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# EMPLOYEE HANDBOOK



## EMPLOYEE RECEIPT AND ACCEPTANCE

I hereby acknowledge receipt of the Etudes Employee Handbook. I understand that it is my continuing responsibility to read and know its contents. I also understand and agree that the Employee Handbook is not an employment contract for any specific period of employment or for continuing or long-term employment. Therefore, I acknowledge and understand that unless I have a written employment agreement with Etudes that provides otherwise, I have the right to resign from my employment with Etudes at any time with or without notice and with or without cause, and that Etudes has the right to terminate my employment at any time with or without notice and with or without cause.

I have read, understand and agree to all of the above. I have also read and understand the Etudes Employee Handbook. I agree to return the Employee Handbook upon termination of my employment.

Signature \_\_\_\_\_

Print Name \_\_\_\_\_

Date \_\_\_\_\_

## CONFIDENTIALITY POLICY AND PLEDGE

Any information that an employee learns about Etudes, or its members or donors, as a result of working for Etudes that is not otherwise publicly available constitutes confidential information. Employees may not disclose confidential information to anyone who is not employed by Etudes or to other persons employed by Etudes who do not need to know such information to render services.

The disclosure, distribution, electronic transmission or copying of Etudes confidential information is prohibited. Any employee who discloses confidential Etudes information will be subject to disciplinary action (including possible separation), even if he or she does not actually benefit from the disclosure of such information.

I understand the above policy and pledge not to disclose confidential information.

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

Print Name: \_\_\_\_\_

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

*Please sign and return to the Executive Director of Etudes*

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## I. MISSION AND PURPOSES

The Etudes Corporation is a nonprofit Public Benefit Corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for public and charitable purposes. The specific purposes of the Corporation are the following:

1. To foster the development of the open technology Etudes application framework and associated teaching, learning, research and collaboration tools and related components, for support of collaboration, research, and learning;
2. To support research, collaboration, and development on relevant collaboration, learning and research environments, tools, and components by the larger community;
3. To promote collaboration, sharing of good practices, and dissemination of results of innovative approaches to applying open technology and systems in education;
4. To support the delivery and management of teaching, learning, research, and collaboration through the Etudes application.
5. To solicit grants and other funding to permit the development and refinement of the Etudes application framework, and the development of related tools and capabilities;
6. To engage in such activities permitted under the California Nonprofit Corporation Law incident or beneficial to the foregoing purposes.

## II. OVERVIEW

The Etudes Employee Handbook (the “Handbook”) has been developed to provide general guidelines about Etudes policies and procedures for employees. It is a guide to assist you in becoming familiar with some of the privileges and obligations of your employment, including the Etudes policy of voluntary at-will employment. None of the policies or guidelines in the Handbook is intended to give rise to contractual rights or obligations, or to be construed as a guarantee of employment for any specific period of time, or any specific type of work. Further, with the exception of the voluntary at-will employment policy, these guidelines are subject to modification, amendment or revocation by Etudes at any time, without advance notice.

The personnel policies of Etudes are established by the Board of Directors, which has delegated authority and responsibility for their administration to the Executive Director. The Executive Director may, in turn, delegate authority for administering specific policies. Employees are encouraged to consult the Executive Director for additional information regarding the policies, procedures, and privileges described in this Handbook. Questions about personnel matters also may be reviewed with the Executive Director.

Etudes will provide each individual a copy of this Handbook upon employment. All employees are expected to abide by it. The highest standards of personal and professional ethics and behavior are expected of all Etudes employees. Further, Etudes expects each employee to display good judgment, diplomacy and courtesy in their professional relationships with the Board of Directors, committees, membership, staff, and the public.

### III. VOLUNTARY AT-WILL EMPLOYMENT

Unless an employee has a written employment agreement with Etudes, which provides differently, all employment at Etudes is “at-will.” That means that employees may be terminated from employment with Etudes with or without cause, and employees are free to leave the employment of Etudes with or without cause. Any representation by any Etudes officer or employee contrary to this policy is not binding upon Etudes unless it is in writing and is signed by the Executive Director with the approval of the Board of Directors.

### IV. EQUAL EMPLOYMENT OPPORTUNITY

Etudes shall follow the spirit and intent of all federal, state and local employment law and is committed to equal employment opportunity. To that end, the Board of Directors and Executive Director of Etudes will not discriminate against any employee or applicant in a manner that violates the law. Etudes is committed to providing equal opportunity for all employees and applicants without regard to race, color, religion, national origin, sex, age, marital status, sexual orientation, disability, political affiliation, personal appearance, family responsibilities, matriculation or any other characteristic protected under federal, state or local law. Each person is evaluated on the basis of personal skill and merit. Etudes’ policy regarding equal employment opportunity applies to all aspects of employment, including recruitment, hiring, job assignments, promotions, working conditions, scheduling, benefits, wage and salary administration, disciplinary action, termination, and social, educational and recreational programs. The Executive Director shall act as the responsible agent in the full implementation of the Equal Employment Opportunity policy.

Etudes will not tolerate any form of unlawful discrimination. All employees are expected to cooperate fully in implementing this policy. In particular, any employee who believes that any other employee of Etudes may have violated the Equal Employment Opportunity Policy should report the possible violation to the Executive Director.

If Etudes determines that a violation of this policy has occurred, it will take appropriate disciplinary action against the offending party, which can include counseling, warnings, suspensions, and termination. Employees who report, in good faith, violations of this policy and employees who cooperate with investigations into alleged violations of this policy will not be subject to retaliation. Upon completion of the investigation, Etudes will inform the employee who made the complaint of the results of the investigation.

Etudes is also committed to complying fully with applicable disability discrimination laws, and ensuring that equal opportunity in employment exists at Etudes for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis. Reasonable accommodations will be available to all qualified disabled employees, upon request, so long as the potential accommodation does not create an undue hardship on Etudes. Employees who believe that they may require an accommodation should discuss these needs with the Executive Director.

If you have any questions regarding this policy, please contact the Executive Director.

## V. POLICY AGAINST WORKPLACE HARASSMENT

Etudes is committed to providing a work environment for all employees that is free from sexual harassment and other types of discriminatory harassment. Employees are expected to conduct themselves in a professional manner and to show respect for their co-workers.

Etudes' commitment begins with the recognition and acknowledgment that sexual harassment and other types of discriminatory harassment are, of course, unlawful. To reinforce this commitment, Etudes has developed a policy against harassment and a reporting procedure for employees who have been subjected to or witnessed harassment. This policy applies to all work-related settings and activities, whether inside or outside the workplace, and includes business trips and business-related social events. Etudes' property (e.g. telephones, copy machines, facsimile machines, computers, and computer applications such as e-mail and Internet access) may not be used to engage in conduct that violates this policy. Etudes' policy against harassment covers employees and other individuals who have a relationship with Etudes which enables Etudes to exercise some control over the individual's conduct in places and activities that relate to Etudes' work (e.g. directors, officers, contractors, vendors, volunteers, etc.).

*Prohibition of Sexual Harassment:* Etudes' policy against sexual harassment prohibits sexual advances or requests for sexual favors or other physical or verbal conduct of a sexual nature, when: (1) submission to such conduct is made an express or implicit condition of employment; (2) submission to or rejection of such conduct is used as a basis for employment decisions affecting the individual who submits to or rejects such conduct; or (3) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, humiliating, or offensive working environment.

While it is not possible to list all of the circumstances which would constitute sexual harassment, the following are some examples: (1) unwelcome sexual advances -- whether they involve physical touching or not; (2) requests for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment; or (3) coerced sexual acts.

Depending on the circumstances, the following conduct may also constitute sexual harassment: (1) use of sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; (2) sexually oriented comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess; (3) displaying sexually suggestive objects, pictures, cartoons; (4) unwelcome leering, whistling, deliberate brushing against the body in a suggestive manner; (5) sexual gestures or sexually suggestive comments; (6) inquiries into one's sexual experiences; or (7) discussion of one's sexual activities.

While such behavior, depending on the circumstances, may not be severe or pervasive enough to create a sexually hostile work environment, it can nonetheless make co-workers uncomfortable. Accordingly, such behavior is inappropriate and may result in disciplinary action regardless of whether it is unlawful.

It is also unlawful and expressly against Etudes policy to retaliate against an employee for filing a complaint of sexual harassment or for cooperating with an investigation of a complaint of sexual harassment.

*Prohibition of Other Types of Discriminatory Harassment:* It is also against Etudes' policy to engage in verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, gender, religion, sexual orientation, age, national origin, disability, or other protected category (or that of the individual's relatives, friends, or associates) that: (1) has the purpose or effect of creating an intimidating, hostile, humiliating, or offensive working environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities.

Depending on the circumstances, the following conduct may constitute discriminatory harassment: (1) epithets, slurs, negative stereotyping, jokes, or threatening, intimidating, or hostile acts that relate to race, color, gender, religion, sexual orientation, age, national origin, or disability; and (2) written or graphic material that denigrates or shows hostility toward an individual or group because of race, color, gender, religion, sexual orientation, age, national origin, or disability and that is circulated in the workplace, or placed anywhere in Etudes' premises such as on an employee's desk or workspace or on Etudes' equipment or bulletin boards. Other conduct may also constitute discriminatory harassment if it falls within the definition of discriminatory harassment set forth above.

It is also against Etudes' policy to retaliate against an employee for filing a complaint of discriminatory harassment or for cooperating in an investigation of a complaint of discriminatory harassment.

*Reporting of Harassment:* If you believe that you have experienced or witnessed sexual or other discriminatory harassment by an employee of Etudes, you should report the incident immediately to the Executive Director. Possible harassment by others with whom Etudes has a business relationship, including customers and vendors, should also be reported as soon as possible so that appropriate action can be taken.

Etudes will promptly and thoroughly investigate all reports of harassment as discreetly and confidentially as practicable. The investigation would generally include a private interview with the person making a report of harassment. It would also generally be necessary to discuss allegations of harassment with the accused individual and others who may have information relevant to the investigation. Etudes' goal is to conduct a thorough investigation, to determine

whether harassment occurred, and to determine what action to take if it is determined that improper behavior occurred.

If Etudes determines that a violation of this policy has occurred, it will take appropriate disciplinary action against the offending party, which can include counseling, warnings, suspensions, and termination. Employees who report violations of this policy and employees who cooperate with investigations into alleged violations of this policy will not be subject to retaliation. Upon completion of the investigation, Etudes will inform the employee who made the complaint of the results of the investigation.

Compliance with this policy is a condition of each employee's employment. Employees are encouraged to raise any questions or concerns about this policy or about possible discriminatory harassment with the Executive Director. In the case where the allegation of harassment is against the Executive Director, please notify the staff member designated as grievance officer.

## VI. SOLICITATION

Employees are prohibited from soliciting (personally or via electronic mail) for membership, pledges, subscriptions, the collection of money or for any other unauthorized purpose anywhere on Etudes property during work time, especially those of a partisan or political nature. "Work time" includes time spent in actual performance of job duties but does not include lunch periods or breaks. Non-working employees may not solicit or distribute to working employees. Persons who are not employed by Etudes may not solicit or distribute literature on Etudes' premises at any time for any reason.

Employees are prohibited from distributing, circulating or posting (on bulletin boards, refrigerators, walls, etc.) literature, petitions or other materials at any time for any purpose without the prior approval of the Executive Director or his/her designee.

## VII. HOURS OF WORK, ATTENDANCE AND PUNCTUALITY

### A. Hours of Work

The normal work week for Etudes shall consist of five (5), eight (8) hour days. Ordinarily, work hours are from 8:00 a.m. - 5:00 p.m., Monday through Friday, with one hour (unpaid) lunch. Employees may request the opportunity to vary their work schedules (within employer-defined limits) to better accommodate personal responsibilities. Subject to work assignments and Executive Director's approval, the employee's supervisor shall determine the hours of employment that best suits the needs of the work to be done by the individual employee.

## B. Attendance and Punctuality

Attendance is a key factor in your job performance. Punctuality and regular attendance are expected of all employees. Excessive absences (whether excused or unexcused), tardiness or leaving early is unacceptable. If you are absent for any reason or plan to arrive late or leave early, you must notify your supervisor and the office manager as far in advance as possible and no later than one hour before the start of your scheduled work day. In the event of an emergency, you must notify your supervisor as soon as possible.

For all absences extending longer than one day, you must telephone your immediate supervisor prior to the start of each scheduled workday. When reporting an absence, you should indicate the nature of the problem causing your absence and your expected return-to-work date. A physician's statement may be required as proof of the need for any illness-related absence regardless of the length of the absence.

Except as provided in other policies, an employee who is absent from work for three consecutive days without notification to his or her supervisor or the Executive Director will be considered to have voluntarily terminated his or her employment. The employee's final paycheck will be mailed to the last mailing address on file with Etudes.

Excessive absences, tardiness or leaving early will be grounds for discipline, up to termination. Depending on the circumstances, including the employee's length of employment, Etudes may counsel employees prior to termination for excessive absences, tardiness or leaving early.

## C. Overtime

Overtime pay, which is applicable only to Non-Exempt Employees, is for any time worked in excess of 40 hours in a work week. Only the Executive Director or his or her designee, upon the request of an employee's supervisor, may authorize overtime. Overtime rate is one and one-half times (1½) the employee's straight time rate, except in instances involving a Sunday or holidays when the rate is two times the regular rate. Payment of overtime will be provided in the pay period following the period in which it is earned.

# VIII. EMPLOYMENT POLICIES AND PRACTICES

## A. Definition of Terms

1. **Employer.** The Etudes is the employer of all full-time, part-time and temporary employees. An employee is hired, provided compensation and applicable benefits, and has his or her work directed and evaluated by Etudes.
2. **Full-Time Employee.** A Full Time Employee regularly works at least 40 hours per week

3. Part-Time Employee. A Part Time Employee regularly works less than 40 hours per week but no less than 20 hours per week.
4. Exempt Employee. An Exempt Employee is an employee who is paid on a salary basis and meets the qualifications for exemption from the overtime requirements of the Fair Labor Standards Act ("FLSA").
5. Non-Exempt Employee. A Non-Exempt Employee is an employee who is paid an hourly rate and does not meet the qualifications for exemption from the overtime requirements of the Fair Labor Standards Act ("FLSA"). For Non-Exempt Employees, an accurate record of hours worked must be maintained. Etudes will compensate non-exempt employees in accordance with applicable federal and state law and regulations.
6. Temporary Employee. An individual employed, either on a full-time or part-time basis, for a specific period of time less than six months. Temporary employees are entitled only to those benefits required by statute or as otherwise stated in the *Etudes Employee Handbook*.

All employees are classified as Exempt or Non-Exempt in accordance with federal and state law and regulations. Each employee is notified at the time of hire of his or her specific compensation category and exempt or non-exempt status.

#### IX. POSITION DESCRIPTION AND SALARY ADMINISTRATION

Each position shall have a written job description. In general, the description will include the: purpose of the position, areas of responsibilities, immediate supervisor(s), qualifications required, salary range, and working conditions affecting the job, e.g., working hours, use of car, etc. The supervisor(s) or the Executive Director shall have discretion to modify the job description to meet the needs of Etudes.

Paychecks are distributed on the last day of each month, except when either of those days falls on a weekend or holiday, in which case paychecks will be distributed on the preceding workday. Timesheets are due to the Executive Director within five days of each pay period. All salary deductions are itemized and presented to employees with the paycheck. Approved salary deductions may include: federal and state income taxes; social security, Medicare, and state disability insurance; voluntary medical and group hospitalization insurance premiums (if in force and if paid by employee) and other benefits (e.g., life insurance, retirement).

#### X. WORK REVIEW

The work of each employee is reviewed on an ongoing basis with the supervisor to provide a systematic means of evaluating performance.

The annual performance review is a formal opportunity for the supervisor and employee to exchange ideas that will strengthen their working relationship, review the past year, and anticipate Etudes' needs in the coming year. The purpose of the review is to encourage the exchange of ideas in order to create positive change within Etudes. To that end, it is incumbent upon both parties to have an open and honest discussion about the employee's performance. It is further incumbent upon the supervisor to clearly communicate the needs of Etudes and what is expected of the employee in contributing to the success of Etudes for the coming year.

Both supervisor and employee should attempt to arrive at an understanding regarding the objectives for the coming year. This having been done, both parties should sign the performance review form, which will be kept as part of the employee's personnel record and used as a guide during the course of the year to monitor employee progress relative to the agreed upon objectives.

The Executive Director reviews the work of all lead staff. Work reviews for other staff are the responsibility of the appropriate supervisor, subject to confirmation by the Executive Director.

## XI. ECONOMIC BENEFITS AND INSURANCE

Etudes shall provide a competitive package of benefits to all eligible full-time and part-time employees. The following outline of available benefits is provided with the understanding that benefit plans may change from time to time, and the plan brochures or contracts are to be considered the final word on the terms and conditions of the employee benefits provided by Etudes. For eligibility requirements, refer to the Plan document for each benefit program. Continuation of any benefits after termination of employment will be solely at the employee's expense and only if permitted by policies and statutes. The Executive Director will determine levels of deductibility and co-payments for all insurance related benefits annually.

### A. Health/Life Insurance

Etudes currently provides individual health, vision, and dental insurance benefits for eligible full-time and part-time employees and eligible dependents, except those who are insured through their spouse, retired military, or other plans, beginning after the first full month of employment. Etudes provides life and accidental death and dismemberment insurance, and disability insurance. Etudes presently pays the individual insurance premium for all eligible employees. Etudes may require employees to pay a portion of insurance premium in the future. Information about Etudes plan(s) is provided to the employee at the time of hire.

### B. Social Security/Medicare/Medicaid

Etudes participates in the provisions of the Social Security, Medicare and Medicaid programs. Employees' contributions are deducted from each paycheck and Etudes contributes at the applicable wage base as established by federal law.

### C. Workers' Compensation and Unemployment Insurance

Employees are covered for benefits under the Workers' Compensation Law. Absences for which worker compensation benefits are provided are not charged against the eligible employee's sick leave. To assure proper protection for employees and Etudes, any accident that occurs on the job must be reported, even if there are no injuries apparent at the time. Forms for this purpose are available from Etudes.

### D. Retirement Plan

Etudes provides a retirement program for eligible full-time and part-time employees. Eligible employees may contribute to retirement plan at start of employment. Information about Etudes' retirement plan will be provided to the employee at the time of employment.

Etudes reserves the right to modify or terminate any employee benefits, at any time.

## XII. LEAVE BENEFITS AND OTHER WORK POLICIES

### A. Holidays

Full-Time Employees are eligible for 15 holidays per year as follows:

- Independence Day
- Cesar Chavez
- Labor Day
- Veteran's Day
- Thanksgiving Day
- The Day After Thanksgiving Day
- Christmas Eve
- Christmas Day
- The Day After Christmas Day
- New Year's Eve
- New Year's Day
- Martin Luther King, Jr. Day
- Lincoln' Day
- Washington's Day
- Memorial Day

*(See Appendix A for approved holiday calendar by the Etudes Board of Directors)*

Full-time employees (employees who regularly work at least 40 hours per week) receive one (1) paid day off for each full day of holiday time. Holiday benefits for Part-Time employees will be pro-rated in accordance with the hours regularly worked by the employee. Employees wishing to take religious holidays may substitute a religious holiday for one of those listed above, with advance approval from their supervisor and the Executive Director. Temporary employees are

ineligible for holiday leave benefits. In those years when Independence Day, Christmas Eve and Christmas Day, and New Year's Day fall on Saturday or Sunday, the Executive Director will designate the work day that will replace the weekend holiday.

## B. Vacation

During the first 90 days of employment full- and part-time employees will not earn Vacation benefits. During the remaining nine months of first year employment, a full-time employee will earn three weeks (15 days) of paid Vacation.

Full-time employees will earn four weeks (20 days) of Vacation during the second year of employment. In their third year of employment and thereafter, full-time employees will earn five weeks (25 days) of Vacation per year. Temporary employees are ineligible for Vacation.

Vacation benefits are prorated accordingly for Part-Time employees. Use of Vacation is subject to approval by the supervisor and Executive Director and must be requested in hourly increments, using the appropriate leave request form.

Employees are expected to use Vacation benefits in the fiscal year in which Vacation is earned. Employees may carry over unused Vacation from one year to the next only with the approval of the Executive Director. Employees may not accrue more than the maximum leave they are allowed. Once an employee reaches his or her annual ceiling, the employee ceases to accrue any additional Vacation benefits. If an employee later uses enough Vacation benefits to fall below the ceiling, the employee starts to accrue leave again from that date forward until he or she reaches his or her Vacation ceiling. Accordingly, employees are encouraged to use all Vacation benefits in the fiscal year in which they are earned in order to avoid reaching the ceiling limit.

## C. Sick Leave

Sick leave benefits are earned on a prorated basis of one day (8 hours) per month for full-time employees beginning at first day of employment. Part-time employees receive prorated sick leave benefits (i.e., 4 hours per month if the Employee works 20 hours per week). Temporary employees are not eligible for paid sick leave benefits. Use of sick leave is subject to approval by the supervisor and the Executive Director and must be requested in hourly increments.

Unused sick leave can accumulate from year to year up to a maximum of 30 days (240 hours) for full-time employees. This limitation on accrual of sick leave benefits is prorated accordingly for part-time employees. No sick leave benefits are paid upon separation of employment from Etudes for any reason. If an employee's illness or injury requires a consecutive absence of five (5) days or more, physician documentation will be required. Etudes also may recommend that the employee apply for state disability insurance (SDI). If the employee receives SDI and the compensation does not equal the employee's sick leave accruals, Etudes will make up the difference until all sick leave benefits are used.

#### D. Personal Leave

Etudes provides three (3) days of personal leave per calendar year to all Full-Time and Part-Time employees who have completed six months of employment. Personal leave benefits are prorated accordingly for part-time employees. Temporary employees are not eligible for paid personal leave benefits. Personal leave is accrued at the beginning of each year and cannot be carried into the next year. Personal leave may not be taken in the first six (6) months of employment. All personal leave is subject to prior approval by the supervisor and Executive Director and must be requested in hourly increments. No personal leave benefits are paid upon separation from employment with Etudes for any reason.

Requests for personal leave, sick leave and vacation are documented in Etudes' HR records during Payroll processing, approximately on the 25<sup>th</sup> day of each month. Leave time requested after the 25<sup>th</sup> of the month is reflected in the following month's HR / Payroll processes. Etudes provides Employees with a "Leave Time Summary Statement" on the first day of the month with the total leave time earned, type and dates of leave time taken and remaining balance.

#### E. Military Leave

Employees who are inducted into or enlist in the Armed Forces of the United States or are called to duty as a member of a reserve unit may take an unpaid leave in accordance with applicable law. The employee must provide advance notice of his or her need for a military leave and Etudes will request a copy of the employee's orders, which will be kept on record.

The time an employee spends on military leave will be counted as continuous service for the purpose of determining eligibility and accrual for various benefit plans and policies.

For military leaves extending 30 days or less, Etudes will continue to pay the portion of the premium on health insurance, if any, that it was paying before military leave began. In order to continue such health insurance, the employee must continue to pay his or her portion of premiums during this period. For military leaves extending beyond 30 days, the employee will have the option to continue his or her insurance coverage at the employee's cost.

Upon return from military leave, employees will be reinstated as required by law and benefits will be reinstated with no waiting periods.

#### F. Civic Responsibility

Etudes believes in the civic responsibility of its employees and encourages this by allowing employees time off to serve jury duty when required and to serve as nonpartisan Election Day poll workers when appropriate and approved.

1. *Jury Duty.* For time served on jury duty, Etudes will pay employees the difference between his or her salary and any amount paid by the government, unless prohibited by law, up to a maximum of ten days. If an employee is required to serve more than ten days of jury duty, Etudes will provide the employee with unpaid leave. Employees must provide Etudes a copy of proof of service received by court in which they serve.
  
2. *Election Day Poll Workers.* Etudes will pay employees the difference between his or her salary and any amount paid by the government or any other source, unless prohibited by law for serving as an Election Day worker at the polls on official election days (not to exceed two elections in one given calendar year). While performing their official nonpartisan duties at the polls, Election Day workers may not engage in political activity or campaign for or against any candidate or ballot measure. Etudes requires that employees provide proof of service for their time at the polls. Employees interested in using this benefit, must have written approval from the Executive Director 30 days before the election. The Executive Director will assure that the employee's absence will not seriously interfere with Etudes operations.

#### F. Parental Leave

Employees shall be entitled to certain unpaid parental leave. For purposes of this section only, the following definitions apply: (1) "parent" means the natural mother or father of a child; a person who has legal custody of a child or who acts as a guardian of a child regardless of whether he or she has been appointed legally as such; an aunt, uncle or grandparent of a child; or a spouse to the above individuals; (2) "school-related event" means an activity sponsored by either a school or an associated organization such as a parent-teacher association which involves the parent's child as a participant or subject, but not as a spectator, including a student performance, such as a concert, play or rehearsal, the sporting game of a school team or practice, a meeting with a teacher or counselor, or any similar type of activity.

A parent is entitled to a total of 24 hours of unpaid leave during any 12-month period to attend or participate in school-related events for his or her child. Etudes reserves the right, however, to deny such leave if such a leave would disrupt Etudes' operations. While parental leave is unpaid, employees may elect to use accrued vacation or personal leave.

If the need for parental leave is foreseeable, the employee must provide a written notice and request for parental leave at least 10 days prior to the event. If the employee's need for parental leave is not foreseeable 10 days prior to the event, the employee must provide a written notice and request for parental leave as soon as he or she learns of the need for such leave.

#### G. Bereavement Leave

Employees shall be entitled to bereavement leave with pay of five (5) days in the event of a death in the employee's immediate family (spouse/life partner, child or parent) and three (3) days for grandparent, sister or brother, father-in-law, mother-in-law, or grandchildren. If an employee wishes to take time off due to the death of an immediate family member, the employee should notify the Executive Director immediately. Approval of bereavement leave will occur in the absence of unusual operating requirements. An employee may use, with the Executive Director's approval, available paid leave for additional time off as necessary and in accordance with operating needs.

#### H. Extended Personal Leave

Employees who have been employed by Etudes for at least one year may apply for personal leaves of absence for up to eight weeks. Personal leaves are unpaid and are discretionary with the management of Etudes. When considering a request for a personal leave, Etudes will consider factors such as the employee's position, the employee's length of service, the employee's performance record including attendance, the purpose of the leave, the needs of the department in which the employee works, the effect of the leave on other employees, and Etudes' general business needs.

Personal leaves generally are unpaid. However, accrued vacation or personal time may be used to continue an employee's salary during the leave. Vacation and sick time will not continue to accrue during the leave of absence. Medical and life insurance benefits will continue on the same basis as if the employee were actively working.

Etudes cannot guarantee reinstatement upon return from a personal leave. Etudes will, however, make a reasonable effort to place the employee in an available position for which he or she is qualified. If such a position is not available, then the employee's employment will terminate. Even in that event, the employee may later apply for reemployment.

Employees who fail to report to work after an approved leave of absence are deemed to have voluntarily resigned. When an approved leave has been exhausted, the employee may request additional leave. The Executive Director must approve all unpaid leave.

#### I. Severe Nature or Weather Conditions

Etudes will follow a liberal leave policy when the federal government announces that liberal leave is applicable. Under Etudes' liberal leave policy, annual and/or personal leave may be taken without prior scheduling and approval if the employee is unable to reach the office due to severe nature or other disasters or weather conditions, such as earthquakes, floods, or fires.

#### J. Meetings and Conferences

Staff may be given limited time off by the Executive Director with pay to participate in educational and training opportunities related to the staff member's current or anticipated work

with Etudes. An employee serving as an official representative of Etudes at a conference or meeting is considered on official business and not on leave.

### XIII. REIMBURSEMENT OF EXPENSES

Reimbursement is authorized for reasonable and necessary expenses incurred in carrying out job responsibilities. Mileage or transportation, parking fees, business telephone calls, and meal costs when required to attend a luncheon or banquet, are all illustrative of reasonable and necessary expenses.

Employees serving in an official capacity for Etudes at conferences and meetings are reimbursed for actual and necessary expenses incurred, such as travel expenses, meal costs, lodging, tips and registration fees. When attending meetings that have been approved by the Executive Director, employees are reimbursed for travel expenses, course fees, and costs of meals and lodging at the current rates. Employees may also request a travel advance to cover anticipated expenses approved travel. Employees also may be granted leave to attend a conference or professional meeting related to their professional development, and/or Etudes' current and anticipated work. Expenses for these purposes can be paid by Etudes, if funds are available, and the employee obtains prior written approval of such expenses.

Employees are responsible for transportation costs between the office and home during normal work hours. Transportation costs are paid by Etudes for work outside normal work hours if the employee is on official business for Etudes. Employees authorized to use their personal cars for Etudes business are reimbursed at the U.S. Internal Revenue Service approved rate.

Forms are provided to request reimbursement for actual expenses and advance payment for travel. Receipts must be provided for all expenditures made in order to claim reimbursement.

### XIV. SEPARATION

Either Etudes or the employee may initiate separation. Etudes encourages employees to provide at least two weeks (10 days) written notice prior to intended separation. After receiving such notice, an exit interview will be scheduled by the Executive Director or his or her designee. The Executive Director has authority to employ or separate all other employees.

Circumstances under which separation may occur include:

1. Resignation. Employees are encouraged to give at least 10 business days of written notice. Since a longer period is desired, the intention to resign should be made known as far in advance as possible. Employees who resign are entitled to receive accrued, unused Vacation benefits.

2. Termination or Lay-off. Under certain circumstances, the termination or lay-off of an employee may be necessary. Employees who are terminated or laid off are entitled to receive accrued, unused Vacation benefits.

The Executive Director has authority to discharge an employee from the employ of Etudes. As stated above, all employment at Etudes is “at-will.” That means that employees may be terminated from employment with Etudes with or without cause, and employees are free to leave the employment of Etudes with or without cause.

Reasons for discharge may include, but are not limited to:

- Falsifying or withholding information on your employment application that did or would have affected Etudes’ decision to hire you (this conduct will result in your immediate termination);
- Falsifying or withholding information in other personnel records including personnel questionnaires, performance evaluations or any other records;
- Performance at work below a level acceptable to Etudes or the failure to perform assigned duties;
- Failure to complete required time records or falsification of such time records;
- Insubordination;
- Refusing to work reasonable overtime;
- Negligence in the performance of duties likely to cause or actually causing personal injury or property damage;
- Fighting, arguing or attempting to injure another;
- Destroying or willfully damaging the personal property of another, including Etudes’ property;
- Breach of confidentiality;
- Using or appearing to use for personal gain any information obtained on the job, which is not readily available to the general public or disclosing such information that damages the interests of Etudes or its customers or vendors;

- Placing oneself in a position in which personal interests and those of Etudes are or appear to be in conflict or might interfere with the ability of the employee to perform the job as well as possible;
- Using Etudes property or services for personal gain or taking, removing or disposing of Etudes material, supplies or equipment without proper authority;
- Gambling in any form on Etudes property;
- Dishonesty;
- Theft;
- The possession, use, sale or being under the influence of drugs or other controlled substances or alcoholic beverages during working hours or on the Etudes premises at any time in violation of Etudes' policies.
- Carrying or possessing firearms or weapons on Etudes property;
- Excessive tardiness or absenteeism whether excused or unexcused;
- Unauthorized absence from work without proper notice; and
- Engaging in discriminatory or abusive behavior, including sexual harassment.

At the sole discretion of the Executive Director, the employee may be asked to leave immediately or be given a period of notice.

#### XV. RETURN OF PROPERTY

Employees are responsible for Etudes equipment, property and work products that may be issued to them and/or are in their possession or control, including but not limited to:

- Credit cards,
- Office/building keys,
- Computers, computerized diskettes, electronic/voice mail codes, and
- Intellectual property (e.g., written materials, work products).
- Other property

In the event of separation from employment, or immediately upon request by the Executive Director or his or her designee, Employees must return all Etudes property that is in their possession or control. Where permitted by applicable law(s), Etudes may withhold from the

employee's final paycheck the cost of any property, including intellectual property, which is not returned when required. Etudes also may take any action deemed appropriate to recover or protect its property.

#### XVI. REVIEW OF PERSONNEL ACTION

Employees may request a review of a personnel action or an unsatisfactory performance review.

Employees are expected first to discuss their concern with their immediate supervisor. If further discussion is desired, the employee may then discuss the situation with the Executive Director. The decision of the Executive Director is final.

#### XVII. PERSONNEL RECORDS

Personnel records are the property of Etudes, and access to the information they contain is restricted and confidential. A personnel file shall be kept for each employee and should include the employee's job application, copy of the letter of employment and position description, performance reviews, disciplinary records, records of salary increases and any other relevant personnel information. It is the responsibility of each employee to promptly notify his/ or her supervisor in writing of any changes in personnel data, including personal mailing addresses, telephone numbers, names of dependents, and individuals to be contacted in the event of an emergency.

All employees must complete, within two days of the end of each pay period, their time and attendance record for review and approval by the Executive Director. Accurately recording time worked is the responsibility of every employee. Tampering, altering, or falsifying time or records, or recording time on another employee's time record may result in disciplinary action, including separation from employment with Etudes.

#### XVIII. OUTSIDE EMPLOYMENT

Individuals employed by Etudes may hold outside jobs as long as they meet the performance standards of their job with Etudes. Employees should consider the impact that outside employment may have on their ability to perform their duties at Etudes. All employees will be evaluated by the same performance standards and will be subject to Etudes scheduling demands, regardless of any outside work requirements.

If Etudes determines that an employee's outside work interferes with their job performance or their ability to meet the requirements of Etudes, as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain employed with Etudes.

Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals or organizations for materials produced or services rendered while performing their jobs with Etudes.

## XIX. NON-DISCLOSURE OF CONFIDENTIAL INFORMATION

Any information that an employee learns about Etudes, or its members or donors, as a result of working for Etudes that is not otherwise publicly available constitutes confidential information.

Employees may not disclose confidential information to anyone who is not employed by Etudes or to other persons employed by Etudes who do not need to know such information to assist in rendering services.

The protection of privileged and confidential information, including trade secrets, is vital to the interests and the success of Etudes. The disclosure, distribution, electronic transmission or copying of Etudes' confidential information is prohibited. Such information includes, but is not limited to the following examples:

- Compensation data.
- Program and financial information, including information related to donors, and pending projects and proposals.

Employees are required to sign a non-disclosure agreement as a condition of employment. Any employee who discloses confidential Etudes information will be subject to disciplinary action (including possible separation), even if he or she does not actually benefit from the disclosure of such information.

Discussions involving sensitive information should always be held in confidential settings to safeguard the confidentiality of the information. Conversations regarding confidential information generally should not be conducted on cellular phones, or in elevators, restrooms, restaurants, or other places where conversations might be overheard.

## XX. COMPUTER AND INFORMATION SECURITY

This section sets forth some important rules relating to the use of Etudes' computer and communications systems. These systems include individual PCs provided to employees, centralized computer equipment, all associated software, and Etudes' telephone, voice mail and electronic mail systems.

Etudes has provided these systems to support its mission. Although limited personal use of Etudes' systems is allowed, subject to the restrictions outlined below, no use of these systems should ever conflict with the primary purpose for which they have been provided, Etudes' ethical responsibilities or with applicable laws and regulations. Each user is personally responsible to ensure that these guidelines are followed.

All data in Etudes' computer and communication systems (including documents, other electronic files, e-mail and recorded voice mail messages) are the property of Etudes. Etudes may inspect and monitor such data at any time. No individual should have any expectation of privacy for messages or other data recorded in Etudes' systems. This includes documents or

messages marked “private,” which may be inaccessible to most users but remain available to Etudes. Likewise, the deletion of a document or message may not prevent access to the item or completely eliminate the item from the system.

Etudes’ systems must not be used to create or transmit material that is derogatory, defamatory, obscene or offensive, such as slurs, epithets or anything that might be construed as harassment or disparagement based on race, color, national origin, sex, sexual orientation, age, physical or mental disability, medical condition, marital status, or religious or political beliefs. Similarly, Etudes’ systems must not be used to solicit or proselytize others for commercial purposes, causes, outside organizations, chain messages or other non-job-related purposes.

Security procedures in the form of unique user sign-on identification and passwords have been provided to control access to Etudes’ host computer system, networks and voice mail system. In addition, security facilities have been provided to restrict access to certain documents and files for the purpose of safeguarding information. The following activities, which present security risks, should be avoided.

- Attempts should not be made to bypass, or render ineffective, security facilities provided by the company.
- Individual passwords should not be shared between users. If written down, passwords should be kept in locked drawers or other places not easily accessible.
- Document libraries of other users should not be browsed unless there is a legitimate business reason to do so.
- Individual users should never make changes or modifications to hardware or software configuration of computer equipment unless authorized. Requests for such configuration changes should be authorized by the Executive Director.
- Additions to or modifications of the standard software configuration provided on Etudes’ personal computers should never be attempted by individual staff (e.g., config files). Requests for computer support should be formally requested.
- Individual users should never load personal software to company computers.
- Programs should never be downloaded from bulletin board systems or copied from other computers outside the company onto company computers. Downloading or copying such programs also risks the introduction of a computer virus. If there is a need for such programs, a request for assistance should be directed to management. Downloading or copying documents from outside the company may be performed not to present a security risk.

- Etudes' computer facilities should not be used to attempt unauthorized access to or use of other organizations' computer systems and data.
- Unlicensed software should not be loaded or executed on Etudes' PCs.
- Company software (whether developed internally or licensed) should not be copied other than for the purpose of backing up data from one's hard drive. Software documentation for programs developed and/or licensed by the company should not be removed from the company's computers and servers.
- Individual users should not change the location or installation of computer equipment in offices and work areas.

There are a number of practices that individual users should adopt that will foster a higher level of security. Among them are the following:

- Turn off your personal computer when you are leaving your work area or office for an extended period of time.
- Exercise judgment in assigning an appropriate level of security to documents stored on the company's networks, based on the need for confidentiality or privacy. Check important documents into the Company's repository.
- Remove previously written information from storage media before copying documents on such storage cards or disks for delivery outside Etudes.
- Back up any information stored locally on your personal computer (other than network based software and documents) on a frequent and regular basis.

Should you have any questions about any of the above policy guidelines, please contact the Executive Director.

## XXI. INTERNET ACCEPTABLE USE POLICY

Etudes provides access to the Internet for authorized full-time employees to accomplish their job duties and responsibilities and support its mission. No use of the Internet should conflict with the primary purpose of Etudes, its ethical responsibilities or with applicable laws and regulations. Each user is personally responsible to ensure that these guidelines are followed. Serious repercussions, including termination, may result if the guidelines are not followed.

Etudes' connection to the Internet may not be used for any of the following activities:

- Company computers must not be used to access the internet and create, transmit, print or download material that is derogatory, defamatory, obscene, or offensive, such as slurs, epithets, or anything that may be construed as harassment or disparagement based on race, color, national origin, sex, sexual orientation, age, disability, medical condition, marital status, or religious or political beliefs.
- Company computers must not be used to access the internet and send, receive or solicit sexually-oriented messages or images.
- Downloading or disseminating of copyrighted material that is available on the Internet is an infringement of copyright law. Permission to copy the material must be obtained from the publisher.
- Without prior approval of the Executive Director, software should not be downloaded from the Internet as the download could introduce a computer virus onto Etudes' computer equipment. In addition, copyright laws may cover the software so the downloading could be an infringement of copyright law.
- Employees should safeguard against using the Internet to transmit personal comments or statements through e-mail or to post information to news groups that may be mistaken as the position of Etudes.
- Employees should guard against the disclosure of confidential information through the use of Internet e-mail or news groups.
- Employees should not download personal e-mail to Etudes computers. Employees are advised use a different account for personal communication.
- Company computers and email accounts should not be used to send or participate in chain letters, pyramid schemes or other illegal schemes.
- Company computers and email accounts should not be used to solicit or proselytize others for commercial purposes, causes, outside organizations, chain messages or other non-job related purposes.
- The Internet should not be used to endorse political candidates or campaigns

If you have any questions regarding any of the policy guidelines listed above, please contact your supervisor, or the Executive Director.

This policy was ratified by the Etudes Board of Directors on *Wednesday, June 25, 2008*. Last revisions to the Handbook were approved by the Board on *Friday, October 23, 2009*. Last revision on *Friday, October 23, 2009*.

A handwritten signature in black ink, appearing to read "Chuck", followed by a horizontal line extending to the right.

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Chuck Severance, Secretary  
Etudes Board of Directors

## APPENDICES

A. Holiday Schedule

The Etudes holiday schedule for **2008-2009** is as follows:

1. Friday July 4, 2008 Independence Day
2. Friday August 29, 2008 Cesar Chavez
3. Monday September 1, 2008 Labor Day
4. Monday November 10, 2008 Veteran's Day
5. Thursday November 27, 2008 Thanksgiving
6. Friday November 28, 2008 The Day After Thanksgiving
7. Wednesday December 24, 2008 Christmas Eve
8. Thursday December 25, 2008 Christmas Day
9. Friday December 26, 2008 The Day After Christmas Day
10. Wednesday December 31, 2008 New Year's Eve
11. Thursday January 1, 2009 New Year's Day
12. Monday January 19, 2009 Martin Luther King, Jr. Day
13. Friday February 13, 2009 Lincoln's Day
14. Monday February 16, 2009 Washington's Day
15. Monday May 25, 2009 Memorial Day

The Etudes holiday schedule for **2009-2010** is as follows:

1. Friday July 3, 2009 Independence Day
2. Friday September 4, 2009 Cesar Chavez
3. Monday September 7, 2009 Labor Day
4. Friday November 13, 2009 Veteran's Day
5. Thursday November 26, 2009 Thanksgiving
6. Friday November 27, 2009 The Day After Thanksgiving
7. Thursday December 24, 2009 Christmas Eve
8. Friday December 25, 2009 Christmas Day
9. Monday December 28, 2009 The Day After Christmas Day
10. Thursday December 31, 2009 New Year's Eve
11. Friday January 1, 2010 New Year's Day
12. Monday January 18, 2010 Martin Luther King, Jr. Day
13. Friday February 12, 2010 Lincoln's Day
14. Monday February 15, 2010 Washington's Day
15. Monday May 31, 2010 Memorial Day