Here are the updates made to the 2019 CEA Sample Handbook so it is up to date for 2020 based on best practices and legal updates. CEA strongly encourages you have your handbook reviewed annually by a CEA HR Director to ensure compliance with current requirements.

We also encourage you to attend one of our 2020 Labor Law Update Symposiums, so that you can ensure you are in compliance with the new laws that are in place for your specific industry.

If you have any questions regarding your handbook, or need assistance assembling it, please contact a CEA HR Director at 800-399-5331 or e-mail us at CEAinfo@employers.org and we will be happy to help you.

Section 1 – Welcome – Discrimination, Harassment and Retaliation Free Workplace

Revised the following paragraphs/bullet to read:

We are an Equal Employment Opportunity employer. In order to provide equal opportunities to all individuals, employment decisions are based on merit, qualifications, skills and performance.

We have a strict policy against discrimination, harassment and retaliation of any type and our goal is to provide a work environment free from discrimination, harassment, and retaliation as well as other disrespectful or other unprofessional conduct based on any protected class: race (including natural hairstyles), color, religion (including religious dress and grooming practices), national origin, age (40 and over), medical condition, physical or mental disability, marital status, sex (including sexual harassment, sex stereotypes and pregnancy, childbirth and related medical conditions), sexual orientation, ancestry, genetic information/ characteristics, gender, gender identity, gender expression, transgender, military or veteran status, or any other characteristic or activity protected by law.

• Posting, passing around or displaying sexually suggestive or obscene objects, printed materials text messages, or online or social media content.

Additionally, abusive conduct, defined as any conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer’s legitimate business interests is not tolerated.

You may also bring your complaint to the federal or state agency that investigates or prosecutes complaints. A complaint of discrimination, harassment or retaliation may be filed within three years of the harassment, discrimination or retaliation 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 at (800) 884-1684; or for the hard of hearing, (TTY) (800) 700-2320; or visit the department’s website at www.dfeh.ca.gov. A complaint of discrimination, harassment, or retaliation, 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 hard of hearing, (800) 669-6820. EEOC field office information is available at www.eeoc.gov.

Reason for Change: Added hairstyles to DEHA definition of race under SB188. Extended the time to file complaints of harassment, discrimination, and retaliation under AB9. Added clean up language. Not to Employer: These changes also need to make in the corresponding acknowledgement pages at the end of the sample handbook.
Section 1 - Welcome - Personal Appearance

*Changed the following statements to read:*

See-through or revealing clothing, shorts, midriff tops, halters, loungewear and clothing with decals are not to be worn.

No visible tattoos or body piercings other than a maximum of two earrings per ear are permitted.

*Reason for Change: Clean up language.*

Section 2 - Wage and Hour Guidelines – Non-exempt Employees – Meal, Rest and Recovery Periods

*Changed the following paragraph in this section to read:*

It is our policy that you take all authorized and permitted meal and rest periods. If you choose not to take a mandatory meal, rest or recovery period, you must notify your supervisor in writing immediately/note that in the online timekeeping system.

Section 2 - Wage and Hour Guidelines – Non-exempt Employees – Meal, Rest and Recovery Periods – Rest Period

*Changed the following paragraphs in this section to read:*

You will not clock out and will be paid for all such break periods. The rest period should be taken approximately halfway through any work period of four or more hours, as close to the middle of the work period as possible. Rest breaks are to be *uninterrupted,* and employees will be relieved of all duties during the break. You are expected to return to work promptly at the end of any rest break.

Notify your supervisor if you are not provided a rest period, or your rest period is interrupted.

*Reason for Changes: Strengthened policy as a result of AMN V. Donahue.*

Section 2 - Wage and Hour Guidelines – Non-exempt Employees – Lactation

*Rewrote the policy to read:*

You have the right to request an accommodation to express breast milk during the workday ("lactation accommodation"). To request a lactation accommodation, please notify or submit your request to [Human Resources, The Office Manager, Owner, [Specify]]. We will respond to, and make every effort to reasonably accommodate, each lactation accommodation request. If we cannot provide break time or a location to reasonably accommodate your request, you will be provided with a written response.

If your lactation accommodation request is granted, you will be allowed a reasonable amount of time to express breast milk when needed. If possible, break time for this purpose should run concurrently with paid rest periods already provided. Time taken for this purpose that exceeds rest period time already provided is unpaid.
If you feel you have not been properly accommodated or have been denied a lactation accommodation break, please notify your Supervisor, Human Resources, The Office Manager, Owner, [Specify] immediately. You also have a right to file a complaint with the California Labor Commission for violations of your lactation accommodation rights.

*Reason for Change: Updated to be in compliance with SB 142*

**Section 2 - Wage and Hour Guidelines – Non-Exempt Employees - Time Clock and Time Cards/Time Sheets**

*Revised the policy to read:*

**Recording Work Hours**

You are required to accurately record all hours worked, meal periods, holiday, sick, vacation/PTO time and other approved leave time.

You will record your time via [time clock/ time sheets/ phone app]. The time clock is located at _____.

You are not to begin work more than 5 minutes prior to the start of your shift or work beyond 5 minutes after the end of your shift without prior approval of your Supervisor.

All time must be properly recorded, and you are responsible *only* for your recording your own time.

You are to approve and/or sign your time card to attest that the hours recorded are accurate and are the total hours that you worked. You should not approve and/or sign any time card that is inaccurate. Notify your Supervisor immediately if there are any changes. You may not change anyone else's time record or allow anyone else to manage your time card.

Do not sign or approve your time record if you have not been provided all required meal and rest breaks. Failure to notify a supervisor that you have not been provided meal and rest breaks is a violation of company policy.

*Reason for Change: Clarifying and clean up language*

**Section 2 - Wage and Hour Guidelines – Non-Exempt Employees – Travel and Training Pay**

*Added new policy at the end of these section:*

**Travel and Training Pay**

If you are a non-exempt employee and are required to travel or attend training for work-related purposes during the workday, you will be paid for such travel and training time at [minimum wage, your regular hourly rate, or insert rate here].

You must record work-related travel and training time on your timecard and specify what hours are training and/or travel and what hours are worked while performing your usual duties.

Travel pay applies in the following situations:
1. When you report to work, if you are required to travel to another worksite, all time spent traveling between work locations is counted as travel time.
2. If you travel to and from a different work location directly from your home, all time spent for such travel, less your normal commute time, is counted as travel time.
3. If you travel out of town for work-related purposes, the time spent traveling to and from the out-of-town location, including all time spent on an airplane, train, bus or car, is considered travel time; however, once you arrive at your destination and are no longer engaged in work activities, the time is no longer compensable.” Please discuss any pay questions or concerns with your supervisor before you travel.

The time you spend commuting to and from work is not considered work time and is excluded from this policy.

You will be reimbursed for all reasonable travel-related costs incurred. If you have questions regarding travel or training pay should contact [human resources/other job title].

Reason for Change: New policy included by popular demand.

Section 3 - Benefits – California Paid Sick Leave/Healthy Workplace, Health Families Act - Use

Revised the following paragraphs:

Eligibility

Option 1 – Accrual Method

Eligible employees [Full time, Part-time, Seasonal, etc.] accrue sick leave from the commencement of employment at a rate of one (1) hour for every 30 hours worked, up to a maximum of 48 hours. Exempt employees’ paid sick leave accrual will be based on a 40-hour workweek. All other employees’ paid sick leave will accrue according to hours worked.

Option 2 – Lump Sum Method

Immediately upon hire eligible employees [Full time, Part-time, Seasonal, etc.] are eligible for three days or twenty-four (24) hours of paid sick leave, whichever is greater. Thereafter, employees balance will be reset to three days or 24 hours on [July 1st/their anniversary date/January 1st] each year.

Reason for Change: Clean up language

Section 3 - Benefits – Other Insurance

Revised the following sentence to read:

At your option, you may add your eligible dependents to the above-mentioned program with the premium being paid by (you / the employer/shared by you and us).

Reason for Change: Added third option
Section 3 - Benefits – Paid Family Leave Benefits

Revised the following sentences to read:

You are responsible for filing your claim for PFL benefits and other forms promptly and accurately with the Employment Development Department.

Further, this policy does not provide additional time off; rather, PFL may provide partial wage compensation during an approved leave pursuant to any organization provided leave or leave required by law.

Reason for Change: Clean up language and clarity

Section 3 - Benefits – Profit Sharing/Pension Plan

Revised the policy to read:

Option 1. Employees who are regularly scheduled to work _____ hours per week are eligible to participate in our profit sharing plan and/or pension plan upon completion of ______ year(s) of service and attainment of age ______. Contact your benefits administrator for more information.

Option 2. The State of California has enacted a program to help employees save for retirement, the CalSavers Retirement Savings Program. Through this program, you will be able to contribute a portion of your salary into an Individual Retirement Account. As we are required to do, we are now registered with CalSavers.

The program is completely voluntary for you but is set up as automatic enrollment, so if you choose to not participate, you need to follow the instructions on the information you will receive from CalSavers in order to opt-out. CalSavers. Communications will be sent to the email or mailing address you have on file with us. If you have any questions regarding the program, you can go to www.calsavers.com or call 855-650-6918.

We do not sponsor or maintain CalSavers. Our involvement in CalSavers is limited to processing your payroll withholding contributions to the program and remitting them to CalSavers. We will not provide any additional benefit and do not promise any particular investment return on your savings under CalSavers. In accordance with federal government regulations we do not endorse CalSavers. If you would like tax, investment, or financial advice, you should contact a financial advisor. This company is not in a position to provide financial advice.

Reason for Change: To incorporate SB234 (2016)

Section 4 – Leave of Absence/Time Off – General Information – Contributions Related to a Group Health Plan While on a Leave

Revised the following paragraph to read:

We will maintain your group health insurance coverage while on: [Choose all that apply: a PDL [include if you have 5 or more employees], Organ Donation Leave [include if you have 15 or more employees], New Parent Leave Act, [Include if you have 20-49 employees]) or FMLA/CFRA [include if you have 50 or more employees], if such insurance was provided before the leave was taken and on the same terms as if you had continued to work. In some instances, we may recover premiums we paid to maintain your health coverage if you fail to return to work following the leave.
Reason for change: Clarity of options

Section 4 – Leave of Absence/Time Off – General Information – Seniority During Leave

Revised the following paragraph to read:

Leave for PDL, Organ or Bone Marrow Donation, NPLA, or FMLA/CFRA will not be considered a break in your service for the purpose of salary adjustments, sick and vacation pay accrual, annual leave or seniority.

Reason for Change: Clean up language

Section 4 – Leave of Absence - Victims of Violent Crimes, Domestic Abuse or Sexual Assault

Added a new second paragraph:

If you have a TRO (Temporary Restraining Order) against another individual, you should inform your Supervisor or Human Resources immediately.

Reason for Change: To strengthen the policy

Section 4 – Leave of Absence – Bone Marrow and Organ Donation Leave of Absence

Revised the following paragraph to read:

You will be eligible for up to 30 business days paid leave and up to 30 days unpaid 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 of bone marrow and organ donation leave. To qualify, you may be required to provide us with written verification of your status as an organ or bone marrow donor and the medical necessity for the donation.

Reason for Change: Increased the period of unpaid time allowed per AB1223

Section 4 – Leave of Absence – Family Medical Leave Act (FMLA)/California Family Rights Act (CFRA) Leave

Changed the following sentence to read:

Successive 12-month periods commence on [calendar year, your anniversary date, fiscal year, the date of your first use of such leave after the preceding 12-month period has ended].

Reason for Change: Clean up language
Section 5 – Integrity – Drug Free Workplace Policy

Revised the following sentences to read:

While we recognize your right to your own lifestyle, we will not accept the risk that on-the-job or off-the-job alcohol or drug abuse by you may cause or contribute to accidents or other job performance problems.

Furthermore, the use or being under the influence of alcohol or of any legally obtained drugs, including marijuana, by you while performing Company business or while in our facility is prohibited.

Added the following sentences in the Recreational Marijuana Section

Cannabidiol (CBD) products are not regulated by the FDA and they have no meaningful guarantee of what’s in the supplement. In other words, if you use CBD products you need to know you are using them at their own risk – if THC turns out to be present, you will violate this policy.

Reason for Change: Added clarity and strengthened policy

Section 5 – Integrity – Customer Relations

Revised the following sentences to read:

They should always be treated with the highest standards of professionalism and courtesy, even when an individual does not reciprocate.

Reason for Change: Clean up language

Section 5 – Integrity – Use of Electronic Equipment – Authorized Access

Changed the sentence to read:

Such information includes, but is not limited to, confidential information such as customer data, trade secrets, personnel information or other material covered by our confidential information and conflict of interest policy.

Section 5 – Integrity – Use of Electronic Equipment – Employee Responsibility

Added to the end of the last sentence:

You should refrain from identifying yourself as representing us or our views unless you are specifically authorized to do so. You should preface your opinions about our industry, us or your work duties with a disclaimer stated that your views do not necessarily represent your employer.

Reason for Changes: Clean up language and strengthened policy

Section 6 - On the Job - Personal Vehicle Use

Deleted the following sentence:

You will receive a reasonable mileage reimbursement whenever you are required to use your own vehicle to perform company business.

Reason for change: Incorporated this language into Travel and Training Pay
Acknowledgment of Receipt of Discrimination, Harassment and Retaliation Prevention Policy

Revised the Headings to read:

**ACKNOWLEDGMENT OF RECEIPT OF DISCRIMINATION, HARASSMENT AND RETALIATION PREVENTION POLICY:**

Revised the acknowledgment paragraph to read:

By my signature below, I acknowledge that I have received a copy of this *Discrimination, Harassment and Retaliation Prevention Policy*. I also acknowledge that I have read and understand the contents of the *Discrimination, Harassment and Retaliation Prevention Policy*, and I (check one) do ____ do not ____ want to discuss this policy with my Supervisor or another Company official.

Reason for change: Clean up language.

Reminder to Employer: *The changes made to the Discrimination, Harassment and Retaliation Prevention Policy in the handbook also need to be made in the acknowledgement pages at the end of the handbook.*