

2012 CEA Sample Employee Handbook Updates

Revised the final paragraph of [Section 1.3 Policy Against Harassment to read.....](#)

A complaint of sexual harassment may be filed within one year of the harassment with the California Department of Fair Employment and Housing ("DFEH"). The DFEH initially serves as a neutral fact-finder and attempts to help the parties voluntarily resolve the complaint. The DFEH can be contacted toll free at (800) 884-1684; or for the hearing impaired, (TTY) (800) 700-2320; or visit the department's website at www.dfeh.ca.gov.

A complaint of sexual harassment also may be filed within 300 days of the harassment, with the Equal Employment Opportunity Commission (EEOC), reached by calling (800) 669-4000 or for the hearing impaired, the EEOC's toll-free TTY number is (800) 669-6820. EEOC field office information is available at www.eeoc.gov.

Added the following new section....

1.5 Americans with Disabilities (ADA)

The Americans with Disabilities Act ("ADA") protects qualified employees with disabilities from discrimination in the workplace.

If you feel you may be disabled in any way, notify your supervisor in writing as soon as possible. The required submittal form can be obtained from your Human Resources Department. Once you have submitted the form, the Company will make every effort to open up a "dialogue" with you in attempt to determine whether the Company can make a "reasonable accommodation" for your disability.

At no time will the Company discriminate, harass, or retaliate in any way against you for making your accommodation request. Any type of harassment or discrimination whether real or perceived shall be reported to your supervisor immediately.

2.4 Meal and Rest Periods – Non-Exempt Employees - revised to read

Whenever you work more than five (5) hours in any workday, you are authorized and permitted a _____ () minutes unpaid duty-free meal period during which time you will be relieved of all duty and free to leave the premise. The Company or Supervisor will schedule such meal periods and may post the schedule.

The meal period should be taken prior to the beginning of your sixth (6th) hour of work unless you are scheduled to work six (6) hours or less, and you and the Company mutually agree in writing that the meal period may be waived.

When the nature of the work prevents you from being relieved of all duty during your meal period and when, by written agreement between the Company and you, an on-duty meal period is agreed to, you will be paid for your meal period.

You are also authorized and permitted a second un-paid duty free meal period of _____ () minutes whenever you work for a period of more than ten (10) hours in any workday.

The second meal period should be taken prior to the beginning of your eleventh (11th) hour of work, unless you are scheduled to work twelve (12) hours or less, and you and the Company mutually agree in writing not to take a second meal period.

If you are scheduled for more than three and one-half hours, you will be allowed a ten (10) minute paid rest period as close as practicable to the mid-point of any continuous four (4) hour work period.

<i>Number of hours worked</i>	<i>Number of rest breaks</i>
Less than 3.5 hours	0
3.5-6	1
6-10	2
10-14	3

It is the express policy of the Company that you take these authorized and permitted meal and rest periods. If you wish to take an authorized rest or meal period and believe you are unable to, you must speak with your Supervisor who will ensure that you get a rest or meal period.

Revised Section 2.5 Time Clock and Time Cards – Non-Exempt employees to read....

As a non-exempt employee, you are required to accurately record your hours of work, your meal breaks and your holiday, sick and vacation time.

The time clock is located at _____.

All time cards must be properly completed, and you are responsible for your own time card only. All non-exempt employees are required to clock in and out as follows:

1. Not more than five (5) minutes prior to the start of the employee's work shift, but as close to the start time as possible.
2. The beginning and end of meal periods (except drivers and/or driver's helpers, who are performing their regularly assigned duties away from the plant or Company facility).
3. Not more than five (5) minutes after the end of the employee's work shift, but as close to the quit time as possible.

Company may utilize a round up/round down rule for timecard purposes.

Company policy requires that you take required meal and break periods. While any missed meal or break period will be paid, it will also be considered a violation of Company policy.

You are to sign your timecard to attest that the hours recorded are accurate and are the total hours that you worked. You should not sign any timecard that is inaccurate and notify your Supervisor immediately for resolution. You are not to make any changes on your time card without the approval of your Supervisor. Changes include correcting errors in punching, forgetting to punch or not getting a required meal or rest period. You may not knowingly punch anyone else's time card or knowingly allow anyone else to punch your time card.

Revised Section 2.9 Salary and Wage Advance to read..

It is the policy of the Company to minimize wage/salary advances. Exceptions to this policy will be made only under extreme circumstances and at the discretion of the Company.

Revised Section 2.10 Garnishments to read..

You are responsible for your own debts. Garnishments cause the Company additional paperwork and added expense. We strongly encourage you to work out a financial problem before garnishment of wages become necessary.

Revised the Vacation Accrual chart in Section 3.1 Vacation to read...

Vacation eligibility accrues based on regular hours paid during the anniversary (or calendar) year. The accrual rates for the vacation earned for each regular hour paid are as follows:

Amount of vacation earned per year	# of vacation hours earned per hour worked	# of vacation hours earned per week	# of vacation hours earned per month
1 week/40 hours	0.0192 hours	.77	3.33

2 weeks/80 hours	0.0385 hours	1.54	6.67
3 weeks/120 hours	0.0577 hours	2.31	10
4 weeks/160 hours	0.0770 hours	3.08	13.33

Revised Section 3.5 Bereavement to read....

If a death occurs in your immediate family (parent, spouse, registered domestic partner, sibling, child, grandparent, grandchild, other family members residing in your household and in-laws), an emergency leave with/without pay may be granted up to a maximum of _____ () days.

For funeral attendance other than for your immediate family, emergency leave will be given at the discretion of your Supervisor.

Revised Section 3.13 Company Discounts to read

The opportunity to purchase products from the Company at a discount is a valuable benefit extended to full-time/all employees. This discount is limited exclusively to purchases for your own use and for gift giving.

Products may be purchased for cash at the wholesale price less _____ percent (). Availability will be determined by current production schedules, workload and inventory levels.

This discount may be revised, adjusted or discontinued at the sole option of the Company in the future.

Revised Section 3.15 COBRA/Cal-COBRA to read

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) **[NOTE TO EMPLOYER: For employers of 2-19 employees, insert: California Continuation Benefits Replacement Act (Cal-COBRA)]** gives you and your beneficiaries the opportunity to continue health insurance coverage under (Company's) health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment or death of an employee; a reduction in your hours or a leave of absence; your divorce or legal separation; you become entitled to Medicare; or a dependent child no longer meets eligibility requirements.

Under COBRA (Cal-COBRA), you or your beneficiary pays the full cost of coverage at (Company's) group rate plus an administration fee. You will receive a written notice describing rights granted under COBRA (Cal-COBRA) when you become eligible for coverage under (Company's) health insurance plan. The notice contains important information about your rights and obligations.

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) limits the circumstances under which coverage may be excluded for medical conditions present before you become eligible to enroll or are enrolled in health coverage that excludes coverage for preexisting medical conditions. You are entitled to a certificate that will show evidence of your prior health coverage. Please contact _____ or the health plan administrator for further information concerning the certificate.

Additional continuation coverage is available under California law for employees and qualified beneficiaries, which supplements COBRA continuation coverage. Written notice will be provided to you, if eligible, regarding important information about your rights and obligations.

4.1 Pregnancy Disability Leave – revised the section below

Contributions to a Group Health Plan While on a Leave

If you take Pregnancy Disability Leave, (Company) will maintain your group health insurance coverage while on leave if such insurance was provided before the leave was taken and on the same terms as if you had continued to work. If the leave is extended beyond your pregnancy disability leave, and if you have exhausted your FMLA benefits (if eligible), you have the option to continue your present health insurance coverage under COBRA guidelines.

Revised the first paragraph of Section 4.2 Bone Marrow and Organ Donation Leave of Absence to read...

You will be eligible for up to 30 business days paid leave in any one-year period for organ donation and up to five business days paid leave for bone marrow donation. A 12-month period begins on the date of your first use bone marrow and organ donation leave. To qualify, you may be required to provide (Company) with written verification of your status as an organ or bone marrow donor and the medical necessity for the donation.

4.9 Paid Family Leave – moved under the Benefits Section and renumbered 3.19

Revised Section 4.10 Jury Duty/Court Service to read...

If you are a non-exempt employee and are called to serve on jury duty, this time will be with/without pay.

[If you pay employees for jury duty] Full-time non-exempt employee called for jury service will be excused from work on days which you serve, and will receive for each such day you otherwise would have worked, up to a maximum of _____ () working days, the difference between your regular straight-time hourly rate of pay, with a maximum of up to eight (8) hours, and the amount of jury pay to which you are entitled. You must show proof of jury service and the amount of jury pay to which you are entitled.

On any day of jury service in which you are excused entirely or in sufficient time to permit you to return to work for a minimum of one-half (½) your regular scheduled shift, you are required to report for work.

If you are a part-time employee called for jury service, you will be excused from work on days that you serve, but this time shall be unpaid. Exempt employees will be paid in accordance with state and federal law.

If you receive a notice to report for jury duty you must notify your Supervisor immediately.

Subpoena as a witness or court appearance time will be allowed without pay.

4.16 School Suspension Leave – revised the last paragraph to read

If you are the parent or guardian of a child facing suspension from school and are summoned to the school to discuss the matter, you should notify your Supervisor as soon as possible before leaving work. No discriminatory action will be taken against you for taking time off for this purpose. The Company may require you to provide documentation of your need to attend a meeting at the school.

Added the following bullet point to Section 5.2 Standards of Conduct.....

- Filing a false claim of worker's compensation or harassment

5.2 Standards of Conduct - added the following bullet

- Posting harassing, threatening, slanderous or malicious posts on social media websites.

5.7 No-Solicitation Rule – revised to read

In order to avoid disruption of company operations, the following rules shall apply to solicitations and distribution of literature on company property:

Solicitation of any type by you during working time is prohibited.

Distribution of literature of any type or description by you at work is prohibited.

Distribution of literature of any type or description in working areas is prohibited at all times.

The term "working time," as used herein, includes the working time of both the employee doing the soliciting and distributing and the employee to whom the soliciting or distribution is being directed. Working time does not include meal periods, rest periods or other specified periods during the workday when employees are properly not engaged in performing their work tasks.

Solicitation or distribution of literature by non-employees on Company property is prohibited at all times. Any such incidents should be reported to Management immediately.

Revised Section 5.15 Cell Phones to read...

(Company) will not be liable for the loss of personal cell phones or mobile devices at the workplace. The use of cell phones/mobile devices is prohibited during working hours unless you are on a designated rest or meal period. You must obtain approval from your Supervisor prior to using your cell phone during working hours. The cell phone should be turned off and stored away from your work area at all times.

In accordance with California laws, except in the case of an emergency, you are required to use a hands-free device when using a cell phone (personal cell phone or company cell phone) while operating a motor vehicle. Employees should only use cell phones while driving when it is required for company business. Whenever feasible, you should safely pull off the road to use a cell phone.

Employees are prohibited from texting at any time while operating a vehicle on company business.

Employees under the age of eighteen are prohibited from using a cell phone at any time while driving.

Employees are prohibited from using the camera feature on their cell phone or wireless handheld device for non-business purposes.

Nonexempt employees must have prior approval before using their cell phone or wireless handheld device for business purposes after regularly scheduled work hours. If you do utilize your cell phone or wireless handheld device for business after regularly scheduled work hours, you must report that work time to your Supervisor immediately.

Revised Section 5.18 Attendance to read...

Regular attendance and punctuality are required and must be maintained. If you must be late or absent from work for a good reason, a previous arrangement with your Supervisor is required. If this is not possible, you must call your Supervisor **prior** to the start of your workday.

Always state the reason for your late arrival or absence and your expected date of return or when you should be expected to arrive at work.

Tardiness: Any employee who is late _____ () times in _____ will receive a written warning notice.

Absences: _____ () absences WITH notification in _____ () _____ will result in a written warning notice.

If you are absent **without prior notification** and fail to call in by __:__, you will receive a written warning notice.

_____ () absences without notification will be considered a voluntary quit.

An absence or tardiness following _____ () written warning notices in _____ () _____ will result in immediate termination.

If you fail to call in or show up for three consecutive days you will be considered to have voluntarily quit at the close of business on the third day, unless the reason for your absence is accepted by your Supervisor.

Revised Section 6.5 Job Evaluation to read...

Your Supervisor or Department Head will review your work. Such items as attendance, job skill and knowledge, ability to work with others, safe work habits, quality/quantity of work, diligent attention to duties and accuracy of work are just some of the areas that your Supervisor may review. Evaluations are intended to constructively evaluate your progress and performance in your current position and to point out opportunities for improvement.

You will be allowed to see the evaluation, make any comments, sign it, and receive a copy, after which the evaluation will be placed in your personnel file

A satisfactory performance review **does not** guarantee continued employment. Performance reviews and salary reviews do not necessarily correspond in time.

6.7 Transfers/Shift Exchanges – revised to read

You may, at any time after completing _____ () _____ of service, request a transfer to another department within the Company. All requests will be processed on the basis of ability, qualification, length of service and the needs of the Company.

If you wish to exchange shifts with a co-worker or change shifts or hours within the department you are currently employed, you must obtain your Supervisor's approval in advance. He/she will make every reasonable effort to accommodate you. You may not exchange or work another employee's shift without the prior approval of your Supervisor.

Revised Section 6.8 Promotions to read....

It is the policy of the Company, where possible, to promote qualified personnel from within the Company. Open positions will be posted and may be open to the public as well.

An employee promoted to a new position will be given up to _____ () calendar days to demonstrate his/her ability and qualifications to satisfactorily perform the full duties required of the new position. If he/she does not perform satisfactorily within such time, he/she may, at the discretion of the Company, be returned to the position he/she formerly held at the appropriate wage for the position he/she formerly held.

Revised Section 7.3 Safety/Workplace Security second to last paragraph to read....

You are expected to obey safety rules and to exercise caution in all work activities. You must immediately report any unsafe condition to _____. If you violate safety standards, cause hazardous or dangerous situations, or fail to report or, where appropriate or remedy such situations, will be a violation of company policy.

Updated Acknowledgement form to read...

I understand that I will be authorized and permitted to take a meal period of no less than 30 minutes whenever I exceed five hours in a work day. The meal period should begin prior to the beginning of the 6th hour of work unless I am scheduled to work six (6) hours or less, and the Company and I mutually agree in writing that the meal period may be waived.

I also understand that I am authorized and permitted to take a rest period at the rate of 10 minutes net rest for every four hours of work or major portion of four hours. I further understand that the rest period should be taken as close to the middle of each work period as possible.