

Employee Handbook

Vivalon

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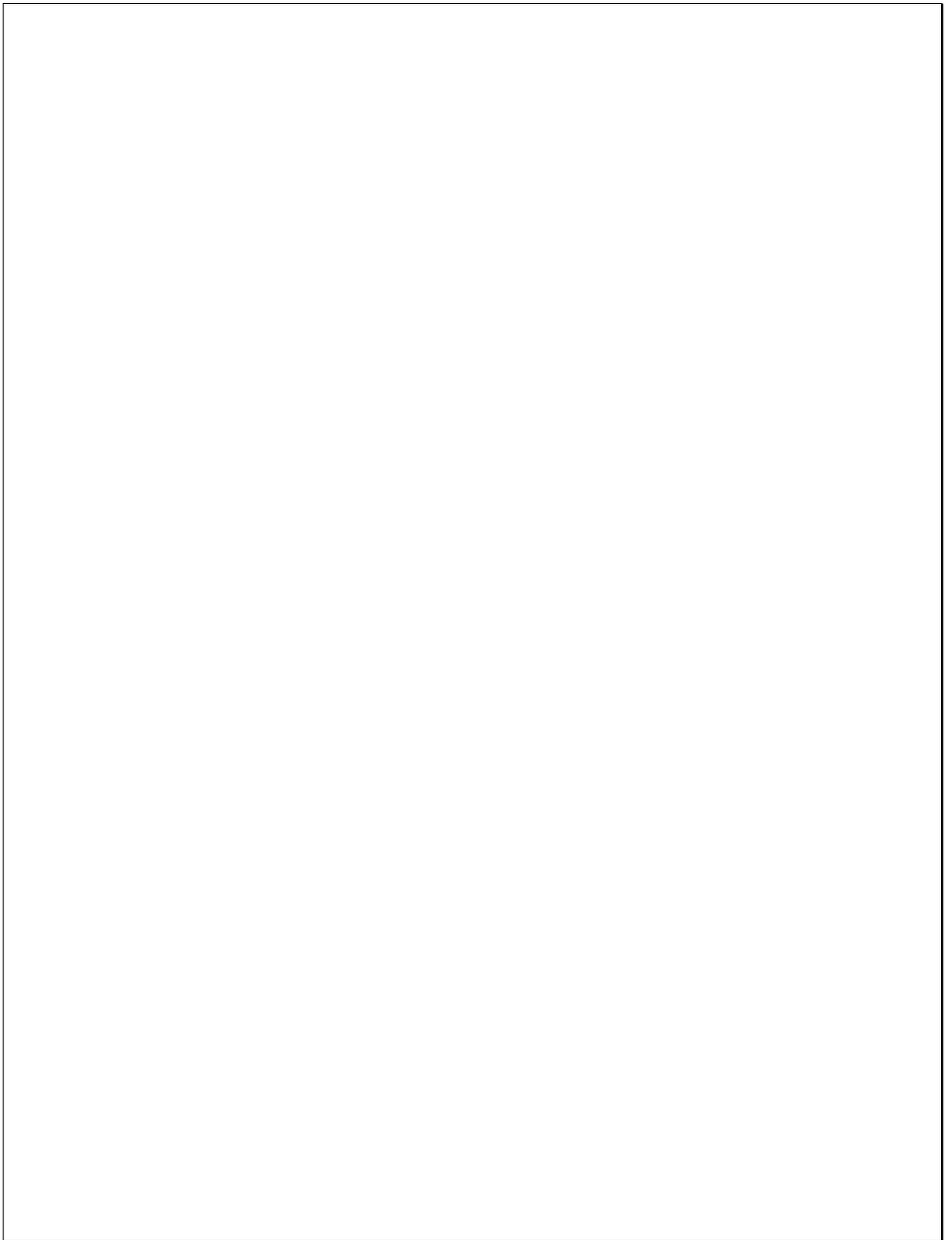


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WORKPLACE COMMITMENTS

WORKPLACE COMMITMENTS

The information in this section contains some of the most important policies and practices that relate to your employment relationship with Marin Senior Coordinating Council (“Vivalon”)

OUR SHARED VALUES

Our shared values were developed by Vivalon employees to guide us as we work together in service of our mission. We ask all our employees to use these values as touchstones in all aspects of our operations.

TEAMWORK

We believe passionately in the strength of our team. We achieve our goals through shared ideas, fostered by open communication, trust, and cooperation.

SERVICE

We are connected with our clients, both external and internal. We strive to understand their needs, and we search for ways to provide solutions in new and better ways. We provide safe and secure services that our clients can trust.

INTEGRITY

We conduct our business with uncompromising integrity. We are open and honest. We say what we mean and mean what we say in all external and internal dealings.

RESPECT

Our service is conducted with respect for the value of each individual. We strive to be fair and compassionate as well as professional, courteous and kind with our clients and with each other.

COMMUNICATION

Our success depends on listening to each other and communicating openly and honestly. Our communication is intended to be clear, honest, timely, accurate, and polite.

ACCOUNTABILITY

We are empowered by accepting responsibility for our actions and our results. We set measurable goals to help us achieve positive performance. We do what we say we are going to do; we follow-up and follow-through on our commitments.

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OPEN DOOR POLICY

Marin Senior Coordinating Council (“Vivalon”) wishes to foster and preserve a positive work environment characterized by open and honest communication.

Suggestions for improving Vivalon are always welcome. At some time, you may have a complaint, suggestion, or question about your job, your working conditions, or the treatment you are receiving. Your good-faith complaints, questions, and suggestions are encouraged at Vivalon.

You are invited to see your immediate supervisor with questions or problems relating to your job. Your supervisor will research and provide a solution or explanation. Your supervisor’s response may involve getting the aid of other resource persons.

You can also request a meeting with the Director of Human Resources and/or any other member of the management team, including the Chief Executive Officer. This policy, which we believe is important for both you and Vivalon, cannot guarantee that every problem will be resolved to your satisfaction. However, Vivalon values your observations and you should feel free to raise issues of concern, in good faith, without the fear of retaliation.

Vivalon considers it a high priority to be available to all employees whenever possible in order to foster this open door policy.

AT-WILL EMPLOYMENT RELATIONSHIP

Employment in California is presumed to be terminable “at-will”. This presumption is codified in Labor Code 2922, which states: “An employment, having no specified term, may be terminated at the will of either party on notice to the other.”

Marin Senior Coordinating Council (“Vivalon”) personnel are employed on an at-will basis. Employment at-will means that the employment relationship may be terminated, with or without cause and with or without advance notice at any time by the employee or Vivalon. Nothing in this handbook shall limit the right to terminate at-will employment. No manager, supervisor, or employee of Vivalon has any authority to enter into an agreement for employment for any specified period of time or to make an agreement for employment on other than at-will terms. Only the CEO of Marin Senior Coordinating Council (“Vivalon”) has the authority to make any such agreement, which is binding only if it is in writing.

INTRODUCTORY PERIOD FOR NEW HIRES

The first three months of continuous employment at Marin Senior Coordinating Council (“Vivalon”) is considered an introductory period. During this time you will learn your responsibilities, get acquainted with fellow employees and with the Organization. The introductory period also applies when an employee assumes a new position. Vivalon may extend the introductory period for any employee who is absent during this period or for any other reason.

Completion of the introductory period does not entitle you to remain employed by Vivalon for any definite period of time. Your status as an at-will employee does not change—the employment

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relationship may be terminated with or without cause and with or without advance notice, at any time by you or the Organization.

During the introductory period, your supervisor will explain your job responsibilities and the performance standards expected of you. Be aware that your job responsibilities may change at any time during your employment. From time to time, you may be asked to work on special projects, or to assist with other work necessary or important to the operation of your department or Vivalon. Your cooperation and assistance in performing such additional work is expected.

Vivalon reserves the right, at any time, with or without notice, to alter or change job responsibilities, reassign or transfer job positions, or assign additional job responsibilities.

EQUAL OPPORTUNITY EMPLOYER

Marin Senior Coordinating Council (“Vivalon”) is an equal opportunity employer and makes employment decisions on the basis of merit. We want to have the best available persons in every job. Vivalon policy prohibits unlawful discrimination against applicants or employees based on the following legally protected characteristics: race, color, creed, gender, gender identity, gender expression, religion, marital status, registered domestic partner status, age, national origin or ancestry, pregnancy (including childbirth and related medical conditions), physical or mental disability, medical condition, sexual orientation or identity, genetic information (including testing and characteristics), or any other consideration made unlawful by federal, state, or local laws. It also prohibits unlawful discrimination based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. All such discrimination is unlawful. Vivalon is committed to compliance with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in Vivalon operations and prohibits unlawful discrimination by any employee of Vivalon including supervisors and coworkers.

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

Any applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact a Vivalon representative with day-to-day personnel responsibilities and request such an accommodation. The individual with the disability should specify what accommodation he or she needs to perform the job or what barriers or limitations make it difficult to perform the job. Vivalon then will conduct an investigation to identify the barriers or limitations that interfere with the equal opportunity of the applicant or employee to perform his or her job. Vivalon will identify possible accommodations, if any, that will help eliminate the limitation. If the accommodation is reasonable and will not impose an undue hardship and/or a direct threat to the health and/or safety of the individual or others, Vivalon will make the accommodation. The Organization may also propose an alternative accommodation(s). The Organization will also make

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reasonable accommodations for conditions related to pregnancy, childbirth or related medical conditions, if requested with the advice of the employee's health care provider, as required by law.

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

If Vivalon determines that unlawful discrimination has occurred, any employee determined by Vivalon to be responsible for harassment or other prohibited conduct will be subject to appropriate disciplinary action, up to, and including termination. Additionally, appropriate action will be taken to deter any future discrimination. Vivalon will not retaliate against you for filing a complaint and will not knowingly permit retaliation by management employees or your coworkers.

ANTI-HARASSMENT

Marin Senior Coordinating Council ("Vivalon") is committed to providing a work environment free of harassment, disrespectful or other unprofessional conduct. Vivalon's policy prohibits conduct that is disrespectful or unprofessional, as well as harassment based on the following legally protected characteristics: race, color, creed, gender, gender identity, gender expression, religion, marital status, registered domestic partner status, age, national origin or ancestry, pregnancy (including childbirth and related medical conditions), physical or mental disability, medical condition, sexual orientation or identity, genetic information (including testing and characteristics), or any other consideration made unlawful by federal, state, or local laws. Vivalon's anti-harassment policy applies to all persons involved in the operation of Vivalon and prohibits harassment, disrespectful or unprofessional conduct by any employee of Vivalon, including supervisors and managers, as well as vendors, clients, independent contractors and any other persons. It also prohibits unlawful harassment based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics.

Prohibited harassment, disrespectful or unprofessional conduct includes, but is not limited to, the following behavior:

- Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;
- Visual displays such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings or gestures, emails or websites;
- Physical conduct including assault, unwanted touching, intentionally blocking normal movement or interfering with work because of sex, race or any other protected basis;
- Unwanted sexual advances;
- Offering employment benefits in exchange for sexual favors;
- Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss and offers of employment benefits in return for sexual favors;

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- Retaliation for reporting or threatening to report harassment; and
- Communication via electronic media of any type that includes any conduct that is prohibited by state and/or federal law, or by Organization policy.

PROHIBITED SEXUAL HARASSMENT POLICY

Federal law defines sexual harassment as unwanted sexual advances, requests for sexual favors or visual, verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made a term or condition of employment; or (2) submission to or rejection of such conduct is used as basis for employment decisions affecting the individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment.

It is unlawful for males to sexually harass females or other males, and for females to sexually harass males or other females. Sexual harassment on the job is unlawful whether it involves coworker harassment, harassment by a supervisor or manager, or by persons, including customers or clients, doing business with or for the Organization.

EMPLOYEE OBLIGATIONS

If you believe that you have been the subject of harassment or other prohibited conduct, bring your complaint to your own or any other Vivalon supervisor, the CEO or Director of Human Resources as soon as possible after the incident. You will be asked to provide details of the incident or incidents, names of individuals involved and names of any witnesses. It would be best to communicate your complaint in writing, but this is not mandatory. Supervisors will refer all complaints involving harassment or other prohibited conduct to the Director of Human Resources, investigative officer or the CEO. Vivalon will undertake a timely, effective, thorough and objective investigation of the allegations. Confidentiality will be kept by the employer to the extent possible but it should be noted that the investigation may not be able to be completely confidential.

If Vivalon determines that harassment or other prohibited conduct has occurred, any employee determined by Vivalon to be responsible for harassment or other prohibited conduct will be subject to appropriate disciplinary action, up to, and including termination. A Vivalon representative will advise all parties concerned of the results of the investigation. Vivalon will not retaliate against you for filing a complaint and will not tolerate or permit retaliation by management, employees or co-workers. Any employee who engages in acts of retaliation will be subject to appropriate disciplinary action, up to, and including termination.

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

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WORKPLACE VIOLENCE

Marin Senior Coordinating Council (“Vivalon”) has adopted the following workplace violence policy to ensure a safe working environment for all employees

Vivalon has a zero tolerance for acts of violence and threats of violence. Without exception, acts and threats of violence are not permitted. All such acts and threats, even those made in apparent jest, will be taken seriously, and will lead to discipline up to and including termination.

Possession of weapons on Vivalon premises and at Vivalon-sponsored events shall constitute a threat of violence.

It is every employee’s responsibility to assist in establishing and maintaining a violence-free work environment. Therefore, each employee is expected and encouraged to report any incident which may be threatening to you or your co-workers or any event which you reasonably believe is threatening or violent. You may report an incident to any supervisor or manager.

A threat includes, but is not limited to, any indication of intent to harm a person or damage company property. Threats may be direct or indirect, and they may be communicated verbally or nonverbally. The following are examples of threats and acts that shall be considered violent – this list is in no way all-inclusive:

Example	Type of Threat
Saying, “Do you want to see your next birthday?”	Indirect
Writing, “Employees who kill their supervisors have the right idea.”	Indirect
Saying, “I’m going to punch your lights out.”	Direct
Making a hitting motion or obscene gesture	Nonverbal
Displaying weapons	Extreme
Stalking or otherwise forcing undue attention on someone, whether romantic or hostile	Extreme
Taking actions likely to cause bodily harm or property damage	Acts of violence

WORKPLACE COMMITMENTS

DRUG AND ALCOHOL ABUSE

Marin Senior Coordinating Council (“Vivalon”) is a Drug Free Workplace and is committed to maintaining a safe and healthy work environment. Vivalon is concerned about the use of alcohol, illegal drugs, or controlled substances as it affects the workplace. The use or possession of these substances on the job constitutes a potential danger to the welfare and safety of other employees and our clients and exposes Vivalon to the risks of property loss or damage, or injury to other persons.

Furthermore, the use of prescription drugs and/or over-the-counter drugs also may affect an employee’s job performance and may seriously impair the employee’s ability to safely and productively perform their job.

The following rules and standards of conduct apply to all employees either on company property or during the workday (including meals and rest periods). Behavior that violates Organization policy includes:

- Possession or use of an illegal or controlled substance, or being under the influence of an illegal or controlled substance while on the job;
- Driving an Organization vehicle while under the influence of alcohol or an illegal or substance; and
- Distribution, sale, or purchase of an illegal or controlled substance while on the job.

Violation of these rules and standards of conduct will not be tolerated and will result in immediate disciplinary action up to and including termination. Vivalon also may bring the matter to the attention of appropriate law enforcement authorities.

In order to enforce this policy, Vivalon reserves the right to conduct searches of company property or employees and/or their personal property, and to implement other measures necessary to deter and detect abuse of this policy.

An employee’s conviction on a charge of illegal sale or possession of any controlled substance while off company property will not be tolerated because such conduct, even though off duty, reflects adversely on Vivalon. In addition, Vivalon must keep people who sell or possess controlled substances off Organization premises in order to keep the controlled substances themselves off the premises.

Any employee who is using prescription or over-the-counter drugs that may impair the employee’s ability to safely perform the job, or affect the safety or well-being of others, must notify a supervisor of such use immediately before starting or resuming work.

Safety sensitive employees sign a document which indicates an understanding of the substance abuse policy as well as agreeing to participate in the FTA Drug and Alcohol Testing Program.

Vivalon has employees trained to detect behaviors that suggest substance abuse. Upon reasonable suspicion, employees may be required to be tested for substance abuse when it appears that the employee’s work performance or on-the-job behavior is being affected in any way by drugs or alcohol, or when in Vivalon’s judgment and employee may have contributed to an accident involving bodily injury or damage to property.

WORKPLACE COMMITMENTS

Vivalon may encourage and reasonably accommodate employees with alcohol or drug dependencies to seek treatment and/or rehabilitation. Employees desiring such assistance should request a treatment or rehabilitation leave. Vivalon is not obligated, however, to provide such leave or continue to employ any person whose performance of essential job duties is impaired because of drug or alcohol use, nor is Vivalon obligated to re-employ any person who has participated in treatment and/or rehabilitation if that person's job performance remains impaired as a result of dependency. Additionally, employees who are given the opportunity to seek treatment and/or rehabilitation, but fail to successfully overcome their dependency or problem, will not automatically be given a second opportunity to seek treatment and/or rehabilitation. This policy on treatment and rehabilitation is not intended to affect Vivalon's treatment of employees who violate the regulations described previously. Rather, rehabilitation is an option for an employee who acknowledges a chemical dependency and voluntarily seeks treatment to end that dependency.

BUSINESS CONDUCT AND ETHICS

No employee may accept a gift or gratuity from any customer, vendor, supplier, or other person doing business with Vivalon because doing so may be in direct conflict with our contractual agreements and may also give the appearance of influencing business decisions, transactions or service. Please discuss any such activities with your supervisor.

WHISTLEBLOWER PROTECTION

We require our directors, employees and volunteers to practice the highest levels of business and personal ethics when conducting their duties and responsibilities. This means that employees and other representatives of our organization must practice honesty and integrity in their job duties and comply with all applicable laws and regulations. The objectives of this Whistleblower Policy are to communicate procedures for:

- The submission of concerns regarding questionable accounting or auditing matters by employees, directors, officers or any other interested party, on a confidential and anonymous basis.
- The receipt, retention, and treatment of complaints received by our organization regarding accounting, internal controls, or auditing matters.
- The protection of reporters from retaliatory actions.

HOW TO REPORT / HANDLING OF THE REPORTED CONCERN

An employee or other representative of our organization may choose to report a concern to a supervisor, a manager, Human Resources, the CEO, a board member or the Board Chair, as appropriate.

After a report of concern is made, it should be immediately conveyed to the CEO or Human Resources. The reporting employee will receive acknowledgement of receipt of the concern. The Board Chair will be informed as appropriate. It is not required to notify any individual who may be directly involved with the concern.

WORKPLACE COMMITMENTS

All reports will be promptly investigated and appropriate corrective action will be taken, if warranted by the investigation. In addition, action taken must include a conclusion and/or follow-up with the complainant for complete closure of the concern. The investigation, corrective action, and conclusion shall be documented in a written summary and preserved.

The Board of Directors has the authority to retain outside legal counsel, accountants, private investigators, or any other resource deemed necessary to conduct a full and complete investigation of the allegations.

CONFIDENTIALITY

Reports of concerns and investigations pertaining thereto shall be kept confidential to the extent possible. However, the reporter's identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to assure accused individuals their legal rights to defend.

NO RETALIATION

This Whistleblower Policy is intended to encourage and enable directors, employees and volunteers to raise concerns within our organization for investigation and appropriate action. With this goal in mind, no director, employee or volunteer who, in good faith, reports a concern shall be subject to retaliation or adverse employment action. Any person who so retaliates will be subject to disciplinary action, including termination.

Likewise, an individual who reports a concern who is not acting in good faith, does not have reasonable grounds for believing the information disclosed indicates an improper accounting or auditing practice, or who makes unsubstantiated allegations that prove to have been made maliciously, recklessly, or with the foreknowledge that the allegations are false, may be subject to disciplinary action, including termination.

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HANDBOOK RIGHT TO REVISE

This employee handbook contains the employment policies and practices of Marin Senior Coordinating Council (“Vivalon”) in effect at the time of publication. All previously issued handbooks and any inconsistent policy statements or memoranda are superseded.

Vivalon reserves the right to revise, modify, delete, or add to any and all policies, procedures, work rules, or benefits stated in this handbook or in any other document, except for the policy of at-will employment. Any changes to the at-will agreement must be in writing and must be signed by the CEO of Vivalon.

Any written changes to this handbook will be distributed to all employees so that employees will be aware of the new policies or procedures. No oral statements or representations can in any way alter the provisions of this handbook.

This handbook sets forth the entire agreement between you and Vivalon as to the duration of employment and the circumstances under which employment may be terminated. Nothing in this employee handbook or in any other personnel document, including benefit plan descriptions, creates or is intended to create a promise or representation of continued employment for any employee.

GENERAL POLICIES AND PRACTICES

GENERAL POLICIES AND PRACTICES

CELL PHONE ALLOWANCE POLICY

Based on job responsibilities, eligible employees may qualify for a non-taxable allowance toward the business use of personal cell phones. In most cases, recipients of the allowance will be required to use their own mobile communication device (also referred to as a cell phone) and service contract. The Finance & Human Resources departments are responsible for determining the eligibility of an employee to receive a cell phone allowance based on job responsibilities. Please contact your manager for more information. You may also contact the Finance or Human Resource's department. Additional information is available in the Accounting Policy & Procedure Manual.

Employees are expected to follow company policy regarding personal calls. Unless otherwise authorized and or approved for business purposes, personal cell phones (even for employees eligible for a reimbursement) are to be used on breaks.

EMPLOYEE PROPERTY

Vivalon reserves the right to inspect and/or search all Vivalon property, as well as any employee's personal property, including but not limited to lockers, packages, purses, and backpacks, to ensure compliance with all Vivalon policies. Inspection and / or search may relate to intoxicating liquor, controlled or illegal substances, or any other substances which impair job performance. Refusal to submit to any such inspection or refusal to cooperate in any investigation will subject employees to disciplinary action up to and including immediate suspension or discharge.

EMPLOYMENT CATEGORIES

To determine eligibility for benefits and ensure compliance with state and federal payroll regulations, we classify employees into the following categories:

- *Exempt Employees:* Full- or part-time employees who are exempt from the overtime provisions of the Federal Labor Standards Act and California law. Exempt employees are paid an annual salary in bi-weekly installments.
- *Non-Exempt Employees:* Full- or part-time employees who are covered by the overtime provisions of the Federal Fair Labor Standards Act and California law. Non-exempt employees are paid based on an hourly rate, bi-weekly, and are eligible for overtime pay.
- *Regular Employees:* Regular employees are those who are hired to work on a regular schedule. Regular employees may be classified as full-time or part-time.

GENERAL POLICIES AND PRACTICES

- *Full-Time Employees:* Regular full-time employees are those who are generally scheduled for and do work 30 to 40 hours per week. In transportation, schedules may vary depending on demand. Following the completion of the designated waiting periods, regular full-time employees are eligible for the employee benefits.
- *Part-Time Employees:* Regular, part-time employees are those who are generally scheduled for and regularly work 20-29 hours per week are eligible for employee benefits (PTO, holiday) on a prorated basis.
- *Minimal Part-Time Employees:* Minimal, part-time employees are those who are generally scheduled for and work fewer than 20 hours per week and are not eligible for employee benefits such as group insurance or Paid Time Off (PTO).
- *Temporary Employees:* Temporary, on-call or occasional / seasonal employees are those employed for short-term assignments, usually during peak demand periods. Short-term assignments generally are periods of three months or fewer; however, such assignments may be extended. Temporary employees are not eligible for employee benefits except those mandated by applicable law.
- *Inactive Status:* Employees who are on any type of leave of absence, work-related or non-work-related, that exceeds any protected state or federal leave of absence will be placed on inactive status. Unless health benefits extension is covered by state or federal law, benefits will terminate according to our insurance carrier's policy. Contact Human Resources for more information.

EMPLOYMENT ELIGIBILITY

Vivalon is committed to full compliance with federal immigration laws. These laws require that we hire only United States citizens and those non-citizens eligible to work in the United States. All new employees must provide verification of their identity and legal authority to work in the United States at the onset of employment.

Upon hire, you will receive an Employment Verification (I-9) form. Please complete this form and return it with your identification to Human Resources as soon as possible and under no circumstances more than three business days after your start date.

EMPLOYMENT OF RELATIVES

Marin Senior Coordinating Council ("Vivalon") may refuse to hire relatives or people in close personal relationship with employees if doing so could result in actual or potential problems in supervision, security, safety, or morale, or if doing so could create potential conflicts of interest. Vivalon defines "relatives" as spouses, registered domestic partners, children, siblings, parents, in-laws, and step-relatives. Vivalon defines "close personal relationship" as any relationship in which the level of intimacy could result in the actual or potential problems described above.

If two employees enter into a relationship, causing actual or potential problems such as those described above, only one of the employees will be retained with Vivalon, unless one of the employees is eligible to

GENERAL POLICIES AND PRACTICES

transfer to a new position. The employees will have 30 days to decide which person will stay with Vivalon. If this decision is not made within the time allowed, the Human Resources Director or the Chief Executive Officer will make the decision, taking the employment history and job performance of both employees into account.

LACTATION ACCOMMODATION

The Organization will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's child. Employees needing breaks for lactation purposes may use ordinary paid rest breaks or may take other reasonable break time when needed. The lactation break time, if possible, should run concurrently with scheduled rest breaks and meal periods already provided to the employee. If the lactation break time cannot run concurrently with rest and meal periods already provided or additional time is needed for the employee, the lactation break time will be unpaid for nonexempt employees unless otherwise required by applicable law. Where unpaid breaks or additional time are required, the employee should work with her supervisor regarding scheduling and reporting the extra break time as unpaid.

Because exempt employees receive their full salary during weeks in which they work and they are not normally required to identify break and meal times, all exempt employees who need lactation accommodation breaks do not need to report any extra break time as "unpaid."

The Organization will provide employees with the use of a room or a private area, other than a bathroom or toilet stall, that is shielded from view and free from intrusion from coworkers and the public. The Organization will make a reasonable effort to identify a location within close proximity to the work area for the employee to express milk. This location may be the employee's private office, if applicable.

Employees should discuss with Human Resources the location for storage of expressed milk. Employees may also provide their own portable small storage unit or cooler for keeping expressed breast milk cold.

Please be sure to contact the Human Resources Department during your pregnancy or before you return to work to identify your need for a lactation area.

MEDIA RELATIONS

The news media may approach you for interviews or comments. Only individuals designated by the CEO of Vivalon may comment to the news media on behalf of the Company regarding policies or events. If you are contacted by the news media, refer the person seeking information to the CEO of Vivalon. This policy will not be construed or applied in a manner that prohibits discussion or comment regarding working conditions or the terms and conditions of employment, or otherwise interferes with your rights under Section 7 of the National Labor Relations Act.

If you wish to write or publish an article, paper, or other publication on behalf of Vivalon, you must first obtain approval from the CEO.

GENERAL POLICIES AND PRACTICES

PERFORMANCE EVALUATIONS

Each employee shall receive an evaluation of his or her performance on a regular basis. Performance evaluations may be based on several factors including performance toward specific goals as set by the Vivalon and your supervisor, the quality and quantity of the work you perform, your knowledge of the job, your initiative, your work attitude, and your attitude toward others. The performance evaluations are intended to make you aware of your progress, areas for improvement, and objectives or goals for future work performance. Favorable performance evaluations do not guarantee increases in salary or promotions. Salary increases and promotions are solely within the discretion of Vivalon and depend upon many factors in addition to performance including general economic conditions, organizational performance, and industry and labor market conditions.

After the performance evaluation, you will be required to sign the evaluation report simply to acknowledge that it has been presented to you, that you have discussed it with your supervisor, and that you are aware of its contents. The frequency of performance evaluations may vary depending upon length of service, job position, past performance, changes in job duties, or recurring performance problems.

PERSONNEL RECORDS

You may request a review of your personnel file. The review must take place during regular business hours and every effort will be made to respond to your request promptly. Please make your request a minimum of two days in advance. The review must take place in the presence of Human Resources at a mutually convenient time. You are entitled to a copy of any document that you signed. You will not be able to copy any other documents in your personnel file, but you may take notes. Access to personnel files is limited—you may review only your file, and you may not have others present, whether employees or nonemployees. You may add comments to any disputed item in the file, but nothing can be removed from personnel files. Vivalon will restrict disclosure of your personnel file to authorized individuals within the Organization. Any request for information contained in personnel files must be directed to Human Resources. Only Human Resources is authorized to release information about current or former employees. Disclosure of personnel information to outside sources will be limited. However, Vivalon will cooperate with requests from authorized law enforcement or local, state, or federal agencies conducting official investigations and as otherwise legally required.

TELECOMMUTING

Telecommuting provides employees with an opportunity to work from an alternative work environment instead of in the primary location of the Organization. Telecommuting is an alternative that the Company may offer to some employees periodically, at the Company's sole discretion, when it would benefit both the organization and the employee. It may be approved on an ad hoc basis or as a regular part of the employee's schedule, but must be defined and approved in advance by the employee's manager / supervisor and the Human Resources department. A written Telecommuting Agreement is required. Changes to this schedule must be reviewed and approved in advance.

Vivalon retains the right in its sole discretion to designate positions that are appropriate for telecommuting and approve employees for telecommuting. Telecommuting does not change the

GENERAL POLICIES AND PRACTICES

conditions of employment or required compliance with all organizational policies and procedures. The Organization reserves the right to refuse, change or terminate a Telecommuting Agreement at any time, without cause or advance notice. An employee's ability to work under a Telecommuting Agreement rests in the sole discretion of the Organization. Telecommuting is a privilege and may not be appropriate for all employees. If an employee wishes to request a Telecommuting Agreement, s/he should contact his or her supervisor.

TELECOMMUTING SAFETY

The Telecommuter is solely responsible for ensuring the safety of his or her alternative work environment. However, because the Organization is legally obligated to provide its employees with a workplace that is free from hazards that might cause serious harm or injury, the Organization reserves the right to periodically inspect the Telecommuter's home work space. Any such inspection will be preceded by advance notice and an appointment will be scheduled. Telecommuters are protected by the Organization's workers' compensation insurance. As such, Telecommuters are required to immediately report any injuries that occur while working.

The Telecommuter shall be liable for any injuries that occur to third parties at or around the Telecommuter's alternative work environment. Unless otherwise agreed upon hours and days of work will not change. Telecommuters are expected to attend all required meetings. Vivalon shall not incur additional costs due to a Telecommuting Agreement. The Telecommuting Agreement will specify any costs the Organization will cover. All other expenses are the responsibility of the Telecommuter.

WORKPLACE PRIVACY

Marin Senior Coordinating Council (Vivalon) wants to ensure a safe, secure and productive work environment. Employees should be aware that Vivalon may use video surveillance in public areas (not in restrooms, locker rooms or changing areas) for safety and security purposes.

In addition, employees should be aware that client phone calls are regularly recorded for quality and training purposes.

Employees may not use any audio or video recording devices in the workplace or in the course of conducting business.

GENERAL POLICIES AND PRACTICES

EMPLOYEE CONDUCT

EMPLOYEE CONDUCT

CORRECTIVE ACTION PROCESS

Violation of Vivalon policies and rules may warrant corrective action. Vivalon has established a method of corrective action that includes verbal counseling, written warnings, suspension and termination. The system is not formal and Vivalon may, in its sole discretion, utilize whatever form of corrective action is deemed appropriate under the circumstances, up to, and including, termination of employment. Vivalon's policy of corrective action in no way limits or alters the at-will employment relationship.

EMPLOYEE CONDUCT

PROHIBITED CONDUCT

The conduct listed below is prohibited and will not be tolerated by Marin Senior Coordinating Council (“Vivalon”). This list of prohibited conduct is illustrative only; other types of conduct that threaten security, personal safety, employee welfare and operations also may be prohibited. Following this list, additional policies about employee conduct are explained.

- Falsify employment records, employment information, or other Vivalon records (note that employment information includes Social Security Numbers and any other documents used to verify identity and ability to work in the United States);
- Recording the work time of another employee or allowing any other employee to record your work time, or falsify any time card, either your own or another employee’s;
- Theft and deliberate or careless damage or destruction of any Vivalon property, or the property of any employee or customer;
- Removing or borrowing Vivalon property without prior authorization;
- Unauthorized use of Vivalon equipment, time, materials, or facilities;
- Provoking a fight or fighting during working hours or on Vivalon property;
- Carrying firearms or any other dangerous weapons on Vivalon premises at any time;
- Engaging in criminal conduct whether or not related to job performance;
- Causing, creating, or participating in a disruption of any kind during working hours on Vivalon property;
- Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward a supervisor or member of management;
- Using abusive or threatening language at any time on Vivalon premises;
- Failing to notify a supervisor when unable to report to work;
- Unreported absence of three consecutive workdays;
- Failure to obtain permission to leave work for any reason during normal working hours;
- Failure to observe working schedules, including rest and lunch periods;
- Failure to provide a physician’s certificate when requested or required to do so;
- Sleeping or malingering on the job;
- Excessive personal telephone calls, including cell phone calls, during working hours, except in cases of emergency;
- Working overtime without authorization or refusing to work assigned overtime;
- Wearing disturbing, unprofessional or inappropriate styles of dress or hair while working
- Violating any safety, health, security or Vivalon policy, rule, or procedure;
- Committing a fraudulent act or a breach of trust under any circumstances;
- Committing of or involvement in any act of unlawful harassment of another individual;
- Failing to promptly report work-related injury or illness.

This statement of prohibited conduct does not alter the Vivalon’s policy of at-will employment. Either you or Vivalon remain free to terminate the employment relationship at any time, with or without reason or advance notice.

EMPLOYEE CONDUCT

CELL PHONE WHILE DRIVING PROHIBITED

Talking on the cell phone, writing, sending, or reading text-based communication – including text messaging, instant messaging, and e-mail – on a wireless device or cell phone while driving for Vivalon is prohibited. Violation of this policy may result in disciplinary action up to and including termination.

CLIENT RELATIONS

Clients are to be treated courteously and given proper attention. Through your conduct, show your desire to assist the client promptly and professionally in obtaining the help he or she needs (in person or by phone). If a problem develops, a client remains dissatisfied, or an employee encounters an uncomfortable situation that he or she does not feel capable of handling, ask a supervisor or another manager to assist.

Many of our clients are disabled and vulnerable. To avoid even the appearance of impropriety, Vivalon maintains a no fraternization policy with our clients. Any questions or concerns regarding this should be discussed with your supervisor or Human Resources.

All correspondence and documents, whether to clients or others, must be neatly prepared and error-free. Attention to accuracy and detail in all paperwork demonstrates your commitment to those who we serve.

CONDUCTING PERSONAL BUSINESS

During working hours, employees should devote all of their time to performing their Vivalon job assignments. Employees may not conduct personal business or business for another employer during their scheduled working hours and may not use Vivalon property and resources for these purposes. Employees may conduct personal business during their break/meal periods, but they may not use Vivalon property and resources for these purposes.

CONFLICTS OF INTEREST

All employees must avoid situations involving actual or potential conflicts of interest. Personal or romantic involvement with a competitor, supplier, client or subordinate employee of Vivalon, which impairs an employee's ability to exercise good judgment on behalf of the Organization, creates an actual or potential conflict of interest. Supervisor-subordinate romantic or personal relationships also can lead to supervisory problems, possible claims of sexual harassment, and morale problems.

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

DRESS CODE AND OTHER PERSONAL STANDARDS

Employees are expected to wear clothing appropriate for the nature of our business and the type of work performed. Clothing should be neat, clean, odor free and tasteful. Because each employee is a

EMPLOYEE CONDUCT

representative of Vivalon in the eyes of the public, each employee must report to work properly groomed and wearing appropriate clothing.

Our drivers and certain transportation staff will be issued official Vivalon shirts. These may be worn open with a clean T-shirt underneath or closed with the top two or three buttons open.

All drivers are expected to wear Vivalon photo identification while working. This ID is to be worn around the neck in clear view at all times. Check with your supervisor for clarification of the dress code and safety requirements of your department.

Our official dress code is "Smart Casual" this means that jeans, shorts, and casual slacks are acceptable provided they are clean, with no holes or tears. Shorts and skirts should be hemmed and no more than three inches above the knee. Tank tops, spaghetti straps, see through clothes and workout/gym attire is not acceptable. Hats and T-shirts and other attire portraying political or potential offensive material are not acceptable. For safety reasons, drivers are prohibited from wearing open toe shoes. It should be noted that distracting tattoos and body piercing are personal choices and not for sharing with the general public. While on duty and/or at work such areas shall remain covered.

Employees who report to work inappropriately dressed may be asked go home and change and return in acceptable attire. Nonexempt employees will not be paid for this time away from work. Continued violations of our dress code and standards policy will result in disciplinary action up to and including termination.

EMPLOYEE CONDUCT

PUNCTUALITY AND ATTENDANCE

As an employee of Marin Senior Coordinating Council (“Vivalon”), you are expected to be punctual and regular in attendance. Any tardiness or absence causes problems for your fellow employees and your supervisor. When you are absent, your assigned work must be performed by others.

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

If you are unable to report for work on any particular day, you must under all but the most extenuating circumstances call your supervisor at least two hours before the time you are scheduled to begin working for that day. If you call less than two hours before your scheduled time to begin work and do not arrive in time for your assigned shift, you will be considered tardy for that day. In all cases of absence or tardiness, employees must provide their supervisor with an honest reason or explanation. Employees also must inform their supervisor of the expected duration of any absence. Excessive absenteeism or tardiness, unless excused or otherwise protected by applicable law, will not be tolerated. Vivalon defines excessive absenteeism as more than five (5) unplanned days in a 6-month period.

If you fail to report for work without any notification to your supervisor and your absence continues for a period of three (3) days, Vivalon will consider that you have voluntarily abandoned or quit your employment.

SOLICITATION OF CLIENTS OR EMPLOYEES PROHIBITED

The employee agrees that employee, client, volunteer and donor lists of Marin Senior Coordinating Council (“Vivalon”) for which the employee has or will have access to during the employee’s employment, are confidential and shall be solely the property of Vivalon.

The employee agrees that he/she shall neither directly nor indirectly solicit business as to products or services competitive with those of Vivalon based on information from the employee, client, volunteer or donor lists.

EMPLOYEE CONDUCT

COMPANY PROPERTY AND COMPANY INFORMATION

COMPANY PROPERTY AND COMPANY INFORMATION

BULLETIN BOARDS

Bulletin boards are reserved for the exclusive use of the Organization for posting work-related notices or notices which must be posted pursuant to local, state and federal law. From time to time, special notices and information for employees will be posted by the Organization on the bulletin boards. Please check the boards regularly for such notices. Employee postings are not permitted.

CONFIDENTIALITY OF INFORMATION

Each employee is responsible for safeguarding the confidential information obtained during employment. In the course of your work, you may have access to confidential information regarding Vivalon suppliers, vendors, clients and or perhaps even fellow employees from confidential employment or personnel records. You have a responsibility to prevent revealing or divulging any such information unless it is necessary for you to do so in the performance of your duties. Access to confidential information should be on a “need-to-know” basis and must be authorized by your supervisor. Any breach of this policy will not be tolerated and legal action may be taken by Vivalon. If you have any questions about this policy, please contact your supervisor or another member of management.

Nothing in this policy is intended to violate the National Labor Relations Act or any other federal, state or local law or regulation and employees are not prevented from discussing their own personnel information with one another.

ELECTRONIC EQUIPMENT / ELECTRONIC MEDIA

Electronic equipment is defined as Vivalon owned desktop computers, laptops, tablets, phones and handheld devices. These items, their contents, and all data transmitted through Vivalon servers are Vivalon property and must be maintained according to Vivalon rules and regulations. Prior authorization must be obtained before any Vivalon property may be removed from the premises. We expect our employees to be professional and respectful when using email, the Internet or other forms of digital communications while at work. You must exercise the same controls in communications over the Internet and Intranet (email and chat included) as you use in your written communications.

Vivalon reserves the right to inspect all agency property to ensure compliance with its rules and regulations, without notice to the employee and at any time, not necessarily in the employee’s presence. Employees have no right to privacy in their use of Vivalon’s electronic equipment.

Vivalon may periodically need to assign and/or change “passwords” and personal codes for all organization-owned electronic media. Electronic equipment and related storage equipment and databases are to be used only for Vivalon business and they remain the property of Vivalon. Vivalon

COMPANY PROPERTY AND COMPANY INFORMATION

reserves the right to keep a record of all passwords and codes used and/or may be able to override any such password system. Vivalon reserves the right to review, monitor, access and disclose to third parties for business purposes, any and all use of electronic media, including email communication and Internet use.

Employees who use the Organization's equipment to access their own personal email accounts should understand that to the extent such communications are saved onto Organization equipment, the Organization reserves the right to monitor, investigate, search and review and such communications for any business purpose, including but not limited to ensuring compliance with all Organization policies.

Employee's own electronic equipment may only be used during breaks unless otherwise approved for business purposes. All other organizational policies, including no tolerance for discrimination, harassment or retaliation in the workplace apply. Each department manager may apply further restriction at their discretion. Vivalon reserves the right to adjust this policy on a case by case basis as it deems appropriate.

EMPLOYER RESOURCES (USE OF)

Lockers, desks, computers, phones, and vehicles are Vivalon property and must be maintained according to organizational rules and regulations. They must be kept clean and are to be used only for work-related purposes. Vivalon reserves the right to inspect all organizational property to ensure compliance with its rules and regulations, without notice to the employee and at any time, not necessarily in the employee's presence.

Organization voicemail and/or e-mail are to be used for business purposes. Vivalon reserves the right to monitor voice mail messages and e-mail messages to ensure compliance with this rule, without notice to the employee and at any time, not necessarily in the employee's presence.

No personal locks may be used on Organization-provided lockers unless the employee furnishes a copy of the key or the combination to the lock. Unauthorized use of a personal lock by an employee may result in losing the right to use a locker.

For security reasons, employees should not leave personal belongings of value in the workplace. Personal items are subject to inspection and search, with or without notice, with or without the employee's prior consent.

Terminated employees should remove any personal items at the time they leave Vivalon. Personal items left in the workplace are subject to disposal if not claimed at the time of an employee's termination.

COMPANY PROPERTY AND COMPANY INFORMATION

SOLICITATION AND DISTRIBUTION OF LITERATURE

We have established rules applicable to all employees and nonemployees that govern solicitation, distribution of written material, political advocacy and access to company property. Strict compliance with these rules is required.

- No employee shall solicit or promote support for any cause or organization during his or her working time or during the working time of the employee or employees at whom such activity is directed.
- No employee shall distribute or circulate any written or printed material in work areas at any time, or during his or her working time or during the working time of the employee or employees at whom such activity is directed.
- No employee shall engage in political advocacy on a subject over which the Organization has no control in a manner that is disruptive to Organization operations.
- Under no circumstances will non employees be permitted to solicit or to distribute written material for any purpose on company property.
- Off-duty employees are not permitted in work areas.

As used in this policy, “working time” includes all time for which an employee is paid and/or is scheduled to be performing services for the Organization; it does not include break periods, meal periods, or periods in which an employee is not performing and is not scheduled to be performing services or work for the Organization.

SMOKE-FREE ENVIRONMENT

To protect the health and comfort of our employees, volunteers and clients, smoking is prohibited in all Vivalon facilities. Smoking is also prohibited in our vehicles and buses. If you choose to smoke, please exercise consideration and do so during break times, in designated smoking areas, at least 20 feet away from all doors and windows that open. Smokers must observe the same guidelines as non-smokers regarding frequency and length of breaks. Violation of this policy will lead to disciplinary action up to and including termination.

SOCIAL MEDIA

Social media is a set of internet tools and resources (i.e. Facebook, LinkedIn, Twitter, etc.) that aid in facilitating interaction and communication between people. Vivalon may, in its discretion, authorize you to use certain social media tools for business purposes.

You may not use social media for personal purposes during work hours and you may not use Company electronic equipment (including, but not limited to phones and computer equipment) to access social media for personal purposes. You may use social media for business purposes if authorized in writing by your manager. Managers shall define the purpose and scope of any authorized use of social media for business purposes and you may not use social media on behalf of Vivalon except as authorized by your manager.

COMPANY PROPERTY AND COMPANY INFORMATION

If you are a non-exempt employee and are authorized by your manager to use social media for business purposes, you may do so only during scheduled work hours or outside scheduled work hours with the written approval of your manager.

You must not disclose or publish any of the Organizations confidential business information through social media. Included among the information considered by the Organization to be confidential, and not to be published in social media, are the names and contact information of Company clients and information relating to any business transactions or business plans. You may not disclose your relationships with clients by identifying clients or client representatives as contacts through social media.

In addition to avoiding the publication of confidential information through social media, you must also comply with all Company policies, including policies prohibiting discrimination, harassment, and retaliation, when using social media for business purposes.

This policy will not be construed or applied in a manner that prohibits discussion or comment regarding working conditions or the terms and conditions of employment, or otherwise interferes with your rights under Section 7 of the National Labor Relations Act, including the right to engage in concerted activity.

Vivalon requests and strongly urges you to report any violations or possible or perceived violations of this policy or any questions regarding which tools are deemed to be social media to your manager or Human Resources. Violation of this policy may result in disciplinary action, up to and including termination of employment.

SAFETY AND HEALTH

All employees are responsible for their own safety, as well as that of others in the workplace. To help us maintain a safe workplace, everyone must be safety-conscious at all times. Report all work-related injuries or illnesses immediately to your supervisor or to the Human Resources department. In compliance with California law, and to promote the concept of a safe workplace, Vivalon maintains an Injury and Illness Prevention Program. A copy of the Injury and Illness Prevention Program is distributed to all employees and copies are available in human resources.

In compliance with Proposition 65, Vivalon will inform employees of any known exposure to a chemical known to cause cancer or reproductive toxicity.

An additional policy that relates to ensuring a safe working environment for all employees is the Workplace Violence policy which you will find in the section on Workplace Commitments.

DRIVING DUTY - EMPLOYEES WHO ARE REQUESTED TO DRIVE

Employees who are required to drive an Organization vehicle or their own vehicles on Organization business will be required to show proof of current valid driving licenses and current effective insurance coverage before the first day of employment. Vivalon participates in a system that regularly checks state Department of Motor Vehicles (DMV) records of all employees who drive as part of their job.

Vivalon retains the right to transfer to an alternative position, suspend, or terminate an employee whose license is revoked, or who fails to maintain personal automobile insurance coverage or who is uninsurable under the Organization's policy.

Please see Vivalon's Drivers Manual for further safety information.

FRAGRANCE POLICY

Vivalon strives to maintain an environment where our employees, volunteers and clients are safe and comfortable. Many people have sensitivities to chemicals and fragrances that may rise to the level of a disability. Therefore, we maintain a fragrance-free workplace. Employees may not wear any of the following in the workplace or when on the job, regardless of location, if they may come in contact with clients or coworkers: cologne, after shave lotion, perfume, perfumed hand lotion, fragranced hair products, fragranced deodorants and/or similar products.

HEAT ILLNESS

Employees who work outside may be exposed to extreme temperatures or adverse working conditions, particularly in the summer months. All supervisors are trained in the prevention of heat illness. Please refer to the Organization's Injury Illness and Prevention Program or talk to your supervisor for details on how to ensure you are protected from heat illness dangers.

SAFETY AND HEALTH

RECREATIONAL ACTIVITIES AND PROGRAMS

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

SECURITY

Marin Senior Coordinating Council ("Vivalon") has developed guidelines to help maintain a secure workplace. Be aware of persons loitering for no apparent reason in parking areas, walkways, entrances and exits, and service areas. Report any suspicious persons or activities to a manager. Secure your desk or office at the end of the day. When called away from your work area for an extended length of time, do not leave valuable and/or personal articles in or around your workstation that may be accessible. The security of facilities as well as the welfare of our employees depends upon the alertness and sensitivity of every individual to potential security risks. You should immediately notify your supervisor when unknown persons are acting in a suspicious manner in or around the facilities, or when keys, security passes, or identification badges are missing.

Vivalon's safety and security practices are described in detail in the Vivalon's Illness and Injury Prevention Program (IIPP).

EMPLOYEE BENEFITS

EMPLOYEE BENEFITS

HEALTH INSURANCE BENEFITS

Marin Senior Coordinating Council (“Vivalon”) provides a comprehensive health benefits insurance plan for eligible employees and their dependents. These benefits include a medical insurance, dental insurance and life insurance. Eligible employees can participate in these programs on the first of the month following 30 days of continuous employment.

In the event of an increase in medical insurance premium rates, all employees may be required to contribute to the cost of increased premiums to retain coverage. Details about medical insurance coverage are available in a separate publication distributed by Human Resources.

HOLIDAYS AND HOLIDAY PAY

Marin Senior Coordinating Council (“Vivalon”) observes the following eight National Holidays. Please see the Vivalon Employee Calendar for more information.

- | | |
|------------------------------------|------------------|
| New Year’s Day | Independence Day |
| Martin Luther King, Jr.’s Birthday | Labor Day |
| Presidents’ Day | Thanksgiving Day |
| Memorial Day | Christmas Day |
| Juneteenth | |

There is one additional day off for some parts of the organization: the day after Thanksgiving.

If a National Holiday falls on a Saturday or Sunday, it will be observed as follows:

- Active Aging Center: Holiday is generally observed on the preceding Friday or the following Monday (Vivalon may grant another day off in lieu of closing).
- Transportation: Holiday is observed according to the individual contract. See Vivalon Employee Calendar for specific information.

ELIGIBILITY FOR HOLIDAY PAY (FOR NATIONAL HOLIDAYS AND DAY AFTER THANKSGIVING)

All regular full-time and part-time employees (20+ hours / week) are eligible for holiday pay based on the number of hours they are regularly scheduled to work per week.

Normally Scheduled Hours Per Week	Holiday Pay
35 – 40	8 hours
25 – 34	6 hours
20 – 24	4 hours

EMPLOYEE BENEFITS

Less than 20 hours / week, temporary, seasonal or on-call

No holiday pay

WORKING ON A NATIONAL HOLIDAY OR THE DAY AFTER THANKSGIVING

Non-exempt employees who are required to work on a National Holiday will receive pay at one-and-one-half times their regular rate for hours worked, plus Holiday Pay. Non-Exempt employees who are required to work on the Day after Thanksgiving will receive pay at the regular rate for hours worked, plus Holiday Pay. Exempt employees who are required to work on a National Holiday or the Day after Thanksgiving may observe a day off on another day within the pay period with management approval.

OTHER DETAILS

- If a holiday falls during an employee's scheduled Paid Time Off (PTO), the holiday will not be counted as PTO taken.
- To be eligible for holiday pay, you must work the last regularly scheduled work day preceding the holiday and the first regularly scheduled workday following the holiday, unless the absence is approved by the supervisor.
- An employee who separates or commences an unpaid leave of absence on the last scheduled workday preceding a holiday will not receive regular holiday pay.
- A holiday paid, but not worked will not be credited as a regular workday to compute weekly overtime.
- Holiday pay is based on an employee's regular pay rate and doesn't include any pay differentials.

PAID SICK LEAVE – MINIMAL PART TIME / TEMPORARY EMPLOYEES ONLY

In order to help prevent loss of earnings that may be caused by accidents, illness or by other emergencies, Vivalon has established a paid sick leave policy, compliant with the State of California. This Paid Sick Leave Policy is available for those employees who are not eligible for Paid Time Off (PTO) through the aforementioned policy (employees who are regularly scheduled for less than 20 weekly hours).

All eligible employees will accrue one hour of paid sick leave for every thirty hours worked. Employees are eligible to use this time beginning on the 90th day of employment.

Sick time is for the diagnosis, care, or treatment of an existing health condition, or preventative care, for yourself or an immediate family member.

EMPLOYEE BENEFITS

Unused paid sick days do not carry over from year to year. Employees do not accrue sick time during a leave of absence. Sick leave accrual will recommence when the employee returns to work.

Employees are required to call in with as much notice as possible unable to work due to illness. In order to be paid sick time, employees must submit for sick time payment immediately upon returning to work.

EMPLOYEE BENEFITS

PAID TIME OFF (“PTO”) POLICY

Regular full-time and part-time employees (working a scheduled 20 hours or more average per week) are entitled to Paid Time Off (PTO) based upon their years of active service. Active service commences with an employee’s first day of work and continues until broken by an absence without pay, a leave of absence, or termination of employment. Temporary and other part-time employees working less than 20 hours per week do not accrue PTO. PTO used to compensate an employee for any type of absence will not be factored into the calculation to determine overtime pay.

Employees are eligible to take accrued PTO after completing 90 days of active service and as work schedules permit. It is the employee's responsibility to manage, monitor and maintain a sufficient amount of PTO to cover any type of absence (i.e. planned, unplanned, tardy, early departure, etc.).

EMPLOYEE BENEFITS

PTO ACCRUAL SCHEDULE

Eligible employees accrue PTO each pay period as set forth on the following chart:

Length of Service	PTO amount accrued per hour worked (exclusive of overtime) *	Equivalent for a full time employee (40 hours per week)	PTO Accrual Cap	
			Weekly Hours Worked	PTO Hours Cap
Hire through end of the 5 th year	.065375 hours	Equates to 5.23 hours each pay period (17 days annually)	35-40	272
			25-34	204
			20-24	136
6 th anniversary through end of the 10 th year	.084625 hours	Equates to 6.77 hours each pay period (22 days annually)	35-40	352
			25-34	264
			20-24	176
11 th anniversary +	.103875 hours	Equates to 8.31 hours each pay period (27 days annually)	35-40	432
			25-34	324
			20-24	216

If you have a schedule with less than 40 weekly paid hours, you will earn the prorated amount of PTO. For example, someone (with 2 years of service) who works 30 hours in two consecutive weeks will accrue $60 \times .065375 = 3.92$ PTO hours (75% of the normal accrual)

Part time less than 20 hours, Seasonal, On Call and Temporary employees are not eligible.

* PTO does not accrue on overtime hours worked.

EMPLOYEE BENEFITS

MANAGING YOUR PTO BALANCE

To encourage the use of PTO for a healthy work life balance, a maximum accrual amount ("PTO Accrual Cap") has been established for each tier of accrual rates as indicated on the previous chart. Employees are responsible for managing their accrued PTO balance to ensure they remain below the PTO Accrual Cap. Should an employee reach the PTO Accrual Cap, additional PTO accruals will stop but will resume when the employees' PTO balance falls below the cap. Though employees whose PTO balances reach the cap are encouraged to take time off to reduce their balance, they are still required to adhere to the PTO request and approval process, and their manager may decline their PTO request based on organizational need.

Employees may request a future planned period of PTO usage if the employee will have enough PTO hours accrued by that future date, to include enough hours to also cover for unplanned absences (such as illness) prior to and after the future planned period of PTO. Approval is subject to managerial discretion and will depend upon the employee's attendance history.

Employees are expected to carefully manage their PTO balance to ensure there is enough available to cover future planned and unplanned absences. An employee's PTO balance is like a bank account – you don't want your balance to get too low in case you need paid time off for a "rainy day" (such as an illness which requires you to miss work). An employee who depletes their PTO balance and doesn't have enough PTO to cover an actual unplanned absence may be subject to corrective action according to our Time & Attendance policy.

REQUESTING AND USING PTO

To take PTO requires a minimum of two days of notice to the supervisor unless the PTO is used for unexpected illness or emergencies. In all instances, PTO must be approved by the employee's supervisor in advance. Vivalon appreciates as much notice as possible when you know you expect to miss work for an absence.

PTO taken will be subtracted from the employee's accrued time bank in one hour increments.

USAGE GUIDELINES

No more than (1) week per year may be chosen that coincides with a recognized Vivalon holiday. (Example: if an employee chooses Thanksgiving week, then he/she may not also choose Christmas week). Additionally, no employee will be approved for two holidays in succession within the same year, or the same holiday two years in a row, unless there are no other unfulfilled requests and all holiday staffing requirements have been met. Managers may authorize exceptions to this rule due to extenuating circumstances, if the absence is also approved by the senior manager of the department and if the absence does not interfere with organizational operations.

Requests for planned non-medical time-off in excess of 2 consecutive weeks are considered exceptions to our normal PTO policy and require special approval by management and Human Resources due to the potential impact to our business operations.

EMPLOYEE BENEFITS

Vivalon does not permit advances against un-accrued PTO or negative PTO balances. Cash outs of PTO are not allowed during employment.

If an employee receives approval for requested paid time off in a given pay period, that amount of PTO will be deducted from the employee's balance even if the employee works overtime on the days worked within the pay period.

You are required to take accrued and unused Paid Time Off (PTO) before taking unpaid leave or having unpaid absences. Family and Medical Leave (under both state and federal law) are included in this requirement, unless you are receiving wage replacement through a disability leave plan.

There is an exception to the requirement above which applies to part-time staff who work on a transportation contract which is closed on a holiday which falls on a day an employee would normally work. Those part-time employees will receive holiday pay per the policy (4 or 6 hours). If the employee wants to supplement the holiday pay with additional accrued PTO, the employee must request this in advance.

TIME OFF WITHOUT PAY

Managers have the discretion as work schedules permit to authorize up to 40 hours of time off without pay per employee per calendar year only when employees do not have enough PTO to cover an absence and the manager determines that the situation involves an extenuating circumstance. The approval of such time off without pay is evaluated on a case by case basis and the approval will be based on the circumstance surrounding the need for time off without pay in addition to staffing needs based on the organizational need. In such a situation, the employee would still need to submit their request to their manager and Human Resources for approval. Absences without pay are strongly discouraged and a pattern of such absence may subject to disciplinary actions, up to and including termination of employment.

Employees are expected to carefully manage their PTO balance to ensure there is enough available to cover future planned and unplanned absence. An employee who depletes their PTO balance and doesn't have enough PTO to cover an actual unplanned absence may be subject to corrective action according to our Time & Attendance policy.

PAID TIME OFF (PTO) AND LEAVES OF ABSENCE OR SEPARATION

Medical certification of your fitness to return to work may be required before you can return to work.

When an employee terminates employment with Vivalon, the employee's unused PTO balance will be paid out to the employee on his/her final paycheck.

PTO does not accrue during any period of absence without pay or any unpaid leave of absence, except as otherwise required by law. If an employee uses his/her entire PTO allowance, any further absence will be counted as unpaid leave.

EMPLOYEE BENEFITS

PAID TIME OFF (PTO) AND WORKERS' COMPENSATION BENEFITS

PTO is a benefit that also covers absences for work-related illness or injury. Employees who have a work-related illness or injury are covered by workers' compensation insurance. However, workers' compensation benefits usually do not cover absences for medical treatment. When you report a work-related illness or injury, you will be sent for medical treatment, if treatment is necessary. You will be paid your regular wages for the time you spend seeking initial medical treatment.

Any further medical treatment will be under the direction of the health care provider. Any absences from work for follow-up treatment, physical therapy or other prescribed appointments will not be paid as time worked. If you have accrued and unused PTO, the additional absences from work will be paid with the use of PTO before being unpaid.

WORKERS' COMPENSATION

Marin Senior Coordinating Council ("Vivalon") in accordance with state law provides insurance coverage for employees in case of work-related injury. The workers' compensation benefits provided to injured employees may include:

- Medical care;
- Cash benefits, tax free, to replace lost wages; and
- Assistance to help qualified injured employees return to suitable employment.

To ensure that you receive any workers' compensation benefits to which you may be entitled, you will need to:

- Immediately report any work-related injury to your supervisor;
- Seek medical treatment and follow-up care if required;
- Complete a written Employee's Claim for Workers Compensation Benefits (DWC Form 1) and return it to Human Resources; and
- Provide the Organization with a certification from your health care provider regarding the need for workers' compensation disability leave, as well as your eventual ability to return to work from the leave.

Upon submission of a medical certification that an employee is able to return to work after a workers' compensation leave, the employee will be reinstated to the extent required by applicable law. If the employee is returning from a leave that is also governed by FMLA, the Organization will comply with all FMLA reinstatement requirements. An employee returning from a workers' compensation leave has no greater right to reinstatement than if the employee had been continuously employed rather than on leave. For example, if the employee on workers' compensation leave would have been laid off had he or she not gone on leave, then the employee would not be entitled to reinstatement.

If, after returning from a workers' compensation disability leave, an employee is unable to perform the essential functions of his or her job because of a physical or mental disability, the Organization will comply with applicable law pertaining to providing reasonable accommodations.

COMPENSATION

EMPLOYEE REFERRAL BONUS

Marin Senior Coordinating Council (“Vivalon”) wants to recruit quality applicants and encourages employees to refer qualified candidates to us. If your referral is employed by Vivalon you may be eligible for a referral bonus. The following terms and schedule apply:

- Referrals will be paid only if the original employment application completed by the applicant contains the employee’s name as the referral source, or if the referring employee submits the name of the referral in writing to the Safety and Training Manager in advance of the application submission. If the applicant is referred by more than one employee, the referral bonus will be paid to the employee who first submitted the referral.
- The bonus will be paid when the referred employee completes their 90 introductory period and is subject to the normal state and federal taxes.
- Both the referring employee and the referred employee must be actively employed with Vivalon in order for the bonus to be paid.

MEAL AND REST PERIODS

Nonexempt employees are provided with an unpaid 30 minute meal period. You must commence your 30 minute meal period before the end of the fifth hour of work. If you work an additional five hours, you should take a second unpaid 30 minute meal period that must commence before the end of the second five hours of work.

You may waive your first meal period by mutual written agreement between you and the Organization if you do not work more than six hours in a day.

Nonexempt employees are allowed one paid ten-minute rest period for each four hours of work or major portion thereof.

You are expected to observe your assigned working hours and you are required to take the time allotted for your meal and rest periods (unless you have entered into a waiver agreement, as set forth above.) You may not work during your meal or rest periods.

Office employees should remain on the premises during their rest periods and not take more than ten minutes for each rest period. Employees may leave the premises during their meal periods.

NATURAL DISASTERS/INCLEMENT WEATHER AND BUSINESS INTERRUPTION

In the event of a natural disaster or severe inclement weather, which precludes an employee from being able to travel safely to work, or which causes the Company to suspend business operations either temporarily or permanently, the Company will not compensate employees for time not worked. In the case of a long-term business interruption, employees may be eligible for state unemployment insurance.

COMPENSATION

OVERTIME FOR NONEXEMPT EMPLOYEES

Employees may be required to work overtime as necessary. Only actual hours worked in a given workday or workweek can apply in calculating overtime. Vivalon will attempt to distribute overtime evenly and accommodate individual schedules. All overtime work must be previously authorized by a supervisor. Vivalon provides compensation for all overtime hours worked by nonexempt employees in accordance with state and federal law as follows:

- A workday begins at 12:00 a.m. and ends at 11:59pm 24 hours later. Workweeks begin each Sunday at 12:00 am;
- Compensation for hours in excess of 40 for the workweek, or in excess of 8 and not more than 12 for the workday, and for the first 8 hours on the seventh consecutive day of work in one workweek, shall be paid at a rate one and one-half times the employee's regular rate of pay;
- Compensation for hours in excess of 12 in one workday and in excess of 8 on the seventh consecutive workday in a workweek shall be paid at double the regular rate of pay; and
- No overtime compensation will be paid to exempt employees.

REPORTING FOR WORK PAY

Employees who report for work when required, but are assigned less than one half of a scheduled or usual day's work, shall be paid for half a scheduled or usual day's work, but in no event less than two hours or more than four hours at the regular rate of pay. Employees who report a second time for work when required in any one day and are assigned less than two hours of work on the second reporting shall be paid for two hours at the regular rate of pay.

This policy does not apply when:

- Operations cannot commence or continue due to threats to employees or property, or when closure is recommended or commanded by civil authorities; or,
- Public utilities fail to provide the elements necessary to commence or continue operations; or,
- The interruption of work is caused by an act of nature or other cause not within employer's control; or,
- The employee is not fit to work; or,
- The employee has not reported to work on time and is fired or sent home as a disciplinary action; or,
- The employee is on stand-by pay status and is called to perform assigned work outside of their regularly scheduled reporting time.

LEAVES OF ABSENCE

LEAVES OF ABSENCE SUMMARY

Marin Senior Coordinating Council (“Vivalon”) may grant leaves of absence to employees in certain circumstances and to the extent required by applicable law. Request any leave in writing as far in advance as possible, keep in touch with your supervisor and human resources during your leave, and give prompt notice of any change in your anticipated return date. If your leave expires and you fail to return to work without contacting your supervisor or human resources, Vivalon will assume that you do not plan to return and that you have terminated your employment. Upon return from a leave of absence, you will resume all aspects of your employment status that existed prior to the start of your leave.

Vivalon does not continue to pay premiums for health insurance coverage for employees on leaves of absence, unless otherwise required by applicable law. When Vivalon is not required to continue premiums, you may self-pay the premiums under the provisions of COBRA of 1985. Human Resources can give you additional information.

STATE DISABILITY INSURANCE AND PAID FAMILY LEAVE

(California State Programs)

Employees who are absent because of their own disability or to care for an ill family member or for the birth/adoption/foster placement of a child may be eligible for State Disability Insurance (SDI) or Paid Family Leave (PDL) benefits. The employee is responsible for applying directly to the California Employment Development Department (EDD) to receive these benefits. SDI/PFL payments do not begin until after you have been absent from work for 7 calendar days. If you have accrued Paid Time Off (PTO), PTO will be used for the first 7 days before SDI/PFL payments begin unless you are receiving wage replacement through another disability leave plan and the absence is covered by federal family and medical leave (FMLA).

SDI/PFL benefits do not replace all of your usual wages. You must supplement your SDI/PFL benefits with accrued PTO for your time away from work.

You are required to take accrued and unused Paid Time Off (PTO) before taking unpaid leave or having unpaid absences. Family and Medical Leave (under both state and federal law) are included in this requirement, unless you are receiving wage replacement through a disability leave plan.

LEAVES OF ABSENCE

TYPES OF LEAVES OF ABSENCE

BEREAVEMENT LEAVE

Marin Senior Coordinating Council (“Vivalon”), grants leave of absence to employees in the event of the death of the employee’s current spouse, registered domestic partner, child, child of a registered domestic partner, parent, legal guardian, brother, sister, grandparent, or grandchild; or mother-, father-, sister-, brother-, son-, or daughter-in-law. An employee with such a death in the family may take up to 5 consecutive scheduled workdays off with pay with the approval of the Vivalon. The employee’s supervisor may approve additional unpaid time off. The employee should submit a request for time off to their supervisor.

ADULT LITERACY PROGRAMS – TIME OFF

The Organization will make reasonable accommodations for any employee who reveals a literacy problem and requests that the Organization assist him or her in enrolling in an adult literacy program, unless undue hardship to the Organization would result. The Organization will also assist employees who wish to seek literacy education training by providing employees a list of locations of local literacy programs.

The Organization will take reasonable steps to safeguard the privacy of any employee who identifies himself or herself as an individual with a literacy problem. An employee who wishes to identify himself or herself as such an individual can contact the Human Resources Department directly. Individuals who are performing satisfactorily will not be subject to discriminatory action due to disclosing literacy problems.

While the Organization encourages employees to improve their literacy skills, the Organization will not reimburse employees for the costs incurred in attending a literacy program.

BONE MARROW / ORGAN DONATION – TIME OFF

Employees will be provided a leave of absence to undergo a medical procedure to donate bone marrow or an organ to another person. The combined length of bone marrow leave may not exceed five workdays in any one-year period. To qualify for this leave, the employee must submit verification by a physician detailing that there is a medical necessity for the donation, as well as the length of each leave requested. Employees must use earned Paid Time Off (PTO) concurrently with this time off. If an employee does not have enough earned PTO to cover the leave, the remaining days of leave will be with pay by the Organization. Use of this leave will not be counted against any available FMLA/CFRA time. This is also not considered a break in service for purposes of benefits or seniority.

While on leave for bone marrow or organ donation, the Organization will maintain all group health insurance benefits as if the employee was still at work.

In most circumstances, upon return from this leave, an employee will be reinstated to his/her original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement than if he/she did not take a leave. For example, if an employee on leave for bone marrow donation would have been laid off had he/she not taken a leave, or if the employee’s job is eliminated during the leave and no equivalent or comparable job is available, then the employee would not be entitled to reinstatement.

LEAVES OF ABSENCE

CIVIL AIR PATROL LEAVE

The Organization will not discriminate against an employee for membership in the Civil Air Patrol. Additionally, the Organization will not retaliate against an employee for requesting or taking Civil Air Patrol leave.

The Organization will provide not less than 10 days per year of leave but no more than 3 days at a time to employees who are volunteer members of the California Wing of the Civil Air Patrol. Employees must have been employed by the Organization for at least 90 days immediately preceding the commencement of leave, and must be duly directed and authorized by a political entity that has the authority to authorize an emergency operational mission of the California Wing of the Civil Air Patrol.

Employees must request leave with as much notice as possible in order to respond to an emergency operational mission of the California Wing of the Civil Air Patrol.

Leave under this policy is unpaid. An employee taking leave under this policy will not be required to exhaust accrued Paid Time Off (PTO) prior to taking unpaid Civil Air Patrol Leave.

Following leave under this policy, an employee must return to work as soon as practical and must provide evidence of the satisfactory completion of civil air patrol service. If the employee complies with these requirements, the employee will be restored to their prior position without loss of status, pay, or other benefits.

CRIME VICTIMS - TIME OFF

The Organization prohibits discrimination against an employee who wishes to take time off from work for the purpose of attending judicial proceedings related to certain crimes committed against the employee, the employee's immediate family member, the employee's registered domestic partner, or a child of the employee's domestic partner.. Employees are eligible to take time off for crimes including: a violent felony, as defined in subdivision (c) of Section 667.5 of the Penal Code; a serious felony, as defined in subdivision (c) of Section 1192.7 of the Penal Code; and a felony provision of law proscribing theft or embezzlement.

Before an employee may be absent from work for this purpose, the employee must provide his or her supervisor with a copy of the notice of each scheduled proceeding that is provided to the victim by the agency responsible for providing notice, unless advance notice is not feasible. In the event that an unscheduled judicial proceeding occurs, which requires your immediate absence, please alert your supervisor before leaving Organization premises. The Organization may require that the employee provide verification that the absence from work was due to attendance at the unscheduled judicial proceeding. The types of verification the Organization may require include documentation evidencing the judicial proceeding from any of the following entities: the court or government agency setting the hearing; the district attorney or prosecuting attorney's office; or the victim/witness office that is advocating on behalf of the victim.

Confidentiality of the situation, including the employee's request for time off, will be maintained to the greatest extent possible if an employee requests time off for these reasons. Employees may use accrued benefits, such as existing PTO, in order to receive compensation during the time taken off from work.

LEAVES OF ABSENCE

For purposes of this policy, immediate family member is defined as an employee's spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, or stepfather.

DOMESTIC VIOLENCE LEAVE

Vivalon will provide unpaid time off to any employee who is a victim of domestic violence and/or a victim of sexual assault so that the employee may obtain or attempt to obtain relief and to help ensure the health, safety, or welfare of the employee or the employee's child. The relief that may be sought includes, but is not limited to, a temporary restraining order, restraining order, or other injunctive relief. When taking such leave, the employee should give Vivalon reasonable notice of the leave, unless advance notice is not feasible. Vivalon also may require the employee to provide written verification of the need for the time off, such as a police report, court order or documentation from a medical professional, etc.

Additionally, an employee who is a victim of domestic violence and/or a victim of sexual assault may take time off to attend to any of the following: (1) to seek medical attention for injuries caused by domestic violence; (2) to obtain service from a domestic violence shelter, program, or rape crisis center; (3) to obtain psychological counseling; and (4) to participate in safety planning and to take other actions to increase safety from future domestic violence or sexual assault, including temporary or permanent relocation. Time off for the above reasons runs concurrently with FMLA/CFRA leave.

Confidentiality of the situation, including the employee's request for the time off, will be maintained to the greatest extent possible. Employees may use Paid Time Off (PTO) in order to receive compensation during the time taken off from work.

LEAVES OF ABSENCE

FAMILY / MEDICAL LEAVE

Vivalon will grant family and medical leave in accordance with the requirements of applicable state and federal law in effect at the time the leave is granted. Although the federal and state laws sometimes have different names, Vivalon refers to these types of leaves collectively as “FMLA Leave.” No greater or lesser leave benefits will be granted than those set forth in such state or federal laws. In certain situations, the federal law requires that provisions of state law apply. In any case, employees will be eligible for the most generous benefits available under applicable law.

Please contact your supervisor as soon as you become aware of the need for a FMLA Leave.

Employees are expected to provide prompt notice to the Organization of any change(s) to an employee’s return to work date. Accepting other employment that conflicts with the reason for your leave, continuing to work in another job that conflicts with the reason for your leave, or filing for unemployment insurance benefits while on leave may be treated as a voluntary resignation from employment.

EMPLOYEE RESPONSIBILITIES

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days’ notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer’s normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

EMPLOYER NOTIFICATION

When an employee requests FMLA leave, or when the Organization acquires knowledge that an employee’s leave may be for an FMLA-qualifying reason, the Organization will notify the employee of their right to take FMLA leave within (5) five business days, absent extenuating circumstances.

EMPLOYEE ELIGIBILITY

To be eligible for FMLA Leave benefits, you must: (1) have worked for the Organization for a total of at least 12 months; (2) have worked at least 1,250 hours over the previous 12 months as of the start of the leave; and (3) work at a location where at least 50 employees are employed by the Organization within 75 miles, as of the date the leave is requested.

LEAVES OF ABSENCE

FAMILY / MEDICAL LEAVE (CONTINUED)

REASONS FOR LEAVE

State and federal laws allow FMLA Leave for various reasons. Because an employee's rights and obligations may vary depending upon the reason for the FMLA Leave, it is important to identify the purpose or reason for the leave. FMLA Leave may be used for one of the following reasons:

1. the birth, adoption, or foster care of an employee's child within 12 months following birth or placement of the child ("Bonding Leave");
2. to care for an immediate family member (spouse, registered domestic partner, child, or parent with a serious health condition ("Family Care Leave");
3. an employee's inability to work because of a serious health condition ("Serious Health Condition Leave");
4. a "qualifying exigency," as defined under the FMLA, which essentially means attending to certain activities in order to prepare for a spouse's, child's, or parent's active duty or call to active duty in a foreign country as a member of the military reserves or National Guard or Armed Forces ("Military Emergency Leave"); or
5. to care for a spouse, child, parent or next of kin (nearest blood relative)—who is (a) an Armed Forces member (including the military reserves and National Guard) undergoing medical treatment, recuperation, or therapy, is otherwise in an outpatient status, or is otherwise on the temporary disability retired list—with a serious injury or illness incurred or aggravated in the line of duty while on active duty that may render the individual medically unfit to perform his or her military duties; or (b) a person who, during the five (5) years prior to the treatment necessitating the leave, served in the active military, Naval, or Air Service, and who was discharged or released therefrom under conditions other than dishonorable (a "veteran" as defined by the Department of Veteran Affairs) and who has a qualifying injury or illness incurred or aggravated in the line of duty while on active duty that manifested itself before or after the member became a veteran ("Military Caregiver Leave").

LENGTH OF LEAVE

The maximum amount of FMLA Leave will be twelve (12) workweeks in any 12-month period when the leave is taken for: (1) Bonding Leave; (2) Family Care Leave; (3) Serious Health Condition Leave; and/or (4) Military Emergency Leave. However, if both spouses work for the Organization and are eligible for leave under this policy, the spouses will be limited to a total of 12 workweeks off between the two of them when the leave is for Bonding Leave. A 12-month period begins on the date of your first use of FMLA Leave.

LEAVES OF ABSENCE

FAMILY / MEDICAL LEAVE (CONTINUED)

The maximum amount of FMLA Leave for an employee wishing to take Military Caregiver Leave will be a combined leave total of twenty-six (26) workweeks in a single 12-month period. A “single 12-month period” begins on the date of your first use of such leave and ends 12 months after that date.

If both spouses work for the Organization and are eligible for leave under this policy, the spouses will be limited to a total of 26 workweeks off between the two when the leave is for Military Caregiver Leave only or is for a combination of Military Caregiver Leave, Military Emergency Leave, Bonding Leave and/or Family Care Leave taken to care for a parent.

Under some circumstances, you may take FMLA Leave intermittently—which means taking leave in blocks of time, or by reducing your normal weekly or daily work schedule. Leave taken intermittently may be taken in increments of no less than one hour.

To the extent required by law, some additional leave following FMLA Leave may be granted when the leave is necessitated by an employee’s work-related injury/illness, a pregnancy related disability, or a “disability” as defined under the Americans with Disabilities Act and/or applicable state or local law. In addition, in some circumstances and in accordance with applicable law, additional leave following FMLA Leave may be granted when the leave is taken to care for a registered domestic partner and/or a registered domestic partner’s child. Certain restrictions on these benefits may apply.

NOTICE AND CERTIFICATION (BONDING, FAMILY CARE, SERIOUS HEALTH CONDITION, AND MILITARY CAREGIVER LEAVE REQUIREMENTS)

Employees are required to provide:

1. when the need for the leave is foreseeable, 30 days advance notice or such notice as is both possible and practical if the leave must begin in less than 30 days (normally this should be the same day the employee becomes aware of the need for leave or the next business day);
2. when the need for leave is not foreseeable, notice within the time prescribed by the Organization’s normal absence reporting policy, unless unusual circumstances prevent compliance, in which case notice is required as soon as is otherwise possible and practical;
3. when the leave relates to medical issues, a completed Certification of Health-Care Provider form within 15 calendar days (for Military Caregiver Leave, an invitational travel order or invitation travel authorization may be submitted in lieu of a Certification of Health-Care Provider form);
4. periodic recertification (upon request); and
5. periodic reports during the leave.

LEAVES OF ABSENCE

FAMILY / MEDICAL LEAVE (CONTINUED)

Certification forms are available from the Human Resources Department. At the Organization's expense, the Organization may also require a second or third medical opinion regarding your own serious health condition. Employees are expected to cooperate with the Organization in obtaining additional medical opinions that the Organization may require.

When leave is for planned medical treatment, you must try to schedule treatment so as not to unduly disrupt the Organization's operation. Please contact the Human Resources Department prior to scheduling planned medical treatment.

FAILURE TO PROVIDE CERTIFICATION AND TO RETURN FROM LEAVE

Absent unusual circumstances, failure to comply with these notice and certification requirements may result in a delay or denial of the leave. If you fail to return to work at your leave's expiration and have not obtained an extension of the leave, the Organization may presume that you do not plan to return to work and have voluntarily terminated your employment.

COMPENSATION DURING LEAVE

Generally, FMLA Leave is unpaid. However, you may be eligible to receive benefits through State-sponsored or Organization-sponsored wage-replacement benefit programs. If you are eligible to receive these benefits, you may also choose to supplement these benefits with the use of accrued PTO, to the extent permitted by law and Organization policy. All such payments will be integrated so that you will receive no more than your regular compensation during this period. If you are not eligible to receive any of these wage-replacement benefits, the Organization may require you to use accrued PTO to cover some or all of the FMLA Leave. The use of paid benefits will not extend the length of a FMLA Leave.

BENEFITS DURING LEAVE

The Organization will continue making contributions for your group health benefits during your leave on the same terms as if you had continued to work. This means that if you want your benefits coverage to continue during your leave, you must also continue to make any premium payments that you are now required to make for yourself or your dependents. Employees taking Bonding Leave, Family Care Leave, Serious Health Condition Leave, and Military Emergency Leave will generally be provided with group health benefits for a 12 workweek period. Employees taking Military Caregiver Leave may be eligible to receive group health benefits coverage for up to a maximum of 26 workweeks. In some instances, the Organization may recover premiums it paid to maintain health coverage if you fail to return to work following a FMLA Leave.

LEAVES OF ABSENCE

FAMILY / MEDICAL LEAVE (CONTINUED)

If you are on a FMLA Leave but are not entitled to continue paid group health insurance coverage, you may continue your coverage through the Organization in conjunction with federal and/or state COBRA guidelines by making monthly payments to the Organization for the amount of the relevant premium. Please contact the Human Resources Department for further information.

Your length of service as of the leave will remain intact, but accrued benefits PTO will not accrue while on an unpaid FMLA Leave.

JOB REINSTATEMENT

Under most circumstances, you will be reinstated to the same position held at the time of the leave or to an equivalent position with equivalent pay, benefits, and other employment terms and conditions. However, you have no greater right to reinstatement than if you had been continuously employed rather than on leave. For example, if you would have been laid off had you not gone on leave, or if your position has been eliminated during the leave, then you will not be entitled to reinstatement.

Prior to being allowed to return to work, an employee wishing to return from a Serious Health Condition Leave must submit an acceptable release from a health care provider that certifies the employee can perform the essential functions of the job as those essential functions relate to the employee's serious health condition. For an employee on intermittent FMLA Leave, such a release may be required if reasonable safety concerns exist regarding the employee's ability to perform his or her duties, based on the serious health condition for which the employee took the intermittent leave.

"Key employees," as defined by law, may be subject to reinstatement limitations in some circumstances. If you are a "key employee," you will be notified of the possible limitations on reinstatement at the time you request a leave.

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. 'Genetic information' as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

LEAVES OF ABSENCE

JURY DUTY AND WITNESS LEAVE

Marin Senior Coordinating Council (“Vivalon”) encourages employees to serve on jury duty when called. Nonexempt employees who have completed their introductory periods will receive full pay while serving up to 5 days of jury duty. Exempt employees will receive full salary unless they are absent for a full week and perform no work. You should notify your supervisor of the need for time off for jury duty as soon as a notice or summons from the court is received. You may be requested to provide written verification from the court clerk of performance of jury service. If work time remains after any day of jury selection or jury duty, you will be expected to return to work for the remainder of your work schedule.

MILITARY EMERGENCY LEAVE

Employees are required to provide:

1. as much advance notice as is reasonable and practicable under the circumstances;
2. a copy of the covered military member’s active duty orders when the employee requests leave if available; and
3. a completed Certification of Qualifying Exigency form within 15 calendar days, unless unusual circumstances exist to justify providing the form at a later date.

Certification forms are available from the Human Resources Department.

MILITARY FAMILY LEAVE ENTITLEMENTS

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

MILITARY LEAVE

Leave without pay is provided to you in accordance with applicable law when you enter military service of the Armed Forces of the United States or are in the Armed Forces Reserves. You are afforded reemployment rights and retain full seniority benefits for all prior service upon reemployment in accordance with the Uniformed Services Employment and Reemployment Rights Act and the California Military and Veterans Code. You must notify the Human Resources Department of your need for military leave as soon as possible.

LEAVES OF ABSENCE

MILITARY SPOUSE LEAVE

Employees who are spouses of certain military personnel may receive up to ten (10) days of unpaid leave during a qualified leave period. For purposes of this policy, a “qualified leave period” means the period during which the individual is on leave from deployment during a period of military conflict.

An employee is eligible for leave under this policy if he or she:

1. Is the spouse of a person who: (s) is a member of the Armed Forces of the United States who has been deployed during a period of military conflict to an area designated as a combat theater or combat zone by the President of the United States, or (b) is a member of the National Guard or of the Reserves who has been deployed during a period of military conflict;
2. Works for an average of 20 or more hours per week;
3. Provides notice of his or her intention to take leave within two business days of receiving notice that his or her spouse will be on leave from deployment; and
4. Submits written documentation certifying that their spouse will be on leave from deployment during the time the leave is requested.

Military conflict means either a period of war declared by the United States Congress, or a period of deployment for which a member of a reserve component is ordered to active duty either by the Governor or the President of the United States.

Leave taken under this policy will not affect an employee’s right to any other benefits, although an employee may elect to use accrued paid time off during the leave.

The Organization will not discriminate against, or tolerate discrimination against, any employee who requests and/or takes leave under this policy.

For more information, please contact your supervisor or a Human Resources representative.

PARENTS’ SCHOOL OR DAY CARE ACTIVITIES – TIME OFF

Employees are encouraged to participate in the school activities of their child(ren). The absence is subject to all of the following conditions:

- Parents, guardians, or grandparents having custody of one or more children in kindergarten or grades one to 12, or a licensed day care, may take time off for a school activity;
- The time off for school activity participation cannot exceed eight hours in any calendar month, or a total of 40 hours each school year
- Employees planning to take time off for school visitations must provide as much advance notice as possible to their supervisor;
- If both parents are employed by Marin Senior Coordinating Council (“Vivalon), the first employee to request such leave will receive the time off. The other parent will receive the time off only if the leave is approved by his or her supervisor;
- Time off under this policy is unpaid, employees must use PTO in order to receive compensation for this time off; and
- Employees must provide their supervisor with documentation from the school verifying that the employee participated in a school activity on the day of the absence for that purpose.

LEAVES OF ABSENCE

PERSONAL LEAVES OF ABSENCE

In an effort to recognize the need of employees who require time off in addition to other types of leave, Vivalon may consider an unpaid personal leave of absence without pay for up to a maximum of 30 days. All regular employees employed for a minimum of 90 days are eligible to apply for an unpaid personal leave of absence. Job performance, attendance history, and departmental requirements all will be taken into consideration before a request is approved. Approvals of the immediate supervisor and Human Resources are required.

Requests for unpaid personal leave may be denied or granted by the company for any reason or no reason and are within the sole discretion of the company. Vivalon reserves the right to terminate employment for any reason or no reason during the leave of absence.

Any employee granted a personal leave of absence must first exhaust any accrued but unused Paid Time Off (PTO) balances.

PREGNANCY DISABILITY LEAVE

Vivalon will grant an unpaid pregnancy disability leave to employees disabled on account of their pregnancy, childbirth, or related medical conditions.

LEAVE AVAILABLE

If you are disabled due to pregnancy, childbirth, or related medical condition you may take up to a maximum of four months leave. As an alternative, Vivalon may transfer you to a less strenuous or hazardous position if you so request, with the advice of your physician, if the transfer can be reasonably accommodated.

Leave taken under the pregnancy disability policy runs concurrently with family and medical leave under federal law, but not with family and medical leave under California law.

NOTICE AND CERTIFICATION REQUIREMENTS

If you need to take a pregnancy disability leave, you must provide Vivalon with 30 days' advance notice if the need for the leave is foreseeable. If the leave is not foreseeable, you must provide advance notice as soon as practicable. In addition, you must provide Vivalon with a health-care provider's statement certifying the last day you can work and the expected date of return.

COMPENSATION & BENEFITS DURING LEAVE

Pregnancy disability leaves are without pay. However, you may take accrued PTO during the leave. All such payments will be integrated with any state disability or other wage reimbursement benefits that you may receive. At no time will you receive a greater total payment than your regular compensation.

LEAVES OF ABSENCE

PREGNANCY DISABILITY LEAVE (CONTINUED)

Vivalon will maintain any group health insurance coverage that you were provided before the leave was taken and on the same terms as if you had continued to work for the entire pregnancy disability leave. In some instances, Vivalon may recover premiums it paid to maintain health coverage if you fail to return to work following your pregnancy disability leave. If you are not entitled to continued paid group health insurance coverage, you may continue your coverage through Vivalon in conjunction with federal and/or state COBRA guidelines by making monthly payments to Vivalon for the amount of the relevant premium. You should contact the Human Resources Department for further information.

REINSTATEMENT

In most circumstances, upon submitting an acceptable health-care provider release to return to work, you will be offered the same position held at the time of the leave or an equivalent position. However, you will not be entitled to any greater right to reinstatement than if you had been employed continuously rather than on leave. For example, if you would have been laid off if you had not gone on leave, and there is no equivalent position available, then you will not be entitled to reinstatement. Similarly, if your position is filled during the leave in order to avoid undermining Vivalon's ability to operate safely and efficiently, and there is no equivalent position available, then reinstatement will be denied.

COORDINATION OF PDL WITH FAMILY/MEDICAL LEAVE

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

If you are on pregnancy disability leave and are not eligible for continued paid coverage, or if paid coverage ceases after 12 workweeks, you may continue your group health insurance coverage through Vivalon in conjunction with federal COBRA guidelines by making monthly payments to Vivalon for the amount of the relevant premium. Contact the Director of Human Resources for further information.

LEAVES OF ABSENCE

REHABILITATION ACCOMMODATION OF EMPLOYEES SEEKING TREATMENT/ REHABILITATION

The Organization may attempt to reasonably accommodate employees with chemical dependencies (alcohol or drugs), if they voluntarily wish to seek treatment and/or rehabilitation. Employees desiring assistance should request an unpaid treatment or rehabilitation leave of absence. WCG's support for treatment and rehabilitation does not obligate the Organization to employ any person who violates Organization policy or whose job performance is impaired because of substance abuse. The Organization is also not obligated to reemploy any person who has participated in treatment or rehabilitation if that person's job performance remains impaired as a result of dependency. Employees who are given the opportunity to seek treatment and/or rehabilitation and are involved in any further violations of this Organization policy will not be given a second opportunity to seek treatment or rehabilitation.

SCHOOL SUSPENSION OF CHILD

If an employee who is the parent or guardian of a child facing suspension from school is summoned to the school to discuss the matter, the employee should alert his or her supervisor as soon as possible before leaving work. In agreement with California Labor Code Section 230.7, no discriminatory action will be taken against an employee who takes time off for this purpose.

TIME OFF FOR VOTING

If you cannot vote before or after working hours in statewide public elections, then you will be allowed sufficient time off to go to the polls. Vivalon will pay you for up to the first two hours of absence from regularly scheduled work which is necessary to vote in a statewide public election. Any additional time off will be without pay. You must give reasonable notice of the need to have time off to vote and must give at least three days' notice when three days' notice is possible.

VOLUNTEER FIREFIGHTERS, RESERVE PEACE OFFICERS OR EMERGENCY RESCUE PERSONNEL – TIME OFF

If you are a registered volunteer firefighter, reserve peace officer, or emergency rescue personnel who intends to perform emergency duty during work hours, please alert your supervisor so the Organization is aware of the fact that the employee may have to take time off to perform emergency duty. In the event any employee needs to take time off for this type of emergency duty, a supervisor must be notified before leaving work. All time off for these purposes is unpaid.

Registered volunteer firefighters, reserve peace officers or emergency rescue personnel are eligible to take temporary unpaid leaves of absence for fire or law enforcement training not to exceed 14 days per calendar year.

SEPARATION FROM EMPLOYMENT

SEPARATION OF EMPLOYMENT

We hope your employment with Vivalon is long-lasting and satisfying. However, if your employment relationship with us ends, you will find the information in this section helpful.

BENEFITS UPON SEPARATION

Employee benefits will be affected by employment termination in the following manner: All accrued, vested benefits that are due and payable at termination will be paid. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

DISMISSAL

Through performance counseling, employees are usually warned about performance problems. However, circumstances may warrant immediate termination. Please remember that employment is at the mutual consent of the both parties and either party may terminate the employment relationship at any time, with or without notice, at will.

EMPLOYEE REFERENCES

All requests for references must be directed to Human Resources. No other manager, supervisor, or employee is authorized to release references for current or former employees. By policy, Vivalon discloses only the dates of employment and the title of the last position held of former employees. If you authorize the disclosure in writing, Vivalon also will inform prospective employers of the amount of salary or wage you last earned.

FINAL PAY

Upon your separation from Vivalon, you will receive all compensation owed to you including salary, overtime, business expense reimbursements (if submitted in sufficient time prior to your exit interview), and accrued, unused Paid Time Off (PTO), according to the following:

- If your separation is due to dismissal, a final paycheck will be immediately presented to you.
- If you resign with at least a 72-hour notice, it will be made available to you on your last day or at your discretion deposited into your account of record in accordance with your instructions on file.
- If you resign with less than a 72-hour notice you will receive your final check on or before 72 hours from your notice or at your discretion deposited into your account of record in accordance with your instructions on file.

SEPARATION FROM EMPLOYMENT

REHIRE POLICY

On occasion, an employee may leave employment with the Company and be rehired at a later date. All rehired employees will serve a 90-day introductory period, have the same benefit waiting periods, and their time off accruals and seniority will begin again as of their date of rehire. In other words, that employee will be treated like all other new employees.

VOLUNTARY RESIGNATION

If you resign, we request that you give us the professional courtesy of at least two weeks' advance written notice, provided to your manager including the date of your last day.

Marin Senior Coordinating Council (“Vivalon”) © 2017

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