must provide the Company with notice within at least five (5) business days of receiving official notice that the spouse will be on leave from deployment that he/she wishes to take leave. The employee must also provide the Company with written documentation certifying the spouse will be on leave from deployment.

#### **JURY DUTY AND LEAVE TO APPEAR AS A WITNESS**

Employees will be granted a leave of absence, in compliance with State law, to serve on a jury or to appear as a witness. Behavior Instructors are encouraged to make-up shifts missed due to jury duty but are not required to do so. Leave of absence for

jury duty or witness leave is unpaid. Employees should notify their Case Supervisor and Executive Director immediately upon receiving a jury summons or witness subpoena. It is also advised that the employee maintain contact with their Case Supervisor as to the status of the estimated return to work date.

### **ELECTIONS**

In the event that an employee does not have sufficient time outside of working hours to vote in a statewide election, the employee may take off enough working time to enable him or her to vote. Such time off shall be taken at the beginning or the end of the regular working shift. Under these circumstances an employee will be allowed a maximum of two (2) hours on the Election Day without loss of pay.

Where possible, the employee shall give their supervisor at least two (2) days notice that time off to vote is needed.

### **CHANGES IN HEALTH INSURANCE BENEFITS**

During a leave of absence, the employee will be required to pay 100% of their insurance premiums for continued coverage during any approved leave of absence. Employees must make arrangements with CBC to pre-pay their share of group health insurance premiums prior to going on a personal leave of absence. Employees on leave of absence may be subject to lay-offs on the same basis as employees who are actively at work. Depending on client availability and funding, behavior instructors returning to work after an extended leave of absence may not be immediately assigned the same number of hours. Any employee who falsifies the reason for their leave of absence is subject to disciplinary action or termination.

### **REINSTATEMENT PROVISIONS**

When an employee returns from an extended leave of absence, for any reason, every effort will be made to provide them with a comparable caseload upon their return. However, it is not always possible to replace a caseload immediately due to constraints on client availability, scheduling and funding.

## **SECTION VII. COMPANY POLICIES FOR STANDARDS OF CONDUCT**

CBC is committed to a standard of excellence in the services it provides to its customers. In order to achieve these goals and to provide a pleasant work environment for all employees, Company policies are provided for your reference. It is expected that all employees will act professional and courteous at all times.

### **CODE OF CONDUCT (Honesty, Responsibility, Boundaries, and Confidentiality)**

Any and all information shared with Behavior Instructors by parents, co-workers, teachers, Case Supervisors, any of the directors, or any other person in contact with the client, is to remain strictly confidential. It is important to maintain a client's confidentiality at all times. Make sure you do not discuss cases outside of CBC with anyone other than the CBC staff. When in public do not discuss a case or use identifiable names. Specific details of the case may be discussed only with other team members, the Case Supervisor, the Director of Behavioral Services, the Clinical Director, and the Executive Director, unless otherwise specified by the parent or legal guardian in writing via a Release of Information form. Violation of confidentiality

includes sharing client information with individuals who do not work at the agency or who are not involved in the client's case. Violation of confidentiality can be demonstrated as 1) talking to non-approved individuals about a client's case; 2) leaving confidential paperwork in places where it can be read by non-approved individuals, 3) obtaining transportation from non-approved individuals to a client's home, and 4) emailing confidential information over the internet without a password.

Breaking confidentiality is a cause for termination. This includes, but is not limited to, any discussion of client matters with non-CBC employees or former CBC employees.

### **PARENT RELATIONS (Dual Relationships and Maintaining Appropriate Boundaries)**

Employees should recognize that professional judgments and actions may affect the lives of clients, their families and co-workers. As such, employees must be alert to and guard against misusing their influence for the purpose of obtaining personal, financial, social, or political benefits. Employees should also consistently clarify their professional roles and obligations and accept appropriate responsibility for their behavior. It is important to remember that parents and caregivers are CBC's clients, not friends. You must maintain a professional relationship at all times. Do not engage in small talk with the family and do not ask personal questions.

Employees should avoid dual relationships with parents, by refraining from engaging in outside employment with the clients (including babysitting), or otherwise compromising the professional integrity of the relationship with the parents. Employees must always promote accuracy, honesty, and truthfulness in the way they report on and represent clients (i.e., in reports, at Clinical meetings, etc.)

Please be advised, in order to avoid ethical violations and conflicts of interest, CBC does not allow personal involvement with clients and their families while employed by CBC, and highly discourages personal or professional involvement with clients and their families for one year after employment with CBC ends.

## **GENERAL WORK RULES AND GUIDELINES**

### **SAFETY**

All employees of CBC are required to maintain a safe work environment for clients, families, and all co-workers. If an employee observes an unsafe condition, they should notify the client's parents immediately. This includes ensuring that the clients do not run away, climb onto any inappropriate structures from which they may fall, or touch anything dangerous (e.g., sharp items, hot items, household cleaners, etc.). Clients are to wear appropriate safety gear (i.e., bicycle helmet, elbow pads, etc.) during gross motor activities. When playing with the clients, employees should always be careful not to play in a manner which may result in injury. Clients should be held by the trunk rather than arms (as the shoulders may dislocate). Any play in which the instructor is not sufficiently strong enough to maintain safety and control should be refrained from.

Employees should maintain their personal safety by ensuring that their clothing and shoes allow free movement. Keep out of reach anything that the client may pull such as jewelry, earrings, necklaces, hair, glasses, etc.).

### **DRESS CODE**

Every CBC employee is responsible for maintaining a professional appearance. All CBC employees are expected to maintain a professional and well-groomed appearance and dress in a manner that is appropriate for their respective job duties. Common sense and judgment should be exercised at all times. If an employee is unsure of the appropriateness of their garments, they should refrain from wearing it. The following guidelines should be followed:

#### **STAFF WORKING IN THE FIELD:**

Behavior Instructors working in the home or school setting must always wear clothing that allows free movement so that the safety of the instructor and client can be maintained at all times. This includes wearing appropriate footwear to ensure the instructor's and client's safety.

It is recommended that Behavior Instructors wear comfortable and casual clothes such as shirts, T-shirts, blouses, pants, jeans and tennis shoes.

Behavior Instructors MAY NOT wear the following: Flip-flops or open toed shoes. (Please keep a pair of closed toed shoes or tennis shoes in your car, especially during the summer.) The instructor may have to think and act quickly if the client bolts from the instructor).

#### **NOT ALLOWED:**

- Tank tops;
- Low cut shirts;
- Halter tops;
- Shirts that expose the midriff area;
- Short shorts;
- Low rise pants / jeans that expose underwear when bending;
- Platform or high heeled shoes;
- Clothing with inappropriate logos, designs and sayings;
- Clothing that is in disrepair (e.g. with holes, tears, etc.);
- Body piercings and jewelry should be worn with caution, as the child may inadvertently pull at the item;
- Instructors with long hair should consider wearing it back, as clients pull hair.
- Please cut long nails to protect from injuries

Please make sure that undergarments are covered at all times, especially when you are sitting on the floor.

#### **STAFF WORKING IN OFFICE:**

The office dress code is "business casual." The following guidelines are recommended: (1) Slacks or trousers, collared shirts, sweaters, dress shirts, and appropriate shoes with socks for men. (2) Slacks, tailored skirts or dresses, blouses, knit tops, sweaters, and appropriate shoes for women. (3) Jeans and T-shirt type tops may be worn, providing they are in good repair and they are appropriate for the activities of the office

#### **PRIMARY CAREGIVER IS RESPONSIBLE FOR CLIENT**

During home sessions, a primary caregiver who is at least 18 years old must be present and available during all sessions for their entire duration. In the event that a Behavior Instructor arrives at a scheduled shift and an adult is not at the home, the session cannot take place and will be immediately cancelled. Please call your supervisor if an adult is not at the home when you arrive. If the parent has left the child alone it will be necessary for you to call 911, the police department or the Department of child

and family services. In this situation you should make sure the child is safe and then wait outside the home for the proper authorities to arrive.

If community outings are approved by the Case Supervisor as part of the behavior intervention program, the primary caregiver must accompany the Behavior Instructor. The Behavior Instructor may not take the client into the community alone.

During school sessions, a teacher or other school staff member must always be present in the classroom. The Behavior Instructor should never be alone with the client anywhere in the school without the accompaniment of a school staff member.

In the event any responsible primary caregiver leaves the premises or asks the Behavior Instructor to assume primary responsibility for the child, the Behavior Instructor should immediately notify their Case Supervisor. The Behavior Instructor should never be fully responsible for the child's wellbeing.

#### **INCIDENT REPORTING**

**If an employee is injured on the job, the Executive Director must be notified immediately.** An incident report must be completed detailing the incident and its result. The Executive Director will assist the employee in filing out the necessary paperwork. If necessary, the employee should seek medical attention (see information re: Workers' Compensation).

If a client is injured while working with a staff member, the Behavior Instructor should notify the client's parents and the Case Supervisor immediately. The Behavior Instructor may be required to complete an incident report detailing the incident and its result. Employees should always take necessary precautions to minimize the potential for injuries to themselves and others.

#### **NO GIFT POLICY (Amended 10/19/15)**

**Employees may not purchase gifts for their client(s) at any time. Employees may not accept money or gifts from parents or clients at any time.**

#### **SOLICITATION**

Employees may not solicit current CBC clients. If it is determined that an employee attempted to solicit a current CBC client it can be grounds for termination. Please be advised, in order to avoid ethical violations and conflicts of interest, CBC does not allow personal involvement with clients and their families while employed by CBC, and highly discourages personal or professional involvement with clients and their families for one year after employment with CBC ends.

#### **ETHICS**

##### **(Professional Role and Scope of Practice)**

**CBC employees work with populations in areas only within the boundaries of our competence,** based on our education, training, supervised experience, consultation, study, or professional experience. No employee may make false, deceptive, or fraudulent statements concerning (1) training, experience, or competence; (2) academic degrees; (3) credentials; (4) institutional or association affiliations; (5) services; (6) the scientific or clinical basis for success of services, results of services or degree of success of services. At no time may an employee make a diagnosis or give a prognosis. In addition, employees may never give out a client's name or phone number without their permission for any reason. Adherence to program goals, values, and procedures is a requirement of employment. Instructors are not authorized to alter programs without permission from their Case Supervisor.

#### **USE OF COMPANY EQUIPMENT (E-MAIL, COMPUTERS, COPY MACHINES, SCANNERS, ETC.)**

The Company equipment should not be used for any personal purpose by our employees. This includes, but is not limited to, the use of computers, telephonic voice mail, e-mail, etc. Further, the Company specifically reserves the right to access and monitor any employee's voice-mail messages, e-mail messages, computer directory or other property of the Company which has been provided to employees for use in their employment at the Company.

Please understand that any e-mail that is sent is a direct reflection of the Company. Abusive, threatening or unethical use of e-mail addresses will result in disciplinary action, up to and including termination.

All files and records stored on Company computers are the property of The Company. Company computers are for business purposes only. Use of Company computers for unauthorized purposes is prohibited. Electronic e-mail, chat sessions and voicemail messages are to be used for business purposes only and considered Company property.

Employees should have no expectation of privacy as to information placed into the business equipment of the Company. While employees may be provided passwords for their computer access, e-mail access or voice mail access to maintain the confidentiality of certain records, the password does not provide absolute privacy or complete confidentiality from access by the Company.

This policy is not meant to violate any employee's legitimate right to personal privacy; however, there should be a limited expectation of privacy as to matters which occur within the workplace.

### **USE OF COMPANY AND/OR PERSONAL VEHICLES (Amended 6/15/15)**

Every employee whose duties require him/her to operate an automobile for Company business must have in his/her possession a valid driver's license. In addition, the employee must meet state requirements and maintain comprehensive and collision insurance coverage as well as liability insurance on the vehicle if using their personal vehicle. The Company requires proof of insurance before being employed.

### **TRAFFIC CITATIONS (Amended 6/15/15)**

Employees are personally responsible for all parking tickets or moving violations received while driving for Company business. Receipt of a moving violation or involvement in an "at fault" accident in a vehicle may be cause for dismissal. Employees issued a citation will be personally responsible for the ticket received. All incidents must be reported to The Executive Director or Clinical Director.

### **RULES OF CONDUCT**

When people work together, it becomes necessary to have some specific rules and policies to establish acceptable standards of conduct, assure fair treatment of all employees and enhance the smooth operation of the Company. The Company has attempted to keep these rules to a minimum. Their purpose is to maintain a working environment which protects the safety and dignity of each employee without placing unreasonable restrictions on anyone.

Employees are expected to know, observe and recognize the following rules of inappropriate and unacceptable conduct to avoid and minimize discipline, which, of course, can include termination. This list is not all inclusive and other inappropriate conduct may lead to discipline including termination. Our standard of conduct is based upon the importance of productive employees and quality work and an awareness of the rights of others. In addition, employees must have an appreciation for the authority of management and a positive attitude toward the workplace.

Unacceptable behaviors include, but are not limited to, the following:

1. Deliberately punching or marking another employee's time sheet or having another person mark your time sheet.
2. Leaving your workplace before the start of breaks or quitting time.
3. Repeated tardiness or absence, even though reported.
4. Being negligent or careless in performing your assigned duties and responsibilities.
5. Incompetent or inefficient performance of assigned duties and responsibilities.
6. Conduct which indicates an insubordinate, inattentive or indifferent attitude toward your duties.
7. Falsification of any written reports or records, including employment application, personnel records, claims for benefits and time cards.
8. Reporting for work in an unfit condition, including being under the influence of alcohol or other drugs which impair your ability to perform your regular duties and responsibilities and/or which present a hazard to the safety or welfare of yourself or others.
9. Interference with the work performance of any employee(s), delaying or otherwise impeding work performance, or influencing or attempting to influence others to so interfere.
10. Use of Company time, equipment, or materials for personal use. Attending to personal business on Company time.
11. Failure to observe known or posted safety rules.
12. Failure to report an injury immediately regardless of how minor it appears to be.
13. Horseplay, practical jokes, or other activities which may present a hazard to the safety or welfare of yourself or others.
14. Insubordination or uncooperative conduct or refusing to abide by any Company rule or policy.
15. Gambling or involvement in any activity connected with unapproved gambling, including lotteries or games of chance while on Company premises or while engaged in Company business away from Company premises.
16. Fighting or threatening bodily harm or provoking such misconduct.

17. Bringing or possessing firearms or other weapons while on Company premises.
18. Carrying, storing, distributing or using drugs, alcohol or other substances which may be detrimental to the health or safety of yourself or others while on Company premises or while engaged in Company business away from Company premises.
19. Theft, falsification, or abuse or destruction of Company records, documents (of any kind), property or equipment. Repair of Company property or equipment which is damaged as the result of willful abuse or destruction shall be at the expense of the person or persons responsible for the damage.
20. Violation(s) of Company policies concerning security, unauthorized disclosure of confidential information to any person(s), or unauthorized removal of Company records, documents or property from Company.
21. Theft, unauthorized removal, abuse or destruction of any property of another employee or of the Company, its customers, suppliers, guests or invitee.
22. Misconduct including the use of abusive or provocative language while on Company premises or while engaged in Company business away from Company premises.
23. Unlawful discrimination or harassment.
24. Talking on the cell phone or texting while driving for Company business.
25. Failure to abide by procedures regarding breaks and lunch periods.
26. Engaging in conduct that could result in a health or safety hazard.
27. Smoking in non-designated areas or in front of customers.
28. Sleeping while on duty.
29. Disclosure of Company trade secrets or other confidential information.

**SECTION VIII.**  
**COMPANY POLICIES FOR STANDARDS OF PERFORMANCE**  
**AND COMMUNICATION**

**PERFORMANCE EVALUATIONS**

Performance evaluations are used to evaluate the employee's performance and to indicate areas of needed improvement. Instructors will receive an initial performance evaluation approximately three (3) months after beginning to independently conduct one-on-one sessions with their client(s). Employees will receive a written summary of their performance including goals and will have a chance to discuss the evaluation with a supervisory staff member.

After one year, individuals who receive positive performance evaluations may receive a raise which is merit based. Behavior Instructors who require more training and experience prior to qualifying for a raise or promotion may receive a follow-up evaluation approximately two (2) months after their annual review. Thereafter, performance evaluations are conducted annually. A performance evaluation does not necessarily guarantee a raise or a promotion.

Information regarding work performance is obtained from a variety of sources. These sources include, but are not limited to, direct observation by supervisory staff, interviews with parents, school staff, and senior staff, and evaluation forms completed by parents, senior staff members, teachers, and administrative staff.

Performance evaluations for Case Supervisors are conducted by the Clinical Director. In addition, feedback from parents, Behavior Instructors, and administrative staff is often incorporated into the evaluation. Raises are based upon improvement, merit and the Case Supervisor's fulfillment of contractual obligations (e.g., fulfilling all supervision hours, conducting monthly observations, completing progress notes, etc.)

**PROMOTIONS**

It is CBC's objective to promote from within the company as much as possible. Job position requirements are enforced, and remain within State and Federal laws and within the policy requirements of funding agencies (e.g., school districts and regional centers). Job descriptions are reviewed in the initial training phase for each specific position. Promotion from Behavior Instructor to Lead Behavior Instructor is generally considered if three requirements are met: (1) the instructor's current performance is outstanding, (2) the instructor meets all of the job specifications as set forth in the Behavior Instructor job description, and (3) there is significant support to promote the instructor from all the Case Supervisors and the Director of Behavioral Services. When Behavior Instructors are promoted to Lead Behavior Instructor, they will be required to attend a specialized Lead Instructor training which is approximately 10 hours in length. This training will be held at the Woodland Hills office. Please note that mileage is not reimbursable for trainings, however, the time spent in the training will be reimbursed at the minimum wage rate. Promotions are equal opportunity positions, and are awarded without discrimination based on color, religion, sex, national origin, age, disability, or

other protected status. Although all requests for promotions will be considered, not all requests will be granted. CBC reserves the right to deny a request for a promotion for any reason.

#### **COMMUNICATION (Amended 6/15/15)**

At CBC, we believe that communication is essential to running a smooth operation and providing excellent service to our clients. Employees assume the responsibility of making themselves accessible by at least one of the following means of communication: telephone, cellular phone, answering machine/voice mail, a current mailing address, and/or email. CBC will make every effort to communicate with each employee in the most efficient way possible. Employees must notify the Scheduling Coordinator or Executive Director as soon as possible in the event of a technical difficulty that affects communication (e.g., broken or lost cell phone). Employees must obtain functional communication within one day. Failure to maintain a viable means of communication may result in a verbal warning, a policy violation, probation or termination.

#### **RESIGNATION (Amended 6/15/15)**

As stated above, employment with CBC is at-will. Please provide a letter of resignation indicating your last day if you are leaving the company. After your last day submit your timesheet. Your paycheck will be issued within 72 hours from the time of receipt of the document. All checks will be mailed to the employee unless you request to pick up your final check. Please hand in any keys or property at the time you submit your final documentation. Notify CBC of any change of address prior to the end of the year because W-2s for the previous year will be issued by February and mailed to the current address on file. Following resignation, CBC may request that the employee participate in a brief exit-interview, where they can give honest feedback related to their experience at CBC. This interview can be conducted in person or on the phone or the employee may provide written feedback via an exit interview form.

#### **GARNISHMENT**

The Company regards any legal debt incurred by an employee as a personal matter. However, if the employee does not pay his or her debts, our Company may be legally required by the courts to withhold a certain amount from the employee's pay-check over a set period of time in order to meet the debts. This process of law is called "garnishment."

#### **TEAM/CLINIC MEETINGS (Amended 6/15/15)**

**Instructors are responsible for attending all scheduled Team/Clinic meetings on time unless** the employee is sick. If the employee calls in sick, they are not required to attend a Clinic Meeting. Team/Clinic meetings are indicated on all schedules. All meetings take place at the client's home unless specifically scheduled to take place at the CBC office. Clinic meetings will be scheduled by their Case Supervisor. Should the instructor be unable to attend a team/Clinic meeting for any reason, they should contact their Case Supervisor and the Scheduling Coordinator.

#### **POSSESSION AND USE OF DRUGS AND ALCOHOL**

The Company recognizes the employee's right to privacy. However, the Company is committed to providing a safe, efficient and productive work environment for all employees. In keeping with this commitment, employees and job applicants may be asked to undergo a drug/alcohol screening to determine the use of such substances.

To further promote this goal, **the Company will not tolerate the possession of or use of alcohol or drugs while on Company premises or time.** Employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

While conducting Company related business activities, either on or off Company premises, no employee shall use, possess, distribute, sell or be under the influence of alcohol or drugs (except for the legal, proper use of physician prescribed medication). The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace. It is the employee's responsibility to determine from his/her physician whether a prescribed drug may impair job performance. If that occurs, the employee is expected to notify management.

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

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

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

Positive results will result in discipline, including discharge. In lieu of termination, the employee may be offered the opportunity to participate in a rehabilitation program under certain circumstances. The Company expects employees who have a problem with alcohol or drugs to seek treatment. Employees who come forward seeking assistance will be provided with a referral source to assist in treatment. Failure to enter, remain or successfully complete a prescribed treatment plan may result in termination. Entrance in a treatment program does not absolve the employee of satisfying his/her job duties.

### **DISCIPLINE**

CBC's supervisory/management staff strives to prevent the need for disciplinary action by maintaining an effective employee relations program. We do this by establishing clear policies, procedures and work rules, and using clear communication and feedback with employees.

#### **There are three levels of disciplinary actions for employee violation of policies:**

- **The first policy violation will result in a verbal warning** and a memo to your employee file will reflect this verbal warning;
- **The second policy violation will result in a written warning** and a remediation plan will be created. In addition, the employee will be notified that a third policy violation can result in termination of employment;
- **The third policy violation is the final warning and at that time CBC reserves the right to terminate employment.**

#### **Policy Violations are issued to Behavior Instructors for unprofessional actions.**

Unprofessional actions that will be documented as a Policy Violation include but are not limited to:

- **Unexcused or excessive tardiness.** Unexcused tardiness is defined as arriving at a session or meeting late without notifying the appropriate parties, (e.g., Parent, Scheduling Coordinator and Case Supervisor.) It should be noted that Behavior Instructors who are working in school settings and who will be tardy or absent must contact the child's parent, Scheduling Coordinator, Case Supervisor and the client's teacher or school administrator. For absences, you must contact the CBC office. Failure to contact all four parties may result in a Policy Violation;
- **Unexcused or excessive absences.** Unexcused absences are defined as missing a session or Clinic meeting without notifying the appropriate parties including the CBC office;
- **Failure to adhere to CBC's code of conduct and company policies.** (This includes the use of illicit drugs or alcohol, or being under the influence of illicit drugs or alcohol while performing work-related duties);
- Gross lack of professionalism;
- **Fraud committed on timesheets,** Parent Verification forms and mileage forms;
- **Failure to submit timesheets on time;**
- Disrespectful attitude towards any CBC employee, client, parent, teacher, or school professional. If an employee receives a Policy Violation, they will be notified via telephone or a meeting, and will receive a copy of the written warning that is being placed in their file. Verbal warnings are not automatically provided to the employee. If you would like a copy of your verbal warning, please ask the Executive Director. Employees wishing to appeal a Policy Violation should contact the Executive Director or Clinical Director.

### **PROBATION**

Employees are on automatic probation for the first 90 days of employment. In addition, employees will be placed on a probationary status when they incur two or more Policy Violations within a 12-month period. The details of the remediation plan of a probationary phase will be individually assessed by the Clinical Director or Executive Director. After this assessment, the terms of the probation will be formally contracted with the employee. Employees on probation are not eligible for promotions or raises until after the probationary period ends. When and if an employee satisfactorily meets their probationary requirements, they will be returned to regular employee status. If an employee does not meet their probationary requirements, they may be terminated. CBC reserves the right to terminate employees rather than place them on probationary status at the discretion of the Clinical Director or Executive Director.

### **OTHER DISCIPLINARY MEASURES**

CBC also reserves the right to impose other disciplinary actions, as appropriate, including, but not limited to: an incident report, a Policy Violation, removal from case(s), and suspension. The employee may be asked to sign incident reports or other

warnings. Signing the incident report is not an admission of guilt; it verifies that the employee has received the warning, or has been notified of the incident report.

#### **TERMINATION**

Depending on the severity of any violation, management or supervisory staff may take a disciplinary action commensurate to the seriousness of that violation, including immediate termination. CBC has an At-Will employment agreement and reserves the right to terminate any employee at any time, with or without notice and with or without cause. Grounds for immediate termination include, but are not limited to: 1) harassment of any CBC employee; 2) any type of abusive behavior inflicted upon any client; 3) placing a client in any unsafe situation; 4) forgery; 5) fraud; 6) gross displays of unprofessional behaviors; 7) lack of adherence to CBC codes of conduct and company policy of a serious nature; 8) dishonesty at any time, particularly during the application and hiring process; 9) possession or distribution of drugs, weapons or any other illegal activity; and 10) abandonment of job.

#### **EXIT INTERVIEW**

An exit interview will be scheduled with each employee who leaves The Company, regardless of the reason for separation. An exit interview allows the employee to communicate his or her views on the Company. In those situations where an employee voluntarily ends his/her employment with the Company, the purpose of the exit interview will be to determine why the employee chose to resign. Moreover, exit interviews allow the Company to obtain feedback concerning any problems the employee encountered while employed. Whether an employee resigned or was terminated, the exit interview shall be conducted to advise the employee of post-employment issues such as collection of Company property, final compensation, etc.

#### **DISMISSAL PAY AND SEVERANCE PAY**

The Company's policy is that no dismissal pay, or severance allowance of any kind is to be granted.

#### **EMPLOYMENT VERIFICATION CHECKS/REQUESTS FOR INFORMATION/UNAUTHORIZED INTERVIEWS**

Any inquiries received either by phone or by mail seeking verification of employment or requesting any information concerning current or former employees are handled by The Executive Director or Clinical Director ONLY. Should you receive this type of inquiry, forward it to either of them. DO NOT provide the person inquiring with ANY information. It is our intention to protect the privacy of our employees. The Company will verify dates of employment and position over the phone. We will provide salary history only for mortgage inquiries when authorized or requested in writing by the employee. Do not provide anyone with information regarding another employee. This includes inquiries from any state or federal agency, company or individual. Violation of this policy will lead to discipline which may include discharge.

Unauthorized interviews by media sources, government employees, investigators, outside counsel or anybody else "asking a few questions" are also not allowed by any employee. No employee is allowed to divulge any information concerning the Company, its' employees or its' business practices without proper authorization in writing from either The Executive Director or Clinical Director. If you are approached for any of this type of information, you are to refer them to either The Executive Director or Clinical Director. A decision will then be made as to whether that individual may conduct any interview.

#### **SECTION IX.** **GENERAL PERSONNEL POLICIES** **ACCESS TO EMAIL AND FAX OR SCANNING CAPABILITIES (amended 12/8/21)**

Employees must have access to email and check it on a daily basis. The most convenient way to transmit Timesheets and Parent Verification forms to the office is to have the capability of Faxing or Scanning. The documents must be transmitted to the office by Fax or Scan on the 1<sup>st</sup> and 16<sup>th</sup> of each month. Please refrain from taking photographs of the documents with your phone unless you are able to save the document in a Word file. It is difficult for CBC to print from Photo Viewer as the size of the document is too large.

#### **CBC EMAIL ADDRESS (Amended 12/8/21)**

If you would like a CBC email address, please contact the Executive Director.

#### **PROFESSIONAL LIABILITY INSURANCE**

CBC provides all direct service staff members coverage for professional liability insurance. All staff members must be covered by professional liability insurance prior to working with a client. If for some reason an employee cannot be covered under CBC's professional liability insurance, the employee will not be able to work with clients and CBC may have to implement termination proceedings if the insurance problem cannot be rectified.

#### **CALIFORNIA DRIVERS LICENSE**

All direct service staff must maintain in effect, at all times, an updated, valid Driver's License and present it for examination in order for a copy to be placed in the employee's file. Whenever the Driver's License is renewed a copy must be placed in the employee file.

## **VEHICLE INSURANCE**

All direct service staff must maintain in effect, at all times, an updated, valid policy of personal liability auto insurance, and present it for examination in order for a copy to be placed in the employee's file. The documentation must include an expiration date. Whenever the card is updated, a copy of the most recent card must be placed in the employee file.

## **EMPLOYEE TRANSPORTATIONS**

All direct service staff must have access to a reliable form of transportation at all times. No direct service staff may, at any time, drive to or from any client's home without an active and valid driver's license and active and valid car insurance.

### **DO NOT TRANSPORT CLIENTS IN YOUR VEHICLE**

CBC's policy is that employees do not drive in the same car with the client. During outings or field trips, CBC employees should drive their own cars to the destination and are not permitted to carpool with clients without the expressed permission of the Case Supervisor or Executive Director. Mileage will be reimbursed. Transportation of clients can only be provided by a primary caregiver. An employee may never transport a client in their own car.

### **DO NOT TEXT OR USE CELL PHONE WHILE DRIVING**

For safety purposes, CBC requests that direct service staff refrain from using cell phones for phone calls or text messaging while driving on company business. If in an emergency the direct service staff member needs to use a cell phone, the vehicle should be parked first. If it is necessary to make a phone call while driving, please remember that according to California state law, beginning July 1, 2008, all staff must have hands-free equipment in order to use a cell phone while driving. Never Text and Drive under any circumstances.

### **CELL PHONES AND CONFIDENTIALITY**

**Protect your Cell Phone for Confidentiality** if your phone contains client phone numbers. Identify clients by first name only or initials. If you work on Saturday or Sunday, it can be helpful if the clients have your cell phone number if they have to cancel a session on the weekend.

### **DOG POLICY AND ALLERGIES**

**Dogs are not allowed to interact with our employees. They must be outside or locked in another room.** If you are allergic to dogs or cats, please let us know.

### **PERSONAL PROPERTY**

**Please take all personal property with you. Creative Behavioral Consultants is not responsible for any lost personal property.**

### **TELEPHONE CALLS**

**Cellular phones must be turned off during home or community sessions, in the school, and during team/Clinical meetings.** In the event of an emergency, the office will contact Behavior Instructors at the school or home in which they are working. Personal use of a cell phone or texting during home or community sessions, in the school, and during team meetings is strictly prohibited and can be a cause for termination.

### **VISITORS**

**Due to the need to maintain confidentiality at all times, Behavior Instructors and Supervision Staff are prohibited from having personal visits when working.** This includes meeting friends or family on community outings or in the school environment.

### **ELECTRONIC FILES**

**All documents stored on computers or flash drives must be password protected.**  
DO NOT LEAVE CBC FILES OR DOCUMENTS OR ANY COMPUTERS OR USB FLASH DRIVES WITH COMPANY OR CLIENT INFORMATION IN YOUR CAR. **Password protect all cell phones, computers and flash drives.**

### **PHOTOGRAPHS, VIDEOS AND SOCIAL MEDIA**

**It is strictly prohibited, against company policy and a violation of confidentiality, to take a photograph or video of a client without written permission from the client's parent or legal guardian.** Any postings of photographs of clients on any social media site without written permission from the client's parent or legal guardian can be an immediate cause of termination. It is against company policy to take a photograph of yourself while at a client's home and post it on any social media site and can be an immediate cause of termination.

## **OUTSIDE EMPLOYMENT**

Employees may maintain other employment outside of CBC as most schedules with CBC are part-time. CBC requests that your schedule at any other place of employment not interfere with your CBC schedule. No employee may work with any client of CBC beyond the scope of their scheduled hours at CBC, unless previously approved by the Executive Director or the Clinical Director. Should an instructor wish to retain employment that may conflict with the aforementioned stipulations, they should consult with the Clinical Director.

## **USE OF AVERSIVE TECHNIQUES**

CBC does not authorize or condone the use or implementation of extreme aversive techniques, including but not limited to: interventions designed to cause harm or pain, sleep or food deprivation, or restrictive techniques that simultaneously immobilize all four extremities. As a reminder, all employees who are in direct contact with clients are mandated to report any child abuse, or suspicion of child abuse to the Department of Child and Family Services if they feel aversive techniques are being used with the client.

## **DISPUTE RESOLUTION**

Problems and conflicts between employees are natural and happen in any work setting. CBC maintains an open-door policy related to employee conflicts or disputes. Employees are expected to remain professional and courteous when faced with a problem and are always welcome to utilize staff members for conflict resolution. Any Behavior Instructor who needs assistance resolving a conflict or problem related to another Behavior Instructor should consult with their Case Supervisor. The facts of the problem will be researched and the Case Supervisor will propose a solution. The Behavior Instructor should work with their Case Supervisor to come to a satisfactory resolution. Any Behavior Instructor who needs assistance resolving a conflict or problem related to their Case Supervisor or a member of the Office Staff, should consult with the Executive Director or the Clinical Director. Appropriate action will be taken and they will work with the Behavior Instructor to find a satisfactory solution. Should members of the Supervision Staff and Office Staff need assistance resolving a conflict or problem, they should consult with the Executive Director or the Clinical Director. CBC requests that employees maintain open lines of communication, and approach conflicts or problems with an open mind. There are always staff members available to aid in conflict resolution or if an employee simply needs to vent.

## **LAY-OFFS AND INTERRUPTION OF SERVICES**

CBC seeks to avoid lay-offs, but it may be unavoidable if CBC loses a client or funding source. Instances when lay-offs may occur include but are not limited to:

- When a parent or school has requested that the instructor be removed from the case, and there are no replacement cases available;
- When the instructor requests to be removed from the case, and there are no replacement cases available;
- When the instructor is removed from the case for any other reason, and there are no replacement cases available.

The following list includes some of the reasons why CBC may not be able to accommodate a Behavior Instructors' request for hours which may lead to an interruption in hours for the employee:

- Insufficient client funding (i.e., during school holidays, winter and spring break, summer school, etc.);
- Insufficient client availability;
- When a parent or school has requested that the instructor be removed from the case, and there are no immediate replacement cases available;
- When the instructor has requested to be removed from the case, and there are no replacement cases available;
- When the instructor does not accept a case;
- When the instructor is removed from the case for any other reason, and there are no replacement cases available.

# CHILD ABUSE REPORTING

## A MANDATED REPORTER'S GUIDE



### WHO MUST REPORT?

Certain personnel who have contact with children or responsibility for their care and supervision are required by state law to report apparent or suspected child abuse and neglect.

Every mandated reporter is individually responsible for following the law. However, if two or more mandated reporters become aware of a case of suspected child abuse or neglect, they may, by agreement, select one person to make the report.

Failure to report in accordance with the law is a misdemeanor punishable by up to six months in jail and/or a fine of \$1,000. It also may result in the loss of one's professional license or credential.

Mandated reporter occupations listed in state law are:

- Teacher; teacher's aide; teacher's assistant; instructional aide
- School administrator; school principal; assistant principal; school dean; school attendance and/or child welfare supervisor; certificated pupil personnel employee; classified employee of a public school; administrator or employee of a school-based child abuse prevention program; athletic coach, assistant coach or graduate assistant involved in coaching at public or private postsecondary educational institutions; athletic administrator or athletic director employed by any public or private school
- California Department of Education or county office of education employee whose duties involve regular contact with children
- Physician; medical resident or intern; podiatrist; surgeon; coroner; medical examiner; chiropractor; optometrist; licensed nurse; dentist; dental hygienist; state or county public health employee who treats a minor for venereal disease or any other condition

- Clinical social worker; marriage, family and child therapist/counselor, including interns and trainees; psychiatrist; psychologist; registered psychological assistant or alcohol and drug counselor
- Child care institution employee, including residential care and group home personnel; day camp administrator; day care and community care facility employee, administrator or licensee; foster parent; Head Start program teacher; licensing worker or evaluator employed by a licensing agency or youth center, youth organization or youth recreation program administrator or employee; administrator or employee of an organization whose duties require direct contact and supervision of children
- Child support agency caseworker or inspector; child visitation monitor; county welfare employee; Court Appointed Special Advocate (CASA) program employee or volunteer; in-home services provider; public assistance worker; social worker
- District attorney investigator; peace officer; parole officer; probation officer; school district police officer or school security officer; any employee of a police, sheriff's or probation department
- Emergency medical technician; firefighter (except volunteer); paramedic
- Animal control officer; humane society officer
- Clergy, including minister, priest, rabbi, religious practitioner or functionary of a church, temple or recognized denomination or organization; a custodian of records for any clergy member
- Commercial film and photographic print processor, including employees of processors
- Commercial computer technician

### WHAT MUST BE REPORTED?

Mandated reporters must report the following suspected crimes against a child (person under 18 years of age):

- Sexual abuse – includes molestation, sexual assault, rape, incest or sexual exploitation
- Physical abuse – includes intentional infliction of an injury upon a child, such as corporal punishment that results in bruises, cuts, abrasions, burns, fractures or other traumatic conditions
- Neglect - includes a caretaker's failure to provide adequate food, clothing, shelter, medical care or supervision
- Emotional abuse - includes cruel treatment, threats, humiliation and deprivation that causes unjustifiable mental suffering
- Endangerment - includes a caretaker causing or permitting a child's person or health to be endangered, even if no actual injury occurs

### HOW TO MAKE A REPORT

**Step 1:** A mandated reporter who reasonably suspects that a child has been abused or neglected must make a report by telephone immediately or as soon as practically possible.

"Reasonable suspicion" means that a reasonable person, drawing upon experience and/or training, would suspect abuse or neglect based on observations or available information.

Suspected abuse or neglect must be reported either to the local law enforcement agency or the 24-hour Child Protection Hotline at 1-800-540-4000.

Telephone reports must include the reporting party's name, the child's name and location and the nature and extent of the abuse or injury.

**Step 2:** A mandated reporter must make a written Suspected Child Abuse Report (SCAR) on the designated Department of Justice Form SS 8572 within 36 hours of the telephonic report.

If the telephonic report was made to a law enforcement agency, the written report must be mailed to that agency's place of business.

If the telephonic report was made to the hotline, the written report must be emailed or mailed to the Department of Children and Family Services (DCFS).

For the email form and instructions, visit the DCFS website at <https://mandreptla.org>.

A paper SCAR may be mailed to: DCFS, 1933 S. Broadway, 5th Floor, Los Angeles, CA 90007.

SCAR forms are available at:

- <http://oag.ca.gov/childabuse/forms>
- [www.mandatedreporterca.com](http://www.mandatedreporterca.com)

### PROTECTIONS FOR MANDATED REPORTERS

Employers of mandated reporters may not inhibit or impede reporting in any way, nor may they sanction or dismiss an employee for making a report.

A mandated reporter is immune from civil and criminal liability in connection with a report, unless he/she knowingly made a false report.

If a mandated reporter faces legal action in connection with a report, the state will reimburse up to \$50,000 for the reporter's legal defense costs.

State law has measures to protect the confidentiality of mandated reporters. A mandated reporter's identity may be disclosed only to certain authorized parties, including personnel in child protection and law enforcement agencies. If a criminal child abuse case is taken to trial, a mandated reporter may be required to testify in court.



George Gascón  
District Attorney  
Los Angeles County

CHILD PROTECTION  
HOTLINE

1-800-540-4000  
(TDD 1-800-272-6699)

# SEXUAL HARASSMENT

## FACT SHEET

# DFEH



Sexual harassment is a form of discrimination based on sex/gender (including pregnancy, childbirth, or related medical conditions), gender identity, gender expression, or sexual orientation. Individuals of any gender can be the target of sexual harassment. Unlawful sexual harassment does not have to be motivated by sexual desire. Sexual harassment may involve harassment of a person of the same gender as the harasser, regardless of either person's sexual orientation or gender identity.

## THERE ARE TWO TYPES OF SEXUAL HARASSMENT

1. **“Quid pro quo”** (Latin for “this for that”) sexual harassment is when someone conditions a job, promotion, or other work benefit on your submission to sexual advances or other conduct based on sex.
2. **“Hostile work environment”** sexual harassment occurs when unwelcome comments or conduct based on sex unreasonably interferes with your work performance or creates an intimidating, hostile, or offensive work environment. You may experience sexual harassment even if the offensive conduct was not aimed directly at you.

The harassment must be severe or pervasive to be unlawful. A single act of harassment may be sufficiently severe to be unlawful.

## SEXUAL HARASSMENT INCLUDES MANY FORMS OF OFFENSIVE BEHAVIORS

BEHAVIORS THAT MAY BE SEXUAL HARASSMENT:

1. Unwanted sexual advances
2. Offering employment benefits in exchange for sexual favors
3. Leering; gestures; or displaying sexually suggestive objects, pictures, cartoons, or posters
4. Derogatory comments, epithets, slurs, or jokes
5. Graphic comments, sexually degrading words, or suggestive or obscene messages or invitations
6. Physical touching or assault, as well as impeding or blocking movements

Actual or threatened retaliation for rejecting advances or complaining about harassment is also unlawful.

Employees or job applicants who believe that they have been sexually harassed or retaliated against may file a complaint of discrimination with DFEH within three years of the last act of harassment or retaliation.

DFEH serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes. If DFEH finds sufficient evidence to establish that discrimination occurred and settlement efforts fail, the Department may file a civil complaint in state or federal court to address the causes of the discrimination and on behalf of the complaining party. DFEH may seek court orders changing the employer's policies and practices, punitive damages, and attorney's fees and costs if it prevails in litigation. Employees can also pursue the matter through a private lawsuit in civil court after a complaint has been filed with DFEH and a Right-to-Sue Notice has been issued.

## EMPLOYER RESPONSIBILITY & LIABILITY

All employers, regardless of the number of employees, are covered by the harassment provisions of California law. Employers are liable for harassment by their supervisors or agents. All harassers, including both supervisory and non-supervisory personnel, may be held personally liable for harassment or for aiding and abetting harassment. The law requires employers to take reasonable steps to prevent harassment. If an employer fails to take such steps, that employer can be held liable for the harassment. In addition, an employer may be liable for the harassment by a non-employee (for example, a client or customer) of an employee, applicant, or person providing services for the employer. An employer will only be liable for this form of harassment if it knew or should have known of the harassment, and failed to take immediate and appropriate corrective action.

Employers have an affirmative duty to take reasonable steps to prevent and promptly correct discriminatory and harassing conduct, and to create a workplace free of harassment.

A program to eliminate sexual harassment from the workplace is not only required by law, but it is the most practical way for an employer to avoid or limit liability if harassment occurs.

# SEXUAL HARASSMENT

## FACT SHEET



### CIVIL REMEDIES

- **Damages for emotional distress from each employer or person in violation of the law**
- **Hiring or reinstatement**
- **Back pay or promotion**
- **Changes in the policies or practices of the employer**

### ALL EMPLOYERS MUST TAKE THE FOLLOWING ACTIONS TO PREVENT HARASSMENT AND CORRECT IT WHEN IT OCCURS:

- 1.** Distribute copies of this brochure or an alternative writing that complies with Government Code 12950. This pamphlet may be duplicated in any quantity.
- 2.** Post a copy of the Department's employment poster entitled "California Law Prohibits Workplace Discrimination and Harassment."
- 3.** Develop a harassment, discrimination, and retaliation prevention policy in accordance with 2 CCR 11023. The policy must:
  - Be in writing.
  - List all protected groups under the FEHA.
  - Indicate that the law prohibits coworkers and third parties, as well as supervisors and managers with whom the employee comes into contact, from engaging in prohibited harassment.
  - Create a complaint process that ensures confidentiality to the extent possible; a timely response; an impartial and timely investigation by qualified personnel; documentation and tracking for reasonable progress; appropriate options for remedial actions and resolutions; and timely closures.
  - Provide a complaint mechanism that does not require an employee to complain directly to their immediate supervisor. That complaint mechanism must include, but is not limited to including: provisions for direct communication, either orally or in writing, with a designated company representative; and/or a complaint hotline; and/or access to an ombudsperson; and/or identification of DFEH and the United States Equal Employment Opportunity Commission as additional avenues for employees to lodge complaints.
  - Instruct supervisors to report any complaints of misconduct to a designated company representative, such as a human resources manager, so that the company can try to resolve the claim internally. Employers with 50 or more employees are required to

include this as a topic in mandated sexual harassment prevention training (see 2 CCR 11024).

- Indicate that when the employer receives allegations of misconduct, it will conduct a fair, timely, and thorough investigation that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected.
  - Make clear that employees shall not be retaliated against as a result of making a complaint or participating in an investigation.
- 4.** Distribute its harassment, discrimination, and retaliation prevention policy by doing one or more of the following:
    - Printing the policy and providing a copy to employees with an acknowledgement form for employees to sign and return.
    - Sending the policy via email with an acknowledgment return form.
    - Posting the current version of the policy on a company intranet with a tracking system to ensure all employees have read and acknowledged receipt of the policy.
    - Discussing policies upon hire and/or during a new hire orientation session.
    - Using any other method that ensures employees received and understand the policy.
  - 5.** If the employer's workforce at any facility or establishment contains ten percent or more of persons who speak a language other than English as their spoken language, that employer shall translate the harassment, discrimination, and retaliation policy into every language spoken by at least ten percent of the workforce.
  - 6.** In addition, employers who do business in California and employ 5 or more part-time or full-time employees must provide at least one hour of training regarding the prevention of sexual harassment, including harassment based on gender identity, gender expression, and sexual orientation, to each non-supervisory employee; and two hours of such training to each supervisory employee. Training must be provided within six months of assumption of employment. Employees must be trained during calendar year 2020, and, after January 1, 2021, training must be provided again every two years. Please see Gov. Code 12950.1 and 2 CCR 11024 for further information.

### TO FILE A COMPLAINT

#### Department of Fair Employment and Housing

dfeh.ca.gov

Toll Free: 800.884.1684

TTY: 800.700.2320

## DI Office Locations and Mailing Addresses

- Chico ..... 645 Salem Street  
(PO Box 8190, Chico, CA 95927-8190)
- Chino Hills ... 15315 Fairfield Ranch Road, Ste. 100  
(PO Box 60006, City of Industry, CA 91716-0006)
- Fresno ..... 2555 S. Elm Avenue  
(PO Box 32, Fresno, CA 93707-0032)
- Long Beach ... 4300 Long Beach Blvd., Ste. 600  
(PO Box 469, Long Beach, CA 90801-0469)
- Los Angeles ..... 888 S. Figueroa Street, Ste. 200  
(PO Box 513096, Los Angeles, CA 90051-1096)
- Oakland ..... 7677 Oakport Street, Ste. 325  
(PO Box 1857, Oakland, CA 94606-1857)
- Sacramento ..... 5009 Broadway  
(PO Box 13140, Sacramento, CA 95813-3140)
- San Bernardino ..... 371 West 3rd Street  
(PO Box 781, San Bernardino, CA 92402-0781)
- San Diego ... 9246 Lightwave Avenue, Bldg. A, Ste. 300  
(PO Box 120831, San Diego, CA 92112-0831)
- San Francisco ..... 745 Franklin Street, Rm. 300  
(PO Box 193534, San Francisco, CA 94119-3534)
- San Jose ..... 297 West Hedding Street  
(PO Box 637, San Jose, CA 95106-0637)
- Santa Ana ..... 2 MacArthur Place, Suite 400  
(PO Box 1466, Santa Ana, CA 92702-1466)
- Santa Barbara ..... 128 East Ortega Street  
(PO Box 1529, Santa Barbara, CA 93102-1529)
- Santa Rosa ..... 606 Healdsburg Avenue  
(PO Box 700, Santa Rosa, CA 95402-0700)
- Stockton ..... 3127 Transworld Dr., Ste. 150  
(PO Box 201006, Stockton, CA 95201-9006)
- California State Government Employees  
(PO Box 2168, Stockton, CA 95201-2168)
- Van Nuys ..... 15400 Sherman Way, Rm. 500  
(PO Box 10402, Van Nuys, CA 91410-0402)



STATE OF CALIFORNIA

LABOR AND WORKFORCE DEVELOPMENT AGENCY

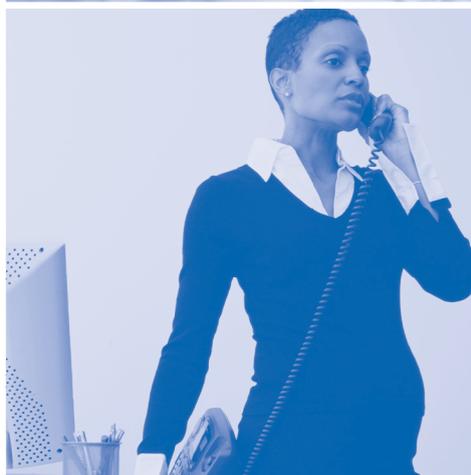
EMPLOYMENT DEVELOPMENT DEPARTMENT

*This pamphlet is for general information only,  
and does not have the force and effect of the law,  
rule or regulation.*

The EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Requests for services, aids, and/or alternate formats need to be made by calling DI at 1-866-490-8879. TTY users, please call the California Relay Service at 711.



# DISABILITY INSURANCE PROVISIONS



**Disability** is an illness or injury, either physical or mental, which prevents customary work. Disability includes elective surgery, pregnancy, childbirth, or related medical conditions.

**Disability Insurance (DI)** is a component of the State Disability Insurance (SDI) program, designed to partially replace wages lost due to a non-work-related disability (see “Other Programs,” for job-related disabilities).

SDI contributions are paid by California workers covered by the SDI program. Contribution rates may vary from year to year. For current rates, visit [State Disability Insurance](http://edd.ca.gov/disability) (edd.ca.gov/disability), or contact the Employment Development Department (EDD) DI customer service at 1-800-480-3287 or EDD employment tax customer service at 1-888-745-3886.

### DI Plans

- State Plan. The DI state plan is covered in this brochure.
- Voluntary Plan (VP). A private plan, which may be substituted for the State Plan. Voluntary Plans are established if the employer and majority of employees agree to do so. VP information and filing a claim is done through your employer. If you are covered by a VP, the provisions of this brochure may not apply to you. Obtain information about your coverage and file a VP claim through your employer.
- Elective Coverage (EC). Employers and self-employed persons, including general partners, may elect coverage under SDI. The method of computing benefits for EC participants is not the same as for mandatory rate payers. The cost of participating, which is set annually, can be obtained from your local EDD Employment Tax Customer Service Office.

EC claims are filed in the same manner as State Plan claims. However, there are differences in eligibility requirements from those listed in this pamphlet.

For additional information or to apply for coverage, contact the EDD DI customer service at 1-800-480-3287, the EDD employment tax customer service at 1-888-745-3886, or visit [State Disability Insurance](http://edd.ca.gov/disability) (edd.ca.gov/disability).

### How to Claim State Plan Benefits

1. Use **SDI Online** to securely file for benefits or request a paper claim form online.
  - Online: [State Disability Insurance](http://edd.ca.gov/disability) (edd.ca.gov/disability).
  - By phone: 1-800-480-3287.
  - By mail: EDD, Disability Insurance, PO Box 989777, West Sacramento, CA 95798-9777.
  - California state government employees covered by SDI should call 1-866-352-7675.
2. If filing through SDI Online, complete all required fields. SDI Online will provide a receipt number once the claim is submitted. If using a paper *Claim for Disability Insurance (DI) Benefits* (DE 2501) form, complete and sign Part A-Claimant’s Statement. Print clearly, and verify your answers are complete and correct as errors delay payment.
3. Have your physician/practitioner complete the Part B - Physician/Practitioner’s Certificate online or use the paper claim form. If filing online, your physician/practitioner will need your receipt number to complete the Part B - Physician/Practitioner’s Certificate.

Usually a claim cannot begin more than seven days before you were examined by or under the care of a physician/practitioner. Certification may be made by a:

- Licensed medical or osteopathic physician and surgeon.
- Nurse practitioner.
- Physician assistant.
- Chiropractor.
- Dentist.
- Podiatrist.
- Optometrist.
- Designated psychologist.
- Authorized medical officer of a United States governmental facility.

Certification may also be made by a licensed nurse-midwife or licensed midwife for disabilities related to normal pregnancy or childbirth.

4. File online or submit your paper claim form within 49 days from the date your disability begins. If your claim is late, you may lose benefits unless your explanation of the delay is accepted as reasonable.

## How Benefits Are Paid

- If you are eligible to receive benefits, you have two payment options: by **EDD Debit Card<sup>SM</sup>** through Bank of America, or by a **check**. You do not have to accept the EDD Debit Card. Please allow 7 to 10 days for delivery of checks in the mail.
- Most properly completed claims are processed within 14 days.
- The first seven days of your DI claim are a non-payable waiting period. If a claim is filed for the same or related cause or condition within 60 days of the initial claim, it will be processed as a continuation of the initial claim for which a waiting period was already served. There will not be a new waiting period in such cases.

Benefits are paid as quickly as possible after all eligibility information is received. If you meet all eligibility requirements, benefits will be authorized. If you are eligible for further benefits, you will be authorized for additional benefits electronically or sent a *Claim For Continued Disability Benefits* (DE 2500A) certification form for you to complete for the next benefit period. Usually these benefit periods are for two-week intervals. However, DI pays benefits based on daily eligibility within a seven-day calendar week. Partial weeks are paid at a daily rate. This rate is one-seventh of your weekly benefit amount. Please allow 10 days from the date you mail or electronically submit a certification for receipt of payment.

## How Your Benefit Rate is Determined

Benefit amounts are based on wages paid during a specific 12-month **base period**, determined by the date your claim begins. Consider when to start your claim since this may affect your weekly benefit rate, your maximum benefit amount, and the period of your benefit eligibility.

Only **base period** wages subject to the SDI contributions can be used in computing your benefits. To qualify, you must have earned at least \$300 during your base period. The month your claim begins determines which four consecutive quarters are used.

If your claim begins in:

- **January, February, or March, your base period is the 12 months ending last September 30.** (Example: A claim beginning February 14, 2021, uses a base period of October 1, 2019, through September 30, 2020.)
- **April, May, or June, your base period is the 12 months ending last December 31.** (Example: A claim beginning June 20, 2021, uses a base period of January 1, 2020, through December 31, 2020.)
- **July, August, or September, your base period is the 12 months ending last March 31.** (Example: A claim beginning September 27, 2021, uses a base period of April 1, 2020, through March 31, 2021.)
- **October, November, or December, your base period is the 12 months ending last June 30.** (Example: A claim beginning November 2, 2021, uses a base period of July 1, 2020, through June 30, 2021.)

**Exceptions:** If your claim is determined to be invalid, but you were unemployed and seeking work for 60 days or more in any quarter of your base period, you may be able to substitute wages paid in prior quarters.

You may be entitled to substitute wages paid in prior quarters to either validate your claim or increase your benefit amount, if during your base period you:

- Were in the military service.
- Received workers' compensation benefits.
- Did not work because of a labor dispute.

If your situation fits any of the above, include a letter and supporting documentation with your claim form.

**Wage Continuation.** Your DI benefits may be affected if your employer continues to pay you wages during your DI claim. DI benefits plus wages cannot exceed your regular weekly wage. DI benefits are not affected by vacation pay you may receive.

**Maximum Benefits.** The maximum benefit amount is 52 times the weekly rate, but not more than your total base period wages. Exception: For employers and self-employed individuals who elect SDI coverage, the maximum benefit amount is 39 times the weekly rate.

Additionally, benefits are payable only for a limited period to a resident in an alcoholic recovery home or drug-free residential facility that is both licensed and certified by the state in which the facility is located. However, disabilities related to or caused by acute or chronic alcoholism or drug abuse, being medically treated, do not have this limitation.

**Pregnancy.** As with any medical condition, your disability period begins the first day you are unable to do your regular or customary work. DI benefits are based on the period of time your physician/practitioner certifies you are unable to do your regular or customary work. Do not send in your claim for pregnancy-related DI benefits until the date your physician/practitioner certifies you are unable to work.

**Note:** For information on Paid Family Leave (PFL) bonding benefits, see the "Other Programs" section of this brochure.

## You May Not Be Eligible for Benefits

- If you are receiving Unemployment Insurance (UI) or PFL benefits.
- If you are not working or looking for work at the time your disability begins.
- If you are in custody due to conviction of a crime.
- If your full wages are paid.
- If you are receiving workers' compensation at a weekly rate equal to or greater than the DI rate. If workers' compensation benefits are paid at a lower rate than your DI rate, you may be paid the difference.
- For the amount of time a claim is late (without good cause).
- If you make a false statement or fail to report a material fact. (A 30 percent penalty may be assessed if benefits are overpaid because you willfully withheld a material fact or made a false statement.)
- If you fail to attend an independent medical examination when requested. (Fees for such examinations are paid by the EDD.)

The California Unemployment Insurance Code provides for penalties consisting of fines, imprisonment, and loss of benefit rights for fraud against the SDI program.

## Your Rights

- Know the reason and basis for any decision that affects your benefits.
- Appeal any decision about your eligibility for benefits. Appeals must be sent to the DI office in writing.
- Request an appeal hearing before an Administrative Law Judge (ALJ). You may further appeal the ALJ's decision to the California Unemployment Insurance Appeals Board and the courts.
- Privacy – all claim information will be kept confidential except for the purposes allowed by law.

## Your Obligations

- Complete your claim and other forms correctly and truthfully.
- Submit your claim and other forms according to time limits on forms. If your claim is submitted late and you believe you have a good reason for being late, you should include a written explanation of the reason(s) with the form.
- Contact DI if you do not understand a question or how to answer it.
- Include your name and claim identification number on letters to DI.

## Contact DI

- By phone at:
  - English 1-800-480-3287
  - Spanish 1-866-658-8846
- By **U.S. mail** addressed to PO Box 13140, Sacramento, CA 95813-3140. If you do not have a current claim, you may write to any DI office. **Note:** Do not mail claim forms to this PO Box.
- By **TTY** (for TTY users only) at 1-800-563-2441.
- **In person** by visiting any of the DI offices listed under "DI Office Locations."

## Other Programs

**If you are injured on the job** or become ill as a result of your occupation, notify your employer.

**If you are able and available to work** but unemployed, contact the UI program by visiting [Unemployment Insurance](http://edd.ca.gov/unemployment) (edd.ca.gov/unemployment) or by phone at 1-800-300-5616 (TTY 1-800-815-9387).

**If you need help in finding work, job training, retraining,** or other services in order to return to work, visit your local America's Job Center of California<sup>SM</sup> listed at [Service Locator](http://ServiceLocator) (careeronestop.org/LocalHelp/service-locator.aspx) or in the white pages of your phone directory.

**If your disability is permanent** or is expected to continue for a year or more, contact the U.S. [Social Security Administration](http://SocialSecurityAdministration) (ssa.gov) or by phone at 1-800-772-1213 (TTY 1-800-325-0778).

**If you need time off work for a family leave,** PFL provides benefits to:

- Care for a seriously ill family member (child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or registered domestic partner).
- Bond with a new child entering the family (through birth, adoption, or foster care placement).
- Participate in a qualifying event resulting from a family member's (spouse, registered domestic partner, parent, or child) military deployment to a foreign country.

Contact the EDD PFL program by visiting [State Disability Insurance](http://StateDisabilityInsurance) (edd.ca.gov/disability), or by phone at 1-877-238-4373, or through the California Relay Service at 711.

**Note:** A PFL bonding claim form will be sent automatically with the final benefit payment to new mothers receiving DI benefits.

**If you are a victim of a crime,** contact the California Victim Compensation program at 1-800-777-9229 (TTY 1-800-735-2929). You may also contact your county Victim/Witness Assistance Center.

**Questions about spousal or parental support** obligations should be directed to the district attorney's office for the county that issued the court order.

**Questions about child support** obligations should be directed to the Department of Child Support Services at 1-866-901-3212 (TTY 1-866-399-4096).