

**The Asian Americans for Community  
Involvement of Santa Clara County, Inc.**

**Personnel Handbook**

December 1, 2016

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**The Asian Americans for Community Involvement of Santa Clara County, Inc.  
Personnel Handbook**

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**WELCOME**

Welcome to The Asian Americans for Community Involvement of Santa Clara County, Inc. (“AACI”)! We extend our congratulations on your employment with a leader and innovator in the non-profit industry.

As an AACI employee, you are our most important resource. Through your efforts as a member of our team, we provide a quality and essential service to our community. Your pride in your work and your Agency is the primary ingredient of our success.

We wish you the best during your employment with AACI. Thanks for joining our team!!

**Sarita Kohli  
Interim President and CEO**

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**ABOUT THIS HANDBOOK**

As with any job change, you will experience a period of adjustment. You will want to know what you can expect from our Agency and what will be expected from you. You may have questions about your job duties, your benefits, and the general operation of our Agency. We have prepared this Handbook to assist you in finding the answers to many of these questions. However, we do not expect this Handbook to answer all of your questions. Your manager will be your primary source of information.

This Handbook is provided as a guide you may use to familiarize yourself with AACI. It is provided and intended only as a helpful guide. The Handbook is not, nor should it be considered to be, an agreement or contract of employment, express or implied, or a promise of treatment in any particular manner in any given situation. This Handbook states only general Agency guidelines. To the extent anything contained in this Handbook conflicts with an applicable collective bargaining agreement, the collective bargaining agreement governs. The Agency may, at any time, in its sole discretion, modify or vary anything stated in this Handbook—except as required by law, and except for the rights of the parties to terminate employment at will, which may only be modified individually or collectively by an express written agreement signed by you or your representative and the President and CEO of the Agency.

This Handbook supersedes all prior handbooks, manuals, policies, and procedures issued by AACI. Any violation of the policies and/or procedures set forth in this Handbook may result in disciplinary action, up to and including termination.

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**THE AGENCY**

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## **The Agency**

### **History**

In 1973, a group of citizens of Santa Clara County gathered to express discontent and share common concerns about their experiences as Asian Americans. These community leaders founded an organization committed to the belief that diverse members of the euphemistically labeled “Quiet Minority” could unite, that their individual experiences and strengths could combine to advocate for the betterment of all Asians.

### **Serving the Community**

It’s not uncommon for Asians and other minorities to feel uncomfortable seeking and receiving services due to language and cultural barriers. The team of multicultural and multilingual professionals at AACI works to bridge these gaps through an array of services and programs in health, recovery, advocacy, shelter, and community. The AACI team includes the following specialists:

- Physicians
- Psychiatrists psychologists
- Social workers
- Marriage, family and child counselors
- Teachers
- Health educators
- Domestic violence prevention specialists

We are proud of our past, excited about our future, and confident of our continued success.

### **Mission Statement**

Our mission is to improve the health, mental health and well-being of individuals, families and the Asian community by:

1. Providing an array of high quality health and human services.
2. Sharing expertise about the Asian community’s needs and best service delivery practices.
3. Providing Asian leadership in advocating on key health and human services issues.

### **Our Agency Philosophy**

Our Agency is an equal opportunity employer. We believe all of our employees should be treated fairly, consistently, and with dignity and respect. Our goal is to maintain a satisfied and productive team of employees. The keys to reaching that goal are effective leadership, fair and competitive wages and benefits, dedication to the job, and close attention to employee relations matters.

At our Agency, every member of the management team is committed to our philosophy that effective leadership and dedication are the keys to a productive work environment. You have the opportunity to express your concerns, suggestions, and comments to us directly so we can understand and work with each other better. You are always free to speak to your manager or any member of our management team. We encourage you to raise questions and obtain answers to any questions that may be on your mind so we can address your concerns in a timely manner. We are proud of our relationship between our management team and our employees, and we recognize there is always room for improvement. We will always give consideration to your concerns, and we are interested in your thoughts and opinions. While we cannot guarantee we will always give you the answer you want, we will do our best to listen and to address your concerns.

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### **Your Manager**

Your manager is a vital part of our management team. Your manager is responsible for planning the work schedule, ensuring the quality of your work, and providing you with whatever assistance you may need.

An important part of your manager's responsibilities is to answer questions, listen to your concerns, and take action where appropriate. Give your manager your cooperation. If your manager does not have an answer to your question, he or she will do his or her best to obtain one for you.

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**Questions, Suggestions, and Concerns**

We encourage you to bring your questions, suggestions, and concerns to our attention. While we are proud of the current relationship between management and employees, we recognize there is always room for improvement. We will give consideration to your concerns.

If you have a question, suggestion, or concern, we encourage you to discuss it with your manager. Because you and your manager work closely on a daily basis, most concerns may be best addressed and resolved at that level.

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**BASIC EMPLOYMENT POLICIES**

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### **Introductory Statement**

This handbook summarizes information about many of the policies and procedures which will affect your employment at AACI in accordance with AACI's bylaws and Articles of Incorporation and the requirements of federal, state, and local laws and regulations. With the exception of the at-will employment policy, which may only be changed under the circumstances provided for below, the policies and procedures may be revised from time to time as the Board of Directors or the President and CEO deems appropriate; therefore, the following policies and procedures are subject to change at any time.

Because of grant requirements or restrictions, any one of the policies may be prohibited, restricted, or expanded by specific grant conditions. In the event of a difference between the personnel policy and grant(s), the grant provision shall prevail. However, where a grant provision requires a violation of state or federal labor laws, those laws and not the terms of the grant, will govern the terms and conditions of employment under the grant.

This handbook does not create an employment contract, but is a guide to the employment policies and procedures at AACI. AACI recognizes that each personnel matter may be different and reserves the right to respond to all personnel issues as it sees fit, within its sole discretion.

### **Policy for the Promotion of Ethical Conduct**

As a nonprofit organization at the forefront of human services, AACI's policy is to uphold the highest legal, ethical, and moral standards. Our donors and volunteers support AACI because they trust us to be good stewards of their resources, and to uphold rigorous standards of conduct. Our reputation for integrity and excellence requires the careful observance of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

AACI will comply with all applicable laws and regulations and expects its directors, officers, and employees to conduct business in accordance with the letter and spirit of all relevant laws; to refrain from any illegal, dishonest, or unethical conduct; to act in a professional, businesslike manner; and to treat others with respect. Directors and officers should not use their positions to obtain unreasonable or excessive services or expertise from AACI's staff.

In general, the use of good judgment based on high ethical principles will guide directors, officers, and employees with respect to lines of acceptable conduct. However, if a situation arises where it is difficult to determine the proper course of conduct or where questions arise concerning the propriety of certain conduct by an individual or others, the matter should be brought to the attention of AACI. Employees should contact their immediate manager and, if necessary, the Chief Human Resources Officer ("CHRO"). Board members should raise any such concerns with the chair or the treasurer of AACI's board.

### **Equal Employment Opportunity**

AACI is an equal opportunity employer. We enthusiastically accept our responsibility to make employment decisions without regard to race, religious creed, color, age, sex, sexual orientation, gender identity, gender expression, national origin, ancestry, religion, marital status, domestic partnership status, family care or medical leave status, medical condition as defined under California law, mental or physical disability, genetic information, immigration status, military service or veteran's status, pregnancy, childbirth and related medical conditions (including lactation), or any other classification protected by applicable federal, state, or local laws and ordinances. Our management is dedicated to ensuring the fulfillment of this policy with respect to hiring, placement, promotion, transfer, demotion, layoff, termination, recruitment, advertising, pay and other forms of compensation, training, and general treatment during employment.

Any violation of this policy will not be tolerated and will result in appropriate disciplinary action, up to and including termination. If an employee believes someone has violated this policy, the employee should bring the matter to the attention of the CHRO or President and CEO. The agency will promptly investigate the facts and circumstances of any claim this policy has been violated and take appropriate corrective measures.

No employee will be subject to, and the agency prohibits, any form of discipline or retaliation for reporting perceived violations of this policy, pursuing any such claim, or cooperating in any way in the investigation of such claims.

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**No Harassment, No Retaliation, & No Discrimination**

AACI does not tolerate harassment or discrimination against our job applicants, employees, contractors, unpaid interns, volunteers, or persons providing services pursuant to a contract with the Agency (collectively “employees” or “employee” for purposes of this policy only) by another employee, manager, vendor, customer, contractor, or any other third party. Any form of harassment on the basis of race, religious creed, color, age, sex, sexual orientation, gender identity, gender expression, national origin, ancestry, religion, marital status, domestic partnership status, family care leave status, medical condition as defined under California law, mental or physical disability, genetic information, immigration status, military service or veteran’s status, pregnancy, childbirth and related medical conditions (including lactation), or any other classification protected by applicable federal, state, or local laws and ordinances is prohibited and will be treated as a disciplinary matter. Similarly, AACI does not tolerate harassment by AACI employees of individuals outside AACI with whom AACI has a business, service, or professional relationship. In addition, AACI also does not tolerate retaliation against any employee who reports harassing, discriminatory or retaliatory conduct in good faith, participates in any workplace investigation, or engages in any other protected activity, including, but not limited to, requesting a reasonable accommodation or requesting a family or medical leave. AACI is committed to a workplace free of harassment, discrimination, and retaliation.

**Harassment Defined.** Harassment as defined in this policy is unwelcome verbal, visual, or physical conduct creating an intimidating, offensive, or hostile work environment that unreasonably interferes with work performance. Harassment can be verbal (including slurs, jokes, insults, epithets, gestures, or teasing), graphic (including offensive posters, symbols, cartoons, drawings, computer displays, or e-mails), or physical conduct (including physically threatening another, blocking someone’s way, etc.) that denigrates or shows hostility or aversion towards an individual because of any protected characteristic.

**Sexual Harassment Defined.** Sexual harassment can include all of the above actions, as well as other unwelcome conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations containing sexual comments, and other verbal or physical conduct of a sexual nature. Sexually harassing conduct may be either quid pro quo or hostile work environment sexual harassment. Quid pro quo sexual harassment occurs when there is explicit or implicit conditioning of a job, promotion or other term of employment on an employee, applicant, unpaid intern, or volunteer’s submission to sexual advances or other conduct based on sex. Hostile work environment harassment occurs when unwelcome comments or conduct based on sex unreasonably interferes with an employee, applicant, unpaid intern, or volunteer’s work performance or creates an intimidating, hostile, or offensive work environment.

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Sexually harassing conduct can be by a person of either the same or opposite sex, and it need not be motivated by sexual desire to be in violation of this policy.

All such conduct is unacceptable in the workplace and in any work-related settings such as business trips and business-related social functions, regardless of whether the conduct is engaged in by a manager, co-worker, intern, volunteer, client, customer, vendor, or other third party.

**No Discrimination.** Any form of discrimination against employees, applicants, contractors, volunteers or unpaid interns on the basis of race, religious creed, color, age, sex, sexual orientation, gender identity, gender expression, national origin, ancestry, religion, marital status, domestic partnership status, family care leave status, medical condition as defined under California law, mental or physical disability (including persons infected with the HIV virus or persons with AIDS), genetic information, immigration status, military service or veteran's status, pregnancy, childbirth and related medical conditions (including lactation), or any other classification protected by applicable federal, state, or local laws and ordinances is prohibited and will be treated as a disciplinary matter.

**No Retaliation.** No employee will be subject to, and AACI prohibits, any form of discipline or retaliation for reporting perceived violations of this policy, pursuing any such claim, cooperating in any way in the investigation of such claims, or engages in any other protected activity. If an employee believes someone has violated this no-retaliation policy, the employee should bring the matter to the immediate attention of the CHRO. Anyone, regardless of position or title, whom AACI determines has engaged in conduct that violates this policy against retaliation will be subject to discipline, up to and including termination.

**Complaint Procedures.** We have established the following procedure for lodging a complaint of harassment, retaliation or discrimination. We will treat all aspects of the procedure confidentially to the extent possible. AACI encourages employees to promptly report any incidents of unlawful harassment, discrimination, and retaliation so that corrective action may be taken. When we receive a complaint, we will conduct a fair, timely, and thorough investigation that provides all parties with appropriate due process and reaches reasonable conclusions based on the evidence collected. If at the end of the investigation misconduct is found, appropriate remedial measures shall be taken.

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1. An individual who feels harassed, discriminated, or retaliated against may initiate the complaint process by filing a complaint in writing with AACI's CHRO at [hr@aaci.org](mailto:hr@aaci.org), or any manager whom the individual feels comfortable approaching. An individual is not required to complain first to his or her direct manager. If a manager learns of or observes harassing, discriminatory, or retaliatory conduct, the manager must immediately report it to the CHRO so that an investigation may be initiated.
2. Upon receiving a complaint of harassment, discrimination, or retaliation or being advised by a manager that a violation of this policy may be occurring, AACI will conduct a thorough and prompt investigation, and AACI will conduct a fair, timely, and thorough investigation that provides all parties with appropriate due process. AACI will attempt to keep the investigation confidential to the extent possible.
3. During the investigation, the CHRO, will interview the employee who lodged the harassment, discrimination, or retaliation complaint to obtain complete details regarding the alleged harassment, discrimination, or retaliation; interviews of anyone who is alleged to have committed the acts of harassment, discrimination, or retaliation to respond to the claims; and interviews of employees who may have witnessed, or who may have knowledge of, the alleged harassment, discrimination, or retaliation.
4. The CHRO, or other impartial and qualified company official responsible for the investigation, will document the complaint and investigation and make reasonable conclusions based on the evidence. Typically, within 15 business days of receipt of the complaint, the CHRO or other person conducting the investigation will complete the investigation. Upon timely closure of the investigation, the employee who lodged the harassment, discrimination or retaliation complaint, and any other necessary individuals such as the alleged victim and/or the alleged perpetrator, will be informed of the results of the investigation. If the employee does not receive a response from the CHRO, or other impartial and qualified company official responsible for the investigation, the employee may contact the President and CEO.

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5. If it is determined that harassment, discrimination, or retaliation in violation of this policy has occurred, the CHRO will recommend appropriate remedial action, including disciplinary action for the offending employees. The appropriate action will depend on factors including, but not limited to: (a) the severity, frequency, and pervasiveness of the conduct; (b) prior complaints made by the complainant; (c) prior complaints made against the respondent; and (d) the quality of the evidence (e.g., first-hand knowledge, credible corroboration).
  
6. Upon timely closure of the investigation, AACI will take corrective measures against any person who has engaged in harassment, discrimination, or retaliation in violation of this policy, if AACI determines such measures are necessary. These measures may include, but are not limited to, counseling, suspension, or immediate termination. Anyone, regardless of position or title, whom AACI determines has engaged in conduct that violates this policy will be subject to discipline, up to and including termination. If the harassing conduct is the act of a nonemployee, AACI will take appropriate corrective action in an effort to ensure that such conduct is not repeated.
  
7. AACI will take prompt, appropriate remedial measures, upon offending employees up to and including termination, which may include, but are not limited to training, referral to counseling, or disciplinary action ranging from a verbal or written warning to termination of employment, depending on the circumstances. If the harassing conduct is the act of a nonemployee, AACI will take appropriate corrective action in an effort to ensure that such conduct is not repeated.

Every manager who learns of any employee's concern about conduct in violation of this policy, whether in a formal complaint or informally, must immediately report the issues raised to Human Resources. Employees' notification to AACI is essential to enforcing this policy. Retaliation for reporting a harassment or discrimination problem by employees will not be tolerated.

We cannot remedy claimed harassment, discrimination, and retaliation unless you bring these claims to the attention of management. Failure to report claims of harassment, discrimination, and retaliation prevents us from taking steps to remedy the problem.

### **Whistleblower Policy**

In keeping with the policy of maintaining the highest standards of conduct and ethics, AACI will investigate any suspected fraudulent or dishonest use or misuse of AACI's resources or property by employees, board members, consultants, unpaid interns or volunteers.

Employees, board members, consultants, unpaid interns and volunteers are encouraged to report suspected fraudulent or dishonest conduct (i.e., to act as "whistleblower"), pursuant to the procedures set forth below.

#### **Reporting**

A person's concerns about possible fraudulent or dishonest use or misuse of resources or property should be reported to his or her manager or, if suspected by a volunteer, to the employees supporting the volunteer's work immediately upon discovery of the facts giving rise to the individual's concern. If, for any reason, a person finds it difficult to report his or her concerns to a manager or employee supporting the volunteer's work, the person should report the concerns directly to the President and CEO or designee. Alternately, to facilitate reporting of suspected violations where the reporter wishes to remain anonymous, a written statement may be submitted to one of the individuals listed above.

Alternately, to facilitate reporting of suspected violations where the reporter wishes to remain anonymous, employees can access the AACI Listens, Your Ethics & Compliance Hotline at 866-881-2938 administered by EthicsPoint Reporting System. Upon calling the hotline, an Intake Specialist will assist you with entering your report into the EthicsPoint system.

Additionally, from any computer with internet access, employees can access the following website at [www.aaci.ethicspoint.com](http://www.aaci.ethicspoint.com) and click on "File a Report".

Anyone reporting a concern must have reasonable cause for believe the information discloses a violation of state or federal statute, or a violation or noncompliance with a state or federal rule or regulation or indicates significant fraudulent or dishonest conduct, as defined below. Allegations that are knowingly false or are not based on reasonable cause to believe their truth, that prove to be unsubstantiated, and that prove to have been made maliciously, recklessly, or with the foreknowledge that the allegations are false, may result in discipline, up to and including termination of employment or voluntary services.

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## **Definitions**

### Baseless Allegations

Allegations made without reasonable cause to believe their truth. Individuals making such allegations may be subject to disciplinary action by AACI, and/or legal claims by individuals accused of such conduct.

### Fraudulent or Dishonest Conduct

A deliberate act or failure to act with the intention of obtaining an unauthorized benefit. Examples of such conduct include, but are not limited to:

- Forgery or alteration of documents
- Unauthorized alteration or manipulation of computer files
- Fraudulent financial reporting
- Pursuit of a benefit or advantage in violation of AACI's Conflict-of-Interest Policy
- Misappropriation or misuse of AACI resources, such as funds, supplies, or other assets
- Authorizing or receiving compensation for goods not received or services not performed
- Authorizing or receiving compensation for hours not worked

### Whistleblower

An employee, board member, consultant, unpaid intern or volunteer who informs a manager or the President and CEO about an activity relating to AACI which that person believes to be fraudulent or dishonest.

## **Rights and Responsibilities**

### Managers

Managers are required to report suspected fraudulent or dishonest conduct to the President and CEO or designee. Reasonable care should be taken in dealing with suspected misconduct to avoid:

- Baseless allegations
- Premature notice to persons suspected of misconduct and/or disclosure of suspected misconduct to others not involved with the investigation
- Violations of a person's rights under law

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Due to the important yet sensitive nature of the suspected violations, effective professional follow-up is critical. Managers, while appropriately concerned about “getting to the bottom” of such issues, should not in any circumstances perform any investigative or other follow-up steps on their own. Accordingly, a manager who becomes aware of suspected misconduct:

- Should not contact the person suspected to further investigate the matter or demand restitution
- Should not discuss the case with attorneys, the media, or anyone other than the President and CEO
- Should confer with appropriate personnel before contacting law enforcement.

### Investigation

All relevant matters, including suspected but unproved matters, will be reviewed and analyzed, with documentation of the receipt, retention, investigation, and treatment of the complaint. Appropriate corrective action will be taken, if necessary, and findings will be communicated to the reporting person and his or her manager. Investigations may warrant investigation by independent persons such as auditors and/or attorneys.

### **Whistleblower Protection**

AACI will protect whistleblowers as defined below:

- AACI prohibits retaliation against any employee, board member, consultant, unpaid intern or volunteer who, in good faith, reports a concern or participates in an investigation pursuant to this policy. AACI will use its best efforts to protect whistleblowers against retaliation. Whistleblowing complaints will be handled with sensitivity, discretion, and confidentiality to the extent allowed by the circumstances and the law. Generally, this means that whistleblower complaints will only be shared with those who have a need to know so that AACI can conduct an effective investigation, determine what action to take based on the results of any such investigation, and in appropriate cases, with law enforcement personnel. (Should disciplinary or legal action be taken against a person or persons as a result of a whistleblower complaint, such persons may also have the right to know the identity of the whistleblower.)
- Employees, board members, consultants, unpaid interns and volunteers of AACI may not retaliate against a whistleblower for informing management about an activity which that person believes to be fraudulent or dishonest with the intent or effect of adversely affecting the terms or conditions of the whistleblower’s employment, including but not limited to, threats of physical harm, loss of job, punitive work assignments, or impact on salary or fees. Whistleblowers who

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believe that they have been retaliated against may file a written complaint with the President and CEO. Any complaint of retaliation will be promptly investigated and appropriate corrective measures taken if allegations of retaliation are substantiated. This protection from retaliation is not intended to prohibit managers from taking action, including disciplinary action, in the usual scope of their duties and based on valid performance-related factors.

- Whistleblowers must be cautious to avoid baseless allegations (as described earlier in the definitions section of this policy).

### **Reasonable Accommodation of Individuals with Disabilities**

AACI recognizes and supports its obligation to reasonably accommodate job applicants and employees with disabilities who are able to perform the essential functions of the position, with or without reasonable accommodation. AACI will provide reasonable accommodation to otherwise qualified job applicants and employees with known disabilities, unless doing so would impose an undue hardship on the Agency or pose a direct threat of substantial harm to the employee or others.

An applicant or employee who believes he or she needs a reasonable accommodation of a disability should discuss the need for possible accommodation with his or her direct manager or Human Resources.

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**Reasonable Accommodation of Individuals' Religious Beliefs and Practices**

AACI recognizes and supports its obligation to reasonably accommodate job applicants and employees with religious beliefs or practices who are able to perform the essential functions of the position, with or without reasonable accommodation. AACI will provide reasonable accommodation to otherwise qualified job applicants and employees, unless doing so would impose an undue hardship on the Agency.

An applicant or employee who believes he or she needs a reasonable accommodation of a religious belief or practice should discuss the need for a possible accommodation with his or her direct manager or Human Resources.

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### **At-Will Employer**

The Agency's policy is that employment is "at will." You are free to leave the Agency at any time, with or without a reason and with or without notice. The Agency also has the right to end your employment at any time, with or without a reason and with or without notice. Although the Agency may choose to end your employment for a cause, cause is not required. Further, the Agency has the right to manage its work force and direct its employees. This includes the right to hire, transfer, promote, demote, reclassify, lay-off, terminate, or change any term or condition of employment at any time, with or without a reason and with or without notice unless otherwise required by law.

No one other than the President and CEO may enter into an agreement for employment for a specific period of time or make any agreement contrary to the policy of at-will employment. Any such agreement must be in writing signed by the President and CEO and you.

**WORK PERFORMANCE**

### **Introductory Period of Employment**

The first ninety (90) days of your employment are an Introductory Period. The Introductory Period is designed to give you a chance to become familiar with the Agency and to learn your job. It also gives your manager a chance to work more closely with you while you learn about your job and evaluate your performance. During this period, you may be placed in different tasks if needed.

The Introductory Period is just that—an introduction. Completion of the Introductory Period signifies our hope you will be capable of functioning fully in your position. Completion of the Introductory Period is not in any way unqualified acceptance by the Agency of your performance or an assurance of continued employment. Your introductory period may be extended at the discretion of the Agency.

### **Performance Management**

We endeavor to schedule periodic performance evaluations at mid-year and at the end of the fiscal year to give you an opportunity to discuss your work performance with your manager. In addition, your manager may give you regular input regarding your performance.

During your annual performance review, your manager will consider the following issues, among others: attendance, initiative and effort, knowledge of your work, attitude and willingness, quality and quantity of work performed, and the conditions under which you work. The performance evaluation is designed to identify your strengths and also inform you of areas where improvement may be required. Your performance evaluation may also provide an opportunity for you to discuss performance goals, career path, and targets with your manager.

### **Corrective Action Procedures for Performance Management**

Unsatisfactory performance may subject an employee to discipline. The nature of the discipline imposed will depend on the seriousness of the problem, record(s) of prior performance, or behavior problems, or safety violations. The Agency has the right to determine when disciplinary action is appropriate based on the facts of each case. Forms of discipline include, but are not limited to, verbal counseling, written warnings, suspension without pay, and termination of employment.

Not all available forms of discipline are appropriate to every discipline situation and the Agency is not required to treat each form of discipline as progressive. Nothing in this section alters the at-will nature of employment with the Agency. The Agency reserves the right to terminate any employment relationship without resort to the above-referenced disciplinary procedure.

### **General Standards of Conduct**

People working together need standards to guide their behavior so everyone may work together efficiently. At AACI we take a constructive approach to employee relations so you know what we expect and inappropriate behavior does not occur.

While it is neither possible nor desirable to identify every possible infraction of this policy, employees must observe reasonable standards of conduct and may be disciplined when they do not. Some examples of misconduct include any form of dishonesty, disruption of the workplace, failure to comply with any Agency policy or practice, or any other form of misconduct that does not serve the best interests of AACI or its employees.

Employee discipline generally will be in the form of oral warnings, written warnings, or, in the agency's discretion, termination. However, pursuant to the Agency's at-will employment policy, the Agency reserves the right to impose whatever form of discipline it chooses or none at all in a particular instance. The Agency will deal with each case individually, and nothing in this Handbook should be construed as a promise of specific treatment in a given situation.

### **Drug and Alcohol Free Workplace Policy**

It is the intent of AACI to maintain a workplace that is free of drugs and alcohol. We believe the unlawful or unauthorized use of controlled substances or alcohol by our employees adversely affects our commitment to provide quality services. It also exposes us to potential liability, leads to violations of business conduct standards, detracts from a well-earned reputation in the community, and causes the loss of public and business community esteem. The unlawful or unauthorized presence or use of controlled substances or alcohol in the workplace conflicts with these vital interests. We encourage employees to seek assistance before their drug and alcohol use renders them unable to perform their essential job functions or jeopardizes the health and safety of themselves or others.

#### **Prohibited Conduct**

No employee shall report to work or be present on Agency premises or engage in Agency work or activities while using illegal drugs, alcohol, or controlled substances (except when the use of a controlled substance is prescribed by a licensed medical practitioner, and such use does not impair an employee's ability to perform his/her job ). In addition, the unlawful or unauthorized manufacture, distribution, transfer, dispensation, possession or use of illegal drugs or alcohol on Agency premises, or while engaged in Agency activities or work, is strictly prohibited.

#### **Authorized Conduct**

Nothing in this policy is intended to prohibit the customary and ordinary use of over the counter drugs so long as such activity does not violate any law, impair employees' ability to perform their job, or result in the employee being under the influence of drugs in violation of this policy.

#### **Consequences for Policy Violations**

Your continued employment with the Agency is conditioned upon your full compliance with this Drug and Alcohol Free Workplace Policy. Any violations may result in disciplinary action up to and including termination.

## **Drug-Free Awareness Program**

### **Employee Awareness**

The Agency has established a Drug-Free Awareness Program that is designed to inform you about the dangers of drug abuse in the workplace and to help assure that you are familiar with this policy and with the disciplinary actions that can result from a violation of this policy. From time to time, AACI will provide you with current information about available programs for counseling and rehabilitation.

### **Management Awareness**

Managers should be attentive to the performance and conduct of those who work with them and should not permit an employee to work in an impaired condition or otherwise in violation of this policy. When management has reasonable suspicion to believe an employee or employees are working in violation of this policy, prompt action will be taken.

The employee is required by this policy and by law to notify the Agency of any conviction under a drug statute for a violation occurring in the workplace not later than five (5) days after your conviction. When required by law or pursuant to contractual obligation, the Agency will notify any government agencies with whom the Agency has a contract of any employee who has been convicted under a criminal drug statute for a violation occurring in the workplace.

### **Counseling**

Employees who suspect that they may have alcohol or drug problems, even in the early stages, are encouraged to voluntarily seek diagnosis and to follow through with the treatment as prescribed by qualified professionals. Employees who wish to voluntarily enter and participate in an approved alcohol or drug rehabilitation program are encouraged to contact the President and CEO or his/her designee who will determine whether AACI can accommodate the employee by providing unpaid leave for the time necessary to complete participation in the program.

### **Confidentiality**

Disclosure made by employees to the President and CEO or his/her designee concerning their participation in any drug or alcohol rehabilitation program will be treated confidentially, whenever possible and where required by law. Managers should restrict communications concerning possible violations of this policy to person(s) who have an important work-related reason to know. In addition, managers should not

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disclose the fact of an employee's participation in any drug or alcohol counseling or rehabilitation program.

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### **Your Personnel and Payroll Records**

It is important your personnel records are accurate and up-to-date so you may continue to receive uninterrupted benefits. Certain information also is necessary to determine the amount of wage deductions for federal and state income tax. You should notify Human Resources of any change in your name, address, telephone number, marital status, number of dependents, or emergency contact telephone number.

You may review or request for a copy of your payroll records. Please make any such request in writing or orally to Human Resources. The Agency will provide the copies within 21 days of your request. You are responsible for paying the reasonable expenses incurred in copying such records.

You or your representative designated in writing may review your personnel records with the exception of records obtained prior to employment, records relating to investigations of possible criminal behavior, or letters of reference. To inspect the records, you or your designated representative must provide a written request to your manager or Human Resources.

Inspection of personnel records will be provided within thirty (30) days of receipt of a written request, but the inspection date may be extended by up to an additional five (5) days by mutual agreement. Names of non-supervisory employees may be redacted from the records. You and your representative may also obtain copies of the personnel records, although the Agency will require the requesting party to pay actual copying costs.

Personnel files are the property of the Agency and may not be removed from the Agency's premises without written authorization from Human Resources.

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### **Internal Complaint Procedure**

AACI believes each employee should have an opportunity and a means to raise grievances the employee feels have not been resolved.

Listed below are three (3) successive levels at which you may voice your concerns. However, if you would like to discuss your grievance prior to formally beginning the grievance process, you may always contact Human Resources. It is important for you to understand that nothing in this grievance procedure is intended to create an express or implied agreement that alters the employment at-will relationship that exists between the Agency and you, as set forth in the section of this Handbook entitled "At-Will Employment."

The following steps are provided to all employees for the settlement of a grievance:

Step 1: Discuss your grievance or concern with your immediate manager. Should the results prove unsatisfactory, or if you feel you cannot discuss your concern with your immediate manager, take your grievance to the second step.

Step 2: Discuss your grievance or concern with the individual who represents the second level of supervision. If the problem remains unresolved, or if you feel you cannot discuss your concern with the second level of supervision, proceed to the third step.

Step 3: You may file a formal written grievance with Human Resources. If you need assistance in preparing a written grievance, please contact Human Resources.

Human Resources or his/her designated representative will provide you with a verbal or written response within ten (10) working days unless he/she determines additional time is required under the circumstances. The decision at this step is final, conclusive, and binding on all parties.

Employees are encouraged to utilize this procedure without fear of retaliation. No employee will be discriminated or retaliated against because the employee has elected to use this procedure. Anyone, regardless of position or title, whom the Agency determines has engaged in conduct that violates this policy against retaliation will be subject to discipline, up to and including termination.

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This policy does not apply to claims involving perceived violations of the Agency's equal employment opportunity policies. Such claims should be reported immediately and in the manner set forth in the Agency's "Equal Employment Opportunity" and/or "No Harassment" policies, and will be addressed in accordance with the provisions of the applicable policy.

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**EMPLOYEE POLICIES AND PRACTICES**

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### **Employee Classifications**

A number of different types of employees are employed by AACI.

Introductory Employees: All employees, during the first ninety (90) days of employment or any extension of that period. Introductory employees may be eligible for some, but not all, Agency benefits.

Regular Full-Time Employees: Employees who complete the Introductory Period and who are regularly scheduled to work at least thirty (30) hours per week. Regular full-time employees are eligible for all Agency benefits.

Regular Part-Time Employees: Employees who are regularly scheduled to work fewer than thirty (30) hours per week. Regular part-time employees are eligible for some, but not all, Agency benefits.

Temporary Employees: Employees who are hired for a specific task or project, usually involving fewer than 180 days. Temporary employees are eligible for some, but not all, Agency benefits.

Non-Exempt Employees: Employees who are eligible for overtime under the federal Fair Labor Standards Act and/or applicable state wage and hours laws. Non-exempt employees are entitled to an overtime premium for overtime work in accordance with state and federal law.

Exempt Employees: Salaried employees whose work duties exempt them from the overtime provisions of the federal Fair Labor Standards Act and any applicable state wage and hour laws.

An employee may change classifications only upon written notification by the Agency. There are no automatic conversions from one classification to another. Please speak to your manager if you have any concerns or questions about your classification.

## **Your Paycheck**

### **I. Deductions**

We are required by law to make certain deductions from your paycheck. Your pay stub itemizes the deductions made from your gross earnings. Federal or state laws require we make deductions for social security, federal income tax, state income tax (where applicable), state disability insurance (where applicable), and any other legally-mandated taxes or deductions. In addition, you may authorize deductions for additional items, such as your contribution for medical insurance, 403b savings plans, etc.

If an exempt employee's salary is reduced for any reason other than full-day absences, the employee should report the error to Human Resources.

Any questions you may have about your paycheck or the deductions made should be addressed to your manager or Human Resources.

### **II. Direct Deposit**

If you wish to have your paycheck deposited directly into your bank account, you must provide a voided check to Human Resources. When your check is deposited directly, you will have the ability to assess the electronic pay stub itemizing the amount deposited and the deductions from your pay. You may elect to receive the pay stub on paper at any time. It generally takes one (1) pay period for direct deposit to take effect.

### **III. Releasing Paychecks to Others**

If you wish to have someone else pick up your paycheck, you must provide written authorization giving that person permission to receive your paycheck for you. You generally must provide this authorization in advance.

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**Your Paydays**

Paydays are semi-monthly on the 15th and last day of the month. If a payday falls on a holiday or weekend, you will receive your paycheck on the preceding work day before the regular payday.

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### **Your Wages**

Your pay is influenced by many factors, including your skills, experience, salary history, education, nature and scope of your job, performance, and the Agency's budgetary needs. Wage and salary increases are based on a number of factors, including the Agency's financial well-being, your performance, and wages within our industry. Length of service may also be among the factors considered. Raises are determined in the sole discretion of the Agency. A good performance review neither guarantees a raise nor promises continued employment with the Agency.

### **Job Posting and Employee Referrals**

AACI provides employees an opportunity to indicate their interest in open positions and advance within the Agency according to their skills and experience. In general, notices of all regular, full-time and part-time job openings are posted, although AACI reserves its discretionary right to not post a particular opening.

Job openings will be posted on the internal job posting board and normally remain open until filled. Each job posting notice will include the job title, department, job summary, essential duties, and qualifications (required skills and abilities).

Employees may apply for a transfer opportunity. Before doing so, they must discuss with their managers or with Human Resources their intention of applying for an internal position and they generally must meet the following eligibility requirements:

- Minimum of 12 months continuous service in present position, or the approval of the managers for present and open positions (with exceptions).
- Job performance at a satisfactory level and not the subject of a formal disciplinary action.
- Meet the minimum experience, skill, and education qualifications for the open position.

Employees who have a written warning on file, received a “needs improvement” on their last review, or are on probation or suspension may not be eligible to apply for posted jobs. In addition, employees who are put on a Performance Improvement Plan (“PIP”) are not eligible to apply for posted jobs within twelve (12) months from the date on which the PIP is received. Eligible employees can only apply for those posted jobs for which they possess the required skills, competencies, and qualifications.

To apply for an open position, employees should submit a resume along with a cover letter listing job-related skills and accomplishments at <http://aaci.org/contact/career-opportunities/>.

AACI recognizes the benefit of developmental experiences and encourages employees to talk with their managers about their career plans. Managers are encouraged to support employees' efforts to gain experience and advance within the organization.

An applicant's manager may be contacted to verify performance, skills, and attendance. Any staffing limitations or other circumstances that might affect a prospective transfer may also be discussed.

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Internal job posting is a way to inform employees of openings and to identify qualified and interested applicants who might not otherwise be known to the hiring manager. Other recruiting sources may also be used to fill open positions in the best interest of the agency.

AACI also encourages employees to identify qualified applicants. Employees should obtain permission from the individual before making a referral, share their knowledge of the organization, and not make commitments or oral promises of employment.

An employee should submit the referral's resume and/or completed application form to Human Resources for a posted job. If the referral is hired, the referring employee will be notified and may be eligible for a referral award. Please see Human Resources for further details.

### **Reference Checks**

All reference inquiries regarding a current or former Agency employee must be referred to Human Resources. Under no circumstances should any Agency employee, except Human Resources, release any information, either orally or in writing, about any current or former Agency employee in response to a reference check.

In response to an outside request for information regarding a current or former Agency employee, Human Resources will furnish or verify only an employee's name and dates of employment. No other data or information regarding any current or former Agency employee, or his/her employment with the Agency, will be disclosed unless the employee authorizes the Agency to furnish this information in a writing that also releases the Agency from liability in connection with the furnishing of this information. This policy does not prohibit the Agency from providing information required by law to federal, state or, local authorities.

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**Involuntary Termination**

Employees who are terminated or laid off by AACI are legally due all wages and any accrued but unused vacation pay on the final day that they work for the Agency.

### **Voluntary Termination**

Although not required, as employment is at-will, an employee is requested to provide a two-week written notice of intent to resign his/her position. If an employee fails to report to work for three (3) consecutive scheduled workdays without notice or approval by his/her manager, it will be considered a voluntary termination of employment with AACI.

In a voluntary termination situation, wages are immediately due and payable on the last day worked, except where the employee has given less than 72 hours of notice. If an employee gives less than 72 hours of notice of voluntary termination, wages will be paid within 72 hours from the time notice was received.

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### **Overtime**

The nature of our business sometimes requires employees to work overtime. Your manager will notify you when you are required to work overtime. We expect and appreciate your cooperation. We will try to provide you with advance notice of any overtime that will be required of you.

If you are a non-exempt employee, you will be paid overtime in accordance with state and federal overtime requirements. For all hours worked in excess of eight (8) hours in one (1) day or forty (40) hours in one (1) week, or for the first eight (8) hours on the seventh consecutive day in the same workweek, you will be paid at one and one-half times (1½) your regular rate of pay. You will be paid double-time for hours worked in excess of twelve (12) in any workday or in excess of eight (8) on the seventh day of the workweek. There may be exceptions to these standards where allowed by law.

Please remember you are not allowed to work overtime unless it has been authorized in advance by your manager. He or she will approve your overtime hours on your time card/time sheet. Working unauthorized overtime is grounds for discipline, up to and including termination.

Exempt employees are not eligible to receive overtime compensation.

**HOURS WORKED AND BENEFITS**

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### **Your Workweek**

When you begin your employment with us, you will be advised of your schedule. From time to time, it may be necessary to change your work schedule. Your cooperation with any such changes is both expected and appreciated. We will do our best to give you as much advance notice as possible of any changes in your work schedule. We also will try to keep all unscheduled changes to a minimum.

For payroll purposes, the workweek starts on Monday at 12:00 a.m. and ends on Sunday at 11:59 p.m. A workday is a consecutive 24-hour period starting at the same time each calendar day from 12:00 a.m. to 11:59 p.m.

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### **Rest Breaks and Meal Periods**

AACI normally is open for business from 8:30 a.m. to 5:30 p.m., Monday through Friday. You will be assigned a work schedule and you are expected to begin and end your hours of work according to the schedule. To accommodate the needs of the Agency's business, at some point the Agency may need to change individual work schedules on either a short-term or long-term basis.

#### **Rest Breaks**

Non-exempt employees who work three-and-one-half (3½) or more hours per day are provided one 10-minute rest break for every four (4) hours or major fraction thereof worked. For purposes of this policy, "major fraction" means any time greater than two (2) hours. So, if you work more than six (6) hours, but no more than ten (10) hours in a workday, you are provided and should take two 10-minute rest breaks: one during the first half of your shift and a second rest break during the second half of your shift. If you work more than ten (10) hours but no more than fourteen (14) hours in a day, you are provided and should take three 10-minute rest breaks.

Rest breaks should be taken as close to the middle of each work period as is practical. Employees do not need to obtain their manager's approval or notify their manager when taking a rest break.

Employees are encouraged to take their rest breaks; they are not expected to and should not work during their rest breaks. Non-exempt employees are paid for all rest break periods. Accordingly, you do not need to clock out when taking a rest break.

#### **Meal Periods**

Non-exempt employees who work more than five (5) hours in a workday are provided an unpaid, off-duty meal period of at least thirty (30) minutes. If six (6) hours of work will complete the day's work, you may voluntarily waive your meal period in writing. See Human Resources if you would like to sign and submit a form that waives your right to meal period if you work no more than six (6) hours in a day. Non-exempt employees who work more than ten (10) hours in a day are entitled to a second unpaid, off-duty thirty (30) minute meal period. If an employee works no more than twelve (12) hours, the employee can waive his or her second meal period, but only if the first one was not waived in any manner. Any waiver of the second meal period must be in writing and submitted before the second meal period. See Human Resources if you would like to sign and submit a form that waives your right to a second meal period, as explained above. If you work more than twelve (12) hours you may not waive and should take your second unpaid, off-duty thirty (30) minute meal period.

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You are responsible for scheduling your own meal period, but it should begin no later than the end of your fifth hour of work. Employees entitled to a second meal period should schedule it so it begins no later than the end of your tenth hour of work. For example, an employee who begins working at 8:00 a.m. and ends the day at 4:30 p.m. must begin his or her meal period no later than 1:00 p.m. and an employee who begins work at 8:00 a.m., takes an initial 30 minute meal period between 1:00 p.m. and 1:30 p.m., should begin the second meal period no later than 6:30 p.m. When scheduling your meal period, you should try to anticipate your work flow and deadlines. Employees are encouraged to take their meal periods and are not expected to work during their meal periods.

During your meal period, you are relieved of all duty and you should not work during this time. When taking your meal period, you should be completely off work for at least thirty (30) minutes. Employees are prohibited from working “off the clock” during their meal period. Those employees who record their time manually must accurately record their meal periods by recording the beginning and end of each meal period.

Unless otherwise directed by your manager in writing, you do not need to obtain your manager’s approval or notify your manager when you take your meal period.

### **General Requirements for Rest Periods and Meal Breaks**

All rest breaks and meal periods must be taken outside your work area. You should not visit or socialize with employees who are working while you are taking your rest break or meal period. You may leave the premises during your meal periods.

Employees are required to immediately notify their manager or Human Resources if they believe they are being pressured or coerced by any manager, or other employee to not take any portion of a provided rest break or meal period.

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**Job Duties**

The manager will provide a job description and explain the job responsibilities and the performance standards expected of the employee. From time to time, the employee may be asked to work on special projects or to assist with other work necessary or important to the operation of the program or the Agency. Cooperation and assistance in performing such additional work are expected.

The Agency reserves the right, with reasonable notice, to alter or change job responsibilities, reassign or transfer job positions, or assign additional job responsibilities. When job responsibilities are significantly changed, the employee will be provided with a revised job description.

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**Our Benefits Package**

AACI offers a number of benefits to its employees. Most benefits will be described for you in a benefits orientation meeting when you commence employment. This Handbook briefly describes some of those benefits.

The official details contained in the Benefit Handbook will govern in the event of any conflict or inconsistency with the details listed in this Handbook or with any other written or oral statements or representations. The Agency may modify or rescind any benefits provided. If you have any questions about your benefits, please consult Human Resources.

### **Continuing Education Policy**

We believe in the continuing education of our employees. All full-time employee may request permission to enroll in continuing education courses upon completion of one (1) year of employment subject to approval by manager. If the Agency sends you to a class or training program during normal working hours related to your employment and you are a nonexempt employee, you will be paid training pay for that time. If you are interested in attending an outside class and having the Agency pay for your attendance, you are required to provide advance written notice indicating a description of the class, including the subject matter, length, and cost. Depending on the type of training, the Agency may reimburse some or all of the fees, including materials expenses, meals, and transportation. If your manager approves of your attendance at a noncompany-sponsored class, you will be reimbursed once you have attended and paid for the class.

### **Workers' Compensation Insurance**

Workers' compensation is a no-fault system designed to provide benefits to all employees for work related injuries. Workers' compensation insurance coverage is paid for by the employer and governed by state law. The workers' compensation system provides for coverage of medical treatment and expenses, occupational disability leave, rehabilitation services, as well as payment for lost wages due to work related injuries. If you are injured on the job, no matter how slightly, you are to report the incident immediately to your manager. Consistent with applicable state law, failure to report an injury within a reasonable period of time could jeopardize your claim for benefits.

To receive workers' compensation benefits, notify your manager immediately of your claim. If your injury is the result of an on-the-job accident, you must fill out an accident report. You will be required to submit a medical release before you can return to work. All workers' compensation claims are subject to the approval of our workers' compensation insurance carrier.

### **Paid Family Leave Benefits**

An employee who takes time off work to care for a seriously ill child, spouse, parent, domestic partner, parent-in-law, grandparent, grandchild, sibling, or to bond with a new child by birth or in connection with adoption or foster care placement, may be eligible to receive benefits through the California "Paid Family Leave" ("PFL") program, which is administered by the Employment Development Department ("EDD").

PFL benefits are financed through employee contributions to the State Disability Insurance program. The EDD is solely responsible for determining if an employee is eligible for PFL benefits. There generally is a waiting period before PFL benefits are paid. The EDD can provide additional information about any applicable waiting period.

If you need to take time off work to care for a qualifying family member, please inform Human Resources and you will be provided information about the EDD's PFL program and how to apply for benefits. Employees also may contact their local EDD Office for further information. During the time you are off work, you should maintain regular contact with Human Resources so we may monitor your return-to-work status. In addition, you should contact Human Resources when you are ready to return to work.

Please note, employees taking time off work to care for a child, spouse, parent, or domestic partner or other relative with a serious health condition or to bond with a new child are not guaranteed job reinstatement unless they qualify for such reinstatement under federal or state family and medical leave laws. Any time off for PFL purposes will be designated as leave under the appropriate leave policy (such as Family and Medical Leave or personal leave) if applicable. Please see the "Family and Medical Leave" policy in this Handbook for eligibility requirements.

**TIME OFF FROM WORK**

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### **Attendance**

The success of our agency depends upon the cooperation and commitment of each member of our team. Therefore, your attendance and punctuality are extremely important. Your fellow employees must bear the burden of your absence. Your responsibility to our agency and your fellow employees requires good attendance.

Please be at your work place and ready to work at your starting time. Give yourself enough time to make preparations to begin work prior to your starting time. However, we request you do not report to work or record your time card/time sheet more than five (5) minutes before your starting time without your manager's permission. We also ask that you not stay more than five (5) minutes after the end of your work day without your manager's permission.

We recognize there may be times when your absence or tardiness cannot be avoided. In that event, notify your manager at least six (6) hours before your scheduled shift. You must speak with your manager or another management employee personally and you may not simply leave a voicemail message. Unless you have made other arrangements with your manager, you must call your manager each day of your absence.

Failure to give your manager notice of your absence or tardiness is serious because we may not provide paid sick leave if you have not provided the required notice. Failure to notify us may also result in disciplinary action.

If you are absent due to the illness of yourself or a family member for more than three (3) consecutive work days, we may require you to produce a certification from your healthcare provider. If you fail to notify your manager of your absences for three (3) consecutive work days, you may be considered to have voluntarily terminated your employment with the Agency.

A pattern of excessive or unexcused absences or tardiness may result in disciplinary action, up to and including termination.

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**Attendance Records**

If you are a non-exempt employee, you will receive a time card/time sheet at the beginning of each workweek on which you are to record your daily starting, meal, and ending times. You must show an accurate record of the hours you work because your paycheck will be based on this attendance record.

You are to record when you arrive at work, but under no circumstances are you to work or record your time card/time sheet more than five (5) minutes prior to your scheduled starting time or five (5) minutes after your scheduled quitting time unless specifically authorized. You are required to record whenever you leave the building for any non-business reason and the beginning and end of each meal period, regardless of whether you leave the premises.

If you fail to record your starting time, quitting time, or the beginning and end of each meal period or there is an error on your time card/time sheet, be sure to notify your manager. All attendance records must be approved by your manager. You may only record starting and quitting time and the beginning and end of each meal period on your own time cards/time sheets. Doing so for other employees may lead to discipline, up to and including termination.

### **Safe Harbor Policy for Exempt Employees**

It is our policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure you are paid properly and no improper deductions are made, you must review your pay stubs promptly to identify and to report all errors.

If you believe a mistake has occurred or if you have any questions, please use the reporting procedure outlined below.

As an exempt salaried employee, you receive a salary which is intended to compensate you for all hours you work for the Agency. This salary will be established at the time of hire or when you become classified as an exempt employee. While it may be subject to review and modification from time-to-time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform.

Under state law, your salary is subject to certain deductions. For example, your salary can be reduced for the following reasons:

- Full-day absences for personal reasons.
- Full-day absences for sickness or disability, if you have exhausted the paid sick leave available to you.
- Intermittent absences, including partial-day absences, covered by the federal Family and Medical Leave Act, if you have exhausted other paid leave available to you.
- To offset amounts received as payment for jury and witness fees or military pay.
- During the first or last week of employment in the event you work less than a full week.
- Any workweek in which you perform no work for the Agency.

Your salary also may be reduced for certain types of deductions, such as your portion of health, dental or life insurance premiums; state, federal or local taxes, social security; or, voluntary contributions to a 403(b).

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In any workweek in which you performed any work, your salary will not be reduced for any of the following reasons:

- Partial-day absences for personal reasons, sickness or disability.
- Your absence on a holiday when the facility is closed, or because the facility is otherwise closed on a scheduled workday.
- Absences for jury duty, attendance as a witness, or military leave in any week in which you have performed any work.
- Any other deductions prohibited by state or federal law.

If you believe you have been subject to any improper deductions, you should immediately report the matter to your manager. If the manager is unavailable or if you believe it would be inappropriate to contact that person (or if you have not received a prompt and fully acceptable reply), you should immediately contact Human Resources. If you are unsure of whom to contact if you have not received a satisfactory response within five (5) business days after reporting the incident, please immediately contact the President and CEO.

Every report will be fully investigated and corrective action will be taken where appropriate, up to and including termination for any employee(s) who violates this policy. In addition, the agency will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the agency's investigation of such reports. Retaliation is unacceptable, and any form of retaliation in violation of this policy will result in disciplinary action, up to and including termination.

### **Lactation Accommodation**

The Agency will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child. The break time, if possible, must run concurrently with rest and meal periods already provided to the employee. For non-exempt employees, if the break time cannot run concurrently with rest and meal periods already provided to the employee, the break time will be unpaid.

The Agency will make reasonable efforts to provide employees with the use of a room or location other than a toilet stall for the employee to express milk in private. This location may be the employee's private office, if applicable. The Agency may not be able to provide additional break time if doing so would seriously disrupt the Agency's operations. Please speak to Human Resources if you have questions regarding this policy.

### **Make-Up Time Policy**

AACI allows the use of make-up time when non-exempt employees need time off to tend to personal obligations. Employees may take time off and then make up the time later in the same workweek, or may work extra hours earlier in the workweek to make up for time that will be taken off later in the same workweek. Make-up time worked will not be paid at an overtime rate.

Make-up time requests must be submitted in writing to your manager, with your signature, on the form provided by the Agency. Requests will be considered for approval based on the legitimate business needs of the Agency at the time the request is submitted. A separate written request is required for each occasion the employee requests make-up time. Exception: If you know in advance that you will be requesting make-up time for a personal obligation that will recur at a fixed time over a succession of weeks, you may request to make up work time for up to four (4) weeks in advance. However, the make-up work must be performed in the same week that the work time was lost.

If you request time off that you will make up later in the week, you must submit your request at least 24 hours before the desired time off. If you ask to work make-up time first to take time off later in the week, you must submit your request at least 24 hours before working the make-up time. Your make-up time request must be approved in writing before you take the requested time off or work make-up time, whichever is first.

All make-up time must be worked in the same workweek as the time taken off. AACI seven (7) day workweek is Monday to Sunday.

You may not work more than eleven (11) hours in a day or forty (40) hours in a workweek as a result of making up time that was or would be lost due to a personal obligation.

If you take time off and are unable to work the scheduled make-up time for any reason, the hours missed normally will be unpaid. However, your manager may arrange with you another day to make up the time if possible, based on scheduling needs.

If you work make-up time before you plan to take off, you must take that time off, even if you no longer need the time off for any reason.

An employee's use of make-up time is completely voluntary. AACI does not encourage, discourage, or solicit the use of make-up time.

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### **Holidays**

The following days will be observed as paid holidays. All regular full-time employees are entitled to the following paid holidays immediately:

- New Year's Day: January
- Martin Luther King, Jr. Day: January
- Presidents Day: February
- Memorial Day: May
- Independence Day: July
- Labor Day: September
- Veterans Day: November
- Thanksgiving Day: November
- Friday after Thanksgiving Day: November
- Christmas Eve (1/2 day): December
- Christmas Day: December
- New Year's Eve (1/2 day): December

You will receive up to eight (8) hours of compensation at your regular rate of pay for each of these holidays. Holidays that fall on a Saturday will be observed the previous Friday; holidays that fall on a Sunday will be observed the following Monday. Non-exempt employees who are requested to work on one of the holidays specified above will receive an additional one and one-half times (1½) pay at his or her regular rate of pay.

To be eligible for any holiday pay, you must work your regularly-scheduled work day before and after the holiday and work the holiday if required (unless the holiday ends or precedes your scheduled vacation). Employees on leaves of absence are not eligible for holiday pay. Employees working less than 30 hours are not eligible for holiday pay.

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**Birthday Holiday**

Regular full time employees are entitled to take one (1) day off with pay in honor of their birthday each year. Birthday holiday must be taken five (5) calendar days before or after the birthday.

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**Vacations**

It is the practice of AACI to provide eligible employees with paid vacation.

Part-time or temporary employees do not accrue any vacation benefits.

All regular employees, working thirty (30) hours or more per week, are entitled to paid vacation. The number of paid vacation days for each fiscal year (July 1 through June 30) is dependent upon the employee's length of service. Vacation accruals are prorated according to the hours worked. The anniversary date of the employee's employment shall be used to calculate vacation accrual calculations. The table below is based on a regular full time employee working a forty (40) hour workweek.

Vacation time does accrue during a new employee's first 90 day period; however the employee is not entitled to take this vacation until he/she successfully completes the 90 day period.

Employees on unpaid leave of any type do not accrue vacation time.

Employees may request to take an advance on vacation time that has not been accrued. A maximum of 40 hours of unaccrued vacation time may be advanced to the employee. In the event that the employee leaves the Agency, either voluntarily or involuntarily, prior to the full accrual of advanced vacation time, the employee will be required to pay back the monetary value of the advanced vacation time that has not been accrued.

Vacation calculation: Employees earn vacation times in hours-per-month based on their length of consecutive employment at AACI. The vacation levels and hours-per-month earned are as follows:

<b>Length of Employment</b>	<b>Vacation Time Accrued</b> (Avg. number of hours/month)	<b>Maximum Accrual</b>
0 months - 24 months	8.67 hours/month	176.00 hours
25 months - 60 months	12.00 hours/month	216.00 hours
61 months and beyond	15.33 hours/month	276.00 hours

Depending on the years of employment for each particular employee, once the maximum number of vacation hours have been accrued in a year but have not been taken, vacation will cease to accrue until some of the previously accrued vacation is taken.

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Every effort will be made to grant an employee vacation leave for the period desired. However, vacations cannot interfere with the employee's department's operation and therefore must be approved by his/her immediate manager at least two (2) weeks in advance. Requests will be reviewed based on a number of factors, including business needs and employee requirements. Vacation will be limited to time accrued at a minimum vacation time of one (1) day. AACI suggests that vacations days accrued during a given fiscal year should be taken before the end of the same fiscal year.

If a holiday falls within an employee's regular scheduled vacation, that day will be considered a holiday and not a vacation day.

We strongly believe employees should devote their vacation time to rest and relaxation. Doing so allows employees to recharge their batteries and generally makes for a more productive workforce. Accordingly, employees who are on vacation are not expected to check their voice mail or e-mail when away from the workplace

Accrued but unused vacation will be paid upon termination of employment.

### **Paid Sick Leave**

All employees employed in the State of California for thirty (30) or more days are eligible to accrue paid sick leave. Accrual begins on the first day of employment. Once an employee reaches ninety (90) days of employment, the employee may begin to use their accrued sick leave, if any. Sick leave will accumulate at the rate of one (1) sick day per month. Sick leave accruals are prorated according to the hours worked. A maximum of thirty (30) days sick leave may be accrued (240 hours) for regular full-time employees. Regular part-time employees and temporary employees will accrue sick leave at a maximum of three (3) days. Once an employee reaches the accrual cap, she/he will not accrue further paid sick leave until some paid sick time is used.

Eligible employees will receive payment for sick time at same wage as the employee normally earns during regular work hours, unless otherwise required by applicable law. Employees may use all or any percentage of their accrued sick leave for the purposes outlined below. To be eligible to receive paid sick leave, employees should provide reasonable advance notice of a foreseeable absence from work for which paid sick leave will be used. When an employee has an unforeseeable absence, the employee must provide notice as soon as practicable.

Sick leave may be used for the diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee's family member. For purposes of this policy, "family member" means any of the following: (1) a child which means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis. This definition of a child is applicable regardless of age or dependency status; (2) a biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child; (3) a spouse; (4) a registered domestic partner; (5) grandparents; (6) grandchildren; and, (7) siblings. Sick leave may also be used by an employee who is a victim of domestic violence, sexual assault or stalking for related absences that are due to: seeking medical attention or treatment; psychological counseling; obtaining services from a domestic violence shelter, program or rape crisis center; safety planning; or seeking judicial relief arising from domestic violence, sexual assault, or stalking.

If an employee's employment ends with the Agency and the employee is rehired by the Agency within one (1) year from the date of separation, the amount of unused paid sick leave at time of separation will be reinstated. The employee will be entitled to use those previously unused paid sick days and accrue additional paid sick days upon rehiring.

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Deductions from sick leave balances will be made from non-exempt employee leave banks based on the actual time the employee is absent from work due to illness or injury. Non-exempt employees (hourly and salaried) will not receive compensation for absences due to illness or injury once they use all of their accrued sick leave, unless they choose to apply accrued, unused vacation to the absence.

Deductions from exempt employees' sick leave banks will be made in a minimum increment of one (1) hour. Exempt employees who exhaust their sick leave and continue to be absent for reasons of injury or illness will have deductions made from their salary for full day absences only, unless their absences have been designated as intermittent leave under the Family Medical Leave Act and as of July 1, 2015, the California Family Rights Act. In cases of FMLA/CFRA intermittent leave, the deductions from an exempt employee's salary will be made consistent with the applicable requirements. Exempt employees who believe deductions from their salary have been made because of absences due to illness or injury and which are inconsistent with this policy should immediately bring it to the attention of Human Resources, who will investigate the matter.

Beginning July 1, 2015, available paid sick leave balances will be shown on employees' itemized wage statements or on a separate written document provided to employees with their paychecks and wage statements.

The Agency will not pay employees for unused sick leave upon termination of employment. The Agency will not discharge, threaten to discharge, demote, suspend, or in any manner discriminate against an employee for using paid sick days, attempting to exercise the right to use accrued sick days, filing a complaint with the state, cooperating in an investigation into allegations of violations of the California paid sick leave law.

### **Sick Time Transfer Policy**

If you use the allotted paid workdays under our sick time policy and are required to be away from work due to your own serious health condition (as described in our Family and Medical Leave policy), you may be eligible for our sick time transfer program.

The sick time transfer program is available to all regularly-scheduled full-time employees who have exhausted their sick time. Under this program, other employees may “transfer” up to one-third ( $\frac{1}{3}$ ) of their accrued sick time to an eligible employee. The employee in need of the sick time may receive up to ninety (90) days of sick time. If you are interested in more information about the sick time transfer program, please contact Human Resources.

**LEAVE POLICIES**

### **Personal Leave of Absence**

A personal leave of absence without pay may be granted to regularly-scheduled, full-time employees who have completed at least twelve (12) months of continuous service. Temporary employees are not eligible for personal leaves of absence. A personal leave of absence may be considered when the employee has a need for a leave that is not covered by other leaves of absence provided by the Agency. Personal leaves may not be taken to extend the length of any other leave of absence granted by the Agency. Any personal leave you are granted will run concurrently with other leaves to which you are entitled under the law.

A written request for a personal leave of absence must be presented to your manager at least four (4) weeks before the leave is to begin and must be approved by the respective Executive Leadership Team and CHRO. Your request will be considered on the basis of the compelling nature of the reason given, the length of time requested, our business requirements, your length of service and your performance record.

The leave of absence, when granted, will be for a period of up to thirty (30) days. Under unusual circumstances, an extension may be granted for a like period if a written request is submitted and approved in writing prior to the expiration of your leave.

#### I. Holidays

If a holiday falls within the period an employee is on personal leave, the employee will not receive holiday pay.

#### II. Other Work

If you have been granted a personal leave of absence, you may not accept other work during such leave without prior written approval of Human Resources.

#### III. Failure to Return to Work

Failure to return to work on the expiration of your leave may be deemed a voluntary resignation of your employment with the Agency.

#### IV. Reinstatement

There no guarantee of reinstatement upon completion of your leave.

### **Pregnancy Disability Leave of Absence and Accommodation**

If you are disabled by pregnancy, childbirth or related medical conditions, you are eligible to take a pregnancy disability leave (“PDL”). Moreover, an employee is entitled to a reasonable accommodation for pregnancy, childbirth, or related medical conditions if she so requests and provides the Agency with medical certification from her health care provider.

In addition to other forms of reasonable accommodation, a pregnant employee is entitled to transfer temporarily to a less strenuous or hazardous position or to less hazardous or strenuous duties if she so requests, the transfer request is supported by proper medical certification, and the transfer can be reasonably accommodated. If it is medically advisable for the employee to take intermittent leave or work a reduced leave schedule, the Agency may require the employee to transfer temporarily to an alternative position with equivalent pay and benefits that can better accommodate recurring periods of leave.

#### **Reasons for Leave**

PDL is for any period(s) of actual disability caused by the employee’s pregnancy, childbirth, or related medical condition – per pregnancy. Time off needed for prenatal or postnatal care; doctor-ordered bed rest; gestational diabetes; pregnancy-induced hypertension; preeclampsia; childbirth; postpartum depression; loss or end of pregnancy; or recovery from childbirth or loss or end of pregnancy are all covered by this PDL policy.

#### **Duration of Leave**

An employee is entitled to up to four (4) months of PDL while the employee is disabled by pregnancy, childbirth or related medical condition. For purposes of this policy, “four (4) months” means time off for the number of days the employee would normally work within the four (4) calendar months (one-third of a year, or 17.3 weeks or 122 days), following the commencement date of taking a pregnancy disability leave. For a full time employee who works five eight-hour days per week, or forty (40) hours per week, “four (4) months” means 693 hours of leave entitlement, based on 40 hours per week times 17.3 weeks. Employees working a part-time schedule will have their PDL calculated on a pro-rata basis.

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### **Employee Notice Requirements**

To receive reasonable accommodation, obtain a transfer, or take a PDL, an employee must provide sufficient notice so the Agency can make appropriate plans – thirty (30) days advance notice if the need for the reasonable accommodation, transfer or PDL is foreseeable, otherwise as soon as practicable if the need is an emergency or unforeseeable.

### **Medical Certification**

An employee is required to obtain a certification from her health care provider of her need for PDL, or the medical advisability of an accommodation or a transfer. Upon request, the Human Resources Department will provide you with a medical certification form that you can take to your doctor.

A medical certification indicating the medical advisability of reasonable accommodation or a transfer is sufficient if it contains:

1. A description of the requested reasonable accommodation or transfer;
2. A statement describing the medical advisability of the reasonable accommodation or transfer because of pregnancy; and
3. The date on which the need for reasonable accommodation or transfer became or will become medically advisable and the estimated duration of the reasonable accommodation or transfer.

A medical certification indicating disability necessitating a leave is sufficient if it contains:

1. A statement that the employee needs to take pregnancy disability leave because she is disabled by pregnancy, childbirth or a related medical condition;
2. The date on which the employee became disabled because of pregnancy and the estimated duration of the leave.

### **Release to Return to Work**

As a condition of an employee's return from PDL or transfer, the Agency requires the employee to obtain a release to return to work from her health care provider stating she is able to resume their original job or duties.

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### **Leave is Unpaid**

PDL leave is unpaid. However, an employee must use any accrued paid sick leave as part of their PDL. At the employee's option, the employee may use any accrued vacation time as part of their PDL before taking the remainder of their leave on an unpaid basis. The use of any paid leave will not extend the duration of the employee's PDL. The Agency encourages employees to contact the EDD regarding eligibility for state disability insurance for the unpaid portion of their leave.

### **Leave Concurrent with Family and Medical Leave**

If an employee is eligible for leave under the federal Family and Medical Leave Act their PDL will also run concurrently with any family and medical leave, where permissible by applicable law. Employees should refer to the family and medical leave policies in this Handbook for additional information.

### **Return to Work**

If an employee does not return to work on the originally scheduled return date or request in advance an extension of the agreed upon leave with appropriate medical documentation, the employee may be deemed to have voluntarily terminated her employment with the Agency. Failure to notify the Agency of her ability to return to work when it occurs, or her continued absence from work because their leave must extend beyond the maximum time allowed, may be deemed a voluntary termination of the employee's employment with the Agency, unless the employee is entitled to Family and Medical Leave or a disability accommodation. Upon the employee's return from PDL, the employee will be reinstated to her same position in most instances.

Taking PDL may impact certain benefits. If an employee wants more information regarding their eligibility for a leave and the impact of the leave, the employee should contact Human Resources at [hr@aaci.org](mailto:hr@aaci.org).

### **Request for Additional Time Off**

Any request for leave after the employee's disability has ended will be treated as a request for leave under the California Family Rights Act and the federal Family and Medical Leave Act, if the employee is eligible for such leave. Employees should refer to the "Family and Medical Leave" policy in this Handbook for additional information. Employees who are not eligible for leave under the California Family Rights Act or Family Medical Leave Act will have a request for additional leave treated as a request for disability accommodation.

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**Continuation of Health Insurance Benefits**

Employees who participate in the Agency's group health insurance plan shall continue to participate in the plan while on PDL under the same terms and conditions as if they were working. Employees should make arrangements with Human Resources for payment of their share of the insurance premiums. Benefit continuation under PDL is distinct from benefit continuation for employees who also take birth bonding leave under the California Family Rights Act.

## **Family and Medical Leave Policy**

As an employee, you may be entitled to a leave of absence under the Family and Medical Leave Act (“FMLA”) and/or the California Family Rights Act (“CFRA”). This policy is intended to provide you with information concerning FMLA/CFRA entitlements and obligations you may have during such leaves. If you have any questions concerning FMLA/CFRA leave, please contact Human Resources.

### **1. ELIGIBILITY**

The FMLA and CFRA provide eligible employees with a right to leave, health insurance benefits and, with some limited exceptions, job restoration. To be an “eligible employee”, you must (1) have been employed by the Agency for at least twelve (12) months (which need not be consecutive); (2) have worked for at least 1,250 hours during the twelve (12) month period immediately preceding the commencement of the leave; and (3) at a worksite where fifty (50) or more employees are located within 75 miles of the worksite. In addition, an employee who is not eligible for CFRA leave at the start of a leave because the employee has not met the 12-month length of service requirement can meet this requirement while on leave because leave to which the employee is otherwise entitled counts toward length of service requirement (but not the 1,250 hours requirement).

### **2. EMPLOYEE ENTITLEMENTS FOR FMLA/CFRA LEAVE**

#### **A. Basic FMLA/CFRA Leave Entitlement**

The FMLA provides eligible employees up to twelve (12) workweeks of unpaid leave for certain family and medical reasons during a twelve (12) month period. The 12-month period is determined by calendar year. In some instances, leave may be counted under the FMLA but not CFRA or CFRA but not the FMLA. Leave may be taken for any one, or for a combination, of the following reasons:

- Disability due to pregnancy, childbirth or related medical condition (counts only toward FMLA leave and California Pregnancy Disability Leave (“PDL”) leave entitlements);
- Bonding and/or caring for a newborn child, or for placement of a child through adoption or foster care (counts toward FMLA and CFRA leave entitlements);
- To care for the employee’s spouse, child, or parent with a **serious health condition** (counts toward FMLA and CFRA leave);

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- To care for the employee's domestic partner with a **serious health condition** (may count towards CFRA leave entitlements; not covered by FMLA);
- For the employee's own **serious health condition** (excluding pregnancy) that makes the employee unable to perform one or more of the essential functions of the employee's job (counts toward FMLA and CFRA leave entitlements); and/or
- Because of any **qualifying military exigency** arising out of the fact that an employee's spouse, child, or parent is a military member on covered active duty status (or has been notified of an impending call or order to covered active duty status) in the Armed Forces outside of the United States (counts toward FMLA leave entitlement only).

A **serious health condition** is an illness, injury, impairment or physical or mental condition that involves either (1) the individual being admitted to a medical care facility with the expectation that he or she will remain at least overnight; or (2) continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Under the FMLA and CFRA, subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a health care provider or one (1) visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Qualifying military exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, caring for the parents of the military member on covered active duty and attending post-deployment reintegration briefings.

A leave of absence in connection with a workers' compensation injury/illness or for which an employee receives disability or State of California Paid Family Leave benefits shall run concurrently with FMLA/CFRA leave.

## **B. Additional Military Family Leave Entitlement**

In addition to the basic FMLA/CFRA leave entitlement described above, an eligible employee who is the spouse, son, daughter, parent or next of kin of a **covered servicemember** is entitled to take up to 26 weeks of leave during a 12-month period to care for the servicemember with a serious injury or illness. Leave to care for a servicemember shall only be available during a single-12 month period and, when combined with other FMLA-qualifying leave, may not exceed 26 weeks during the single 12-month period. The single 12-month period begins on the first day an eligible employee takes leave to care for the injured servicemember.

A “**covered servicemember**” is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is on the temporary disability retired list, for a serious injury or illness. These individuals are referred to in this policy as “current members of the Armed Forces.” Covered servicemembers also includes a veteran who was a member of the Armed Forces, including the National Guard or Reserves, who is discharged or released from military service under conditions other than dishonorable at any time during the five (5) year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. These individuals are referred to in this policy as “covered veterans.”

The FMLA definition of a serious illness or injury for current Armed Forces members and covered Veterans are distinct from the definition of “serious health condition” applicable to leave to care for a family member or the employee’s own illness or injury. See “Additional Definitions” below.

## **C. Intermittent Leave and Reduced Leave Schedules**

FMLA/CFRA leave usually will be taken for a period of consecutive days, weeks or months. However, employees are also entitled to take FMLA/CFRA leave intermittently or on a reduced leave schedule when medically necessary due to a serious health condition of the employee or covered family member or the serious injury or illness of a covered servicemember. Intermittent leave can also be taken for any qualifying exigency. Intermittent or reduced work schedule leave may be taken for absences where the employee or family member is incapacitated or unable to perform the essential functions of the position because of a chronic serious health condition, even if he or she does not receive treatment by a health care provider.

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Employees are also eligible for intermittent leave for bonding with a child following birth or placement. Intermittent leave for bonding purposes generally must be taken in two-week increments, but the Agency permits two (2) occasions where the leave may be for less than two (2) weeks.

**D. Health Insurance Benefits**

During FMLA and/or CFRA leave, eligible employees are entitled to receive group health plan coverage on the same terms and conditions as if they had continued work.

**E. Restoration of Employment and Benefits**

At the end of FMLA/CFRA leave, subject to some exceptions including situations where job restoration of “key employees” will cause the Agency substantial and grievous economic injury, employees generally have a right to return to the same or equivalent positions they held before the FMLA/CFRA leave. The Agency will notify employees if they qualify as “key employees”, if it intends to deny reinstatement, and of their rights in such instances. Use of FMLA/CFRA leave will not result in the loss of any employment benefit that accrued prior to the start of an eligible employee’s FMLA/CFRA leave.

**F. Notice of Eligibility for, and Designation of, FMLA/CFRA Leave**

Employees requesting FMLA/CFRA leave are entitled to receive written notice from the Agency telling them whether they are eligible for FMLA and/or CFRA leave and, if not eligible, the reasons why they are not eligible. When eligible for FMLA/CFRA leave, employees are entitled to receive written notice of: 1) their rights and responsibilities in connection with such leave; 2) the Agency’s designation of leave as FMLA/CFRA-qualifying or non-qualifying, if not FMLA/CFRA-qualifying, the reasons why; and 3) the amount of leave, if known, that will be counted against the employee’s leave entitlement.

The Agency will respond to a leave request within five (5) business days. Once given, approval shall be deemed retroactive to the date of the first day of the leave. The Agency may designate FMLA/CFRA leave retroactively with appropriate notice and provided that doing so does not cause harm or injury to the employee. In other cases, the Agency and employee can mutually agree that leave be retroactively designated as FMLA/CFRA leave.

### **3. EMPLOYEE OBLIGATIONS FOR FMLA/CFRA LEAVES**

#### **A. Provide Notice of the Need for Leave**

Employees who take FMLA/CFRA leave must timely notify the Agency of their need for FMLA/CFRA leave. The following describes the content and timing of such employee notices.

##### **1. Content of Employee Notice**

To trigger FMLA/CFRA leave protections, employees must inform the Agency of the need for FMLA/CFRA -qualifying leave and the anticipated timing and duration of the leave, if known. Employees may do this by either requesting FMLA/CFRA leave specifically, or explaining the reasons for leave so as to allow the Agency to determine that the leave is FMLA/CFRA-qualifying. For example, employees might explain that:

- a medical condition renders them unable to perform the functions of their job;
- they are pregnant or have been hospitalized overnight;
- they or a covered family member are under the continuing care of a health care provider;
- the leave is due to a qualifying exigency caused by a military member being on covered active duty or called to covered active duty status; or
- if the leave is for a family member, that the condition renders the family member unable to perform daily activities or that the family member is a covered servicemember with a serious injury or illness.

Calling in “sick,” without providing the reasons for the needed leave, will not be considered sufficient notice for FMLA/CFRA leave under this policy. Employees must respond to the Agency’s lawful questions to determine if absences are potentially FMLA/CFRA-qualifying.

If employees fail to explain the reasons for FMLA/CFRA leave, the leave may be denied. When employees seek leave due to FMLA/CFRA -qualifying reasons for which the Agency has previously provided FMLA/CFRA -protected leave, they must specifically reference the qualifying reason for the leave or the need for FMLA/CFRA leave.

### **B. Cooperating in the Scheduling of Leave**

When planning medical treatment for the employee or family member or requesting to take leave on an intermittent or reduced schedule work basis, employees must consult with the Agency and make a reasonable effort to schedule treatment so as not to unduly disrupt the Agency's operations. Employees must consult with the Agency prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of both the Agency and the employees, subject to the approval of the applicable health care provider. To the extent permitted by applicable law, when employees take intermittent or reduced work schedule leave for foreseeable planned medical treatment for the employee or a family member, including a period of recovery from a serious health condition, or to care for a covered servicemember, the Agency may temporarily transfer employees to alternative positions with equivalent pay and benefits for which the employees are qualified and which better accommodate recurring periods of leave.

### **C. Submit Initial Medical Certifications Supporting Need for Leave (Unrelated to Requests for Military Family Leave)**

Depending on the nature of FMLA/CFRA leave sought, employees may be required to submit medical certifications supporting their need for FMLA/CFRA-qualifying leave. As described below, there generally are three (3) types of FMLA/CFRA medical certifications: an **initial certification**, a **recertification**, and a **return to work/fitness for duty certification**.

It is the employee's responsibility to provide the Agency with timely, complete and sufficient medical certifications. Whenever the Agency requests employees to provide FMLA/CFRA medical certifications, employees must provide the requested certifications within fifteen (15) calendar days after the Agency's request, unless it is not practicable to do so despite an employee's diligent, good faith efforts. The Agency will inform employees if submitted medical certifications are incomplete or insufficient and provide employees at least seven (7) calendar days to cure deficiencies. The Agency will delay or deny FMLA/CFRA leave to employees who fail to timely cure deficiencies or otherwise fail to timely submit requested medical certifications.

The Human Resources Department may contact the employee's health care provider to authenticate a medical certification.

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Whenever the Agency deems it appropriate to do so, it may waive its right to receive timely, complete and/or sufficient FMLA medical certifications.

1. Initial Medical Certifications

Employees requesting leave because of their own or a covered family member's serious health condition, or to care for a covered servicemember, must supply medical certification supporting the need for such leave from their health care provider or, if applicable, the health care provider of their covered family or service member. If employees provide at least thirty (30) days notice of medical leave, they should submit the medical certification before leave begins.

If the Agency has reason to doubt the validity of an initial medical certification regarding an employee's own serious health condition, it may require the employee to obtain a second opinion at the Agency's expense. If the opinions of the initial and second health care providers differ, the Agency may, at its expense, require employees to obtain a third, final and binding certification from a health care provider designated or approved jointly by the Agency and the employee. The Agency will reimburse employees for any reasonable "out of pocket" travel expenses incurred to obtain second or third medical opinions. Except in very rare circumstances, the Agency will not require employees to travel outside normal commuting distance for purposes of obtaining second or third medical opinions.

2. Medical Recertifications

Depending on the circumstances and duration of FMLA/CFRA leave, the Agency may require employees to provide recertification of medical conditions giving rise to the need for leave. The Agency will notify employees if recertification is required and will give employees at least fifteen (15) calendar days to provide medical recertification. In cases of leave that qualifies under CFRA, recertification will be requested only when the original certification has expired and additional leave is requested.

3. Return to Work Release

Unless notified that providing such certifications is not necessary, employees returning to work from FMLA/CFRA leaves that were taken because of their own serious health conditions must provide the Agency with a release to return to work from his or her healthcare provider stating the employee is able to resume work. An employee taking intermittent leave may be required to provide a return to work release for such absences up to once every thirty (30) days if reasonable safety concerns exist regarding the employee's ability to perform his or her duties. The Agency may delay and/or deny job restoration until employees provide return to work releases.

#### **D. Submit Certifications Supporting Need for Military Family Leave**

Upon request, the first time employees seek leave due to qualifying exigencies arising out of the covered active duty or call to covered active duty status of a military member, the Agency may require employees to provide: 1) a copy of the military member's active duty orders or other documentation issued by the military indicating the military member is on covered active duty or call to active duty status and the dates of the military member's covered active duty service; and 2) a certification from the employee setting forth information concerning the nature of the qualifying exigency for which leave is requested. Employees shall provide a copy of new active duty orders or other documentation issued by the military for leaves arising out of qualifying exigencies arising out of a different covered active duty or call to covered active duty status of the same or a different military member.

When leave is taken to care for a covered servicemember with a serious injury or illness, the Agency may require employees to obtain certifications completed by an authorized health care provider of the covered servicemember. In addition, and in accordance with the FMLA regulations, the Agency may request that the certification submitted by employees set forth additional information provided by the employee and/or the covered servicemember confirming entitlement to such leave.

#### **E. Reporting Changes to Anticipated Return Date**

If an employee's anticipated return to work date changes and it becomes necessary for the employee to take more or less leave than originally anticipated, the employee must provide the Agency with reasonable notice (i.e., within two (2) business days) of the employee's changed circumstances and new return to work date. If employees give the Agency unequivocal notice of their intent not to return to work, they will be considered to have voluntarily resigned and the Agency's obligation to maintain health benefits (subject to COBRA requirements) and to restore their positions will cease.

#### **F. Substitute Paid Leave for Unpaid FMLA Leave**

If leave is unpaid, the following requirements apply to the leave:

If employees request FMLA/PDL leave because of disability due to pregnancy, childbirth or related medical conditions, they must first substitute any accrued paid sick leave for unpaid family/medical leave. Employees may make a written request to substitute accrued, unused vacation for unpaid FMLA/PDL leave once the employees' sick time is exhausted.

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If employees request FMLA/CFRA leave because of their own serious health conditions (excluding absences for which employees are receiving workers' compensation or short term disability benefits), they must first substitute any accrued paid vacation or sick leave for unpaid family/medical leave.

If employees request FMLA/CFRA leave to care for a covered family member with a serious health condition or bond with a newborn child, they must first substitute any accrued paid vacation for unpaid family/medical leave. Once vacation is exhausted, upon written request an employee can substitute paid sick leave for unpaid FMLA/CFRA leave for such purposes except an employee cannot use sick leave to bond with a child where the employee's child is not ill or sick since sick leave is contingent on the illness of the employee, child, parent, spouse or registered domestic partner.

For purposes of this subsection "F," leave is not "unpaid" during any leave time for which an employee is receiving compensation from the State of California under its State Disability Insurance Paid Family Leave programs or when receiving compensation from worker's compensation. Employees will not be required to use vacation or sick time for any time off under this policy for which they are receiving compensation under these programs. However, where applicable and permitted by law, employees will be required to use vacation and sick during any waiting period applicable to these programs. Upon written request, the Agency will allow employees to use accrued paid time off to supplement any paid workers' compensation, disability or Paid Family Leave benefits.

The substitution of paid time off for unpaid family/medical leave time does not extend the length of FMLA leaves and the paid time off runs concurrently with the FMLA/CFRA entitlement.

### **G. Pay Employee's Share of Health Insurance Premiums**

As noted above, during FMLA/CFRA leave, employees are entitled to continued group health plan coverage under the same conditions as if they had continued to work. If paid leave is substituted for unpaid family/medical leave, the Agency will deduct employees' shares of the health plan premium as a regular payroll deduction. If FMLA/CFRA leave is unpaid, employees must pay their portion of the premium through mail. The Agency's obligation to maintain health care coverage ceases if an employee's premium payment is more than thirty (30) days late. If an employee's payment is more than fifteen (15) days late, the Agency will send a letter notifying the employee that coverage will be dropped on a specified date unless the co-payment is received before that date.

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If employees do not return to work within thirty (30) calendar days at the end of the leave period (unless employees cannot return to work because of a serious health condition or other circumstances beyond their control) they will be required to reimburse the Agency for the cost of the premiums the Agency paid for maintaining coverage during their unpaid FMLA/CFRA leave.

#### **4. COORDINATION OF FMLA LEAVE WITH OTHER LEAVE POLICIES**

The FMLA and CFRA do not affect any federal, state or local law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights. For additional information concerning leave entitlements and obligations that might arise when FMLA/CFRA leave is either not available or exhausted, please consult the Agency's other leave policies in this handbook or contact Human Resources.

#### **5. QUESTIONS AND/OR COMPLAINTS ABOUT FMLA/CFRA LEAVE**

If you have questions regarding this policy, please contact Human Resources. The Agency is committed to complying with the FMLA and CFRA and, whenever necessary, shall interpret and apply this policy in a manner consistent with the FMLA and CFRA.

The FMLA makes it unlawful for employers to: 1) interfere with, restrain, or deny the exercise of any right provided under FMLA; or 2) discharge or discriminate against any person for opposing any practice made unlawful by FMLA or involvement in any proceeding under or relating to FMLA. If employees believe their FMLA rights have been violated, they should contact the Human Resources Department immediately. The Agency will investigate any FMLA complaints and take prompt and appropriate remedial action to address and/or remedy any FMLA violation. Employees also may file FMLA complaints with the United States Department of Labor or may bring private lawsuits alleging FMLA violations.

#### **6. ADDITIONAL DEFINITIONS:**

**“Spouse”** means a partner in marriage, including same sex partners in marriage, as defined by California Family Code Section 300, a registered domestic partner within the meaning of California Family Code Sections 297 through 297.5, or as otherwise required by law.

**“Parent”** means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a child, son or daughter as defined in paragraph (c) of this section. For purposes of FMLA/CFRA, this term does not include parents “in law.”

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**“Child, son or daughter”** means, for purposes of FMLA/CFRA leave taken for birth or adoption, or to care for a family member with a serious health condition, a biological, adopted, or foster child, a stepchild (including children of a registered domestic partners), a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability” or an adult dependent child at the time that FMLA/CFRA leave is to commence. The age the disability occurs is irrelevant to determine whether an adult son or daughter has a mental or physical disability.

- (1) **“Incapable of self-care”** means that the individual requires active assistance or supervision to provide daily self-care in three (3) or more of the “activities of daily living” (ADLs) or “instrumental activities of daily living” (IADLs). Activities of daily living include adaptive activities such as caring appropriately for one’s grooming and hygiene, bathing, dressing and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.
- (2) **“Mental or physical disability”** means a physical or mental impairment that limits one or more of the major life activities of an individual. Regulations at 29 CFR 1630.2(h), (i), and (j), issued by the Equal Employment Opportunity Commission under the Americans with Disabilities Act (ADA), 42 U.S.C. 12101 et seq., define these terms.
- (3) **Persons** who are **“in loco parentis”** include those with day-to-day responsibilities to care for and financially support a child, or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

**“Adoption”** means legally and permanently assuming the responsibility of raising a child as one’s own. The source of an adopted child (e.g., whether from a licensed placement agency or otherwise) is not a factor in determining eligibility for FMLA/CFRA leave.

**“Foster care”** is 24-hour care for children in substitution for, and away from, their parents or guardian. Such placement is made by or with the agreement of the State as a result of a voluntary agreement between the parent or guardian that the child be removed from the home, or pursuant to a judicial determination of the necessity for foster care, and involves agreement between the State and foster family that the foster family will take care of the child. Although foster care may be with relatives of the child, State action is involved in the removal of the child from parental custody.

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**“Son or daughter on covered active duty or call to covered active duty status”** means the employee’s biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on active duty or call to active duty status, and who is of any age.

**“Son or daughter of a covered servicemember”** means the servicemember’s biological, adopted, or foster child, stepchild, legal ward, or a child for whom the servicemember stood in loco parentis, and who is of any age.

**“Serious injury or illness”** means:

- (1) In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the covered servicemember in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member’s office, grade, rank or rating; and
- (2) In that case of a covered veteran, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:
  - (i) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember’s office, grade, rank, or rating; or
  - (ii) a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
  - (iii) a physical or mental condition that substantially impairs the covered veteran’s ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or

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- (iv) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

**“Parent of a covered servicemember”** means a covered servicemember’s biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents “in law.”

**“Next of kin of a covered servicemember”** means the nearest blood relative other than the covered servicemember’s spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember’s next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember’s only next of kin.

**"Health Care Provider"** means: (1) A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; (2) podiatrists, dentists, clinical psychologists, optometrists, chiropractors (limited treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-Ray to exist) authorized to practice under the State law and performing within the scope of their practice as defined by State law; (3) nurse practitioners, nurse-midwives, clinical social workers and physician assistants authorized under State law and performing within the scope of their practice as defined by State law; (4) Christian Science practitioners (may be required to submit to second or third certification through examination - not treatment of a health care provider); (5) any other health care provider from whom the employer or the employee's group health plan benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits; and (6) a health care provider who practices in a country other than the United States who is authorized to practice in accordance with the laws of that country and is performing within the scope of his or her practice as defined under such law.

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For purposes of leave taken to care for a covered servicemember, any one of the following health care providers may complete such a certification: (1) a United States Department of Defense (“DOD”) health care provider; (2) a United States Department of Veterans Affairs (“VA”) health care provider; (3) a DOD TRICARE network authorized private health care provider; (4) a DOD non-network TRICARE authorized private health care provider; or (5) any “health care provider” as defined in 29 CFR § 825.125.

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**Medical Leave of Absence other than Family and Medical Leave**

If you are not eligible for Family and Medical Leave or have exhausted your Family and Medical Leave entitlement, or as otherwise required by law, the Agency may provide you with an unpaid medical leave of absence due to illness or injury.

If you are disabled due to illness or injury, you should give written notice of disability to your manager as soon as possible. Requests for leaves for elective surgery should be submitted at least thirty (30) days in advance and must be approved by the respective Executive Leadership Team and CHRO. Leave requests must include a certification from your healthcare provider stating the date on which the condition began, the probable duration of the leave, a statement you are unable to work at all or are unable to perform one or more of the essential functions of your position with or without reasonable accommodation, and the expected date of return to work. You also must submit a medical certification from your healthcare provider establishing your continuing need for leave to Human Resources every thirty (30) days during your leave.

You must use any accrued paid time off, including vacation and sick time, during a leave under this policy. The substitution of paid leave for unpaid leave will not extend the maximum duration of your leave. We encourage you to contact the EDD regarding your eligibility for state disability insurance for the unpaid portion of your leave.

Under the law, eligibility for employer paid health and dental insurance benefits cease during a leave under this policy. Accordingly, you must pay your portion of the medical and dental premiums during a leave of absence granted under this policy if you choose to receive such benefits during the leave. You will receive notice of your right to continue your benefits through COBRA.

A leave of absence under this policy generally will be for a period of up to three (3) months, unless otherwise required by law. Requests for any extension beyond these three (3) months of leave by an employee who is disabled by a medical condition will be evaluated on a case-by-case basis as a possible reasonable accommodation, consistent with applicable federal and state law. If you request an extension of your leave, you must submit a certification from your healthcare provider of continued need for medical leave for each extension request. In some cases, the Agency may ask that you provide medical information to the Agency or a medical professional of its choosing supporting your request for further leave.

When you are able to return to work, you must give the Agency at least one (1) week's notice of your intent to return by mailing to Human Resources a certification from your healthcare provider stating you are physically able to return to your duties with or without accommodation. This notice is important so your return to work is properly scheduled.

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Unless otherwise required by law, we will make reasonable efforts to return you to the same or similar job and at the same rate of pay held prior to your leave of absence, subject to operational requirements that may exist. If you do not return from work on the originally-scheduled return date or request in advance an extension of the agreed upon leave with appropriate medical documentation, you may be deemed to have voluntarily terminated your employment with the Agency.

In addition, failure to notify the Agency of your availability for work when it occurs, failure to return to work when called by the Agency, or your continued absence from work because your leave must extend beyond the maximum time allowed, may be deemed a voluntary termination of your employment with the Agency.

### **Rehabilitation Leave**

We are committed to providing assistance to our employees to overcome substance abuse problems. Our Agency will reasonably accommodate any employee who wishes to voluntarily enter and participate in an alcohol or drug rehabilitation program. This accommodation may include an adjusted work schedule or time off without pay, provided the accommodation does not impose an undue hardship on the Agency. You may use any accrued sick or vacation benefits while on leave under this policy. However, additional benefits will not be earned during the unpaid portion of the leave of absence. A leave of absence under this policy will be subject to the same provisions and rules as apply to medical leaves of absence. The Agency will attempt to safeguard the privacy of an employee's participation in a rehabilitation program.

You should notify your direct manager or Human Resources if you need to request an accommodation under this policy.

### **Literacy Assistance**

We are committed to providing assistance to employees who require time off to participate in an adult education program for literacy assistance. If you need time off to attend such a program, you should inform your direct manager or Human Resources. The Agency will attempt to make reasonable accommodations for you by providing unpaid time off or an adjusted work schedule, provided the accommodation does not impose an undue hardship on the Agency. The Agency will attempt to safeguard the privacy of your enrollment in an adult education program.

### **Bereavement Leave**

We know the death of a family member is a time when you will want to be with the rest of your family. Should you lose a member of your immediate family, you will be allowed time off to help you attend to your obligations and commitments. Reasonable time off without pay will be granted by your manager as the location of the funeral and closeness of the relationship dictates.

In the event of a death in the immediate family, regular full-time employees will be given paid time off for up to a maximum of three (3) days.

“Immediate family” includes spouse, registered domestic partner, child, parent, sister, brother, grandparents, mother-in-law, father-in-law, step-parents, step-child, and other persons who are part of the employee’s household.

Employees on vacation or a leave of absence are not entitled to bereavement leave. The Agency may require verification of death.

### **Jury and Witness Leave**

Jury Duty. We think it is your civic duty to serve on a jury panel. For this reason, you will be granted a temporary leave of absence if you are called for jury duty. Regular full-time employees who have completed ninety (90) days of continuous service will be paid the difference between regular straight-time pay and the jury pay for each day of work missed due to jury duty up to a maximum of ten (10) days in any calendar year. In addition, exempt employees will be paid their full salary for any workweek interrupted by jury service.

You must present your jury summons to your manager as soon as you receive it. Of course, you are expected to report for work during hours or days your presence is not required on the jury panel. An employee who does not report to work when available may not receive pay for the day.

In the event the volume of work or the expressed nature of your position necessitates it, a request for postponement of jury service can be made. The Agency may assist you with the postponement process, if necessary.

Acting as a Witness. You may be required by law to appear in court as a witness. The Agency provides unpaid time off for this purpose. However, exempt employees will be paid their full salary for any workweek in which they are required to appear as a witness. We ask that you give your manager as much advance notice of your court appearance as possible.

### **Military Leave**

If you are called to active duty in the U.S. military, Reserves, or California National Guard, you are eligible for unpaid military leave of absence in accordance with state and federal law. Present your manager with a copy of your service papers as soon as you receive them.

During your absence, your length of service accumulates, and your benefits will continue as required by applicable law. Upon application within the appropriate time period after your date of discharge from military service, you will receive the then-current rate of pay and the then-current benefits.

If you are required to attend yearly Reserves or National Guard duty, you may apply for an unpaid temporary military leave of absence not to exceed 17 days (including travel). However, if you prefer, you may use your earned vacation time for this purpose. You should give your manager as much advance notice as possible so we can ensure proper coverage while you are away.

### **Time Off for Military Spouses**

If you work, on average, at least twenty (20) hours per week and your spouse is a qualified member of the United States Armed Forces, the National Guard, or the Reserves, you are eligible to take leave for a period of up to ten (10) days while your spouse is home during a qualified leave period. Where an employee is also eligible for military family member exigency leave, leave under this policy shall also count toward an employee's FMLA leave entitlement where the time off meets the definition of FMLA military exigency leave.

**Required Notice to Employer.** Within two (2) business days of receiving official notice that your spouse will be on leave, you must provide notice to the Agency of your intent to take military spouse leave.

**Required Documentation.** You must submit written documentation to the Agency certifying that during your requested time off, your spouse will be on leave from deployment during a period of military conflict.

**Leave is Unpaid.** Leave granted under this policy is unpaid. However, employees may substitute accrued, unused vacation time, personal days or personal time off for any period of unpaid military spouse leave.

**Definitions.** For the purposes of this policy, the following definitions apply:

"Qualified Member" means any of the following:

- (a) A member of the U.S. Armed Forces who is 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) A member of the National Guard who is deployed during a period of military conflict; or
- (c) A member of the Reserves who is deployed during a period of military conflict.

"Period of Military Conflict" means any of the following:

- (a) A period of war declared by the U.S. Congress; or
- (b) A period of deployment for which members of the Reserves are ordered to active duty.

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“Qualified Leave Period” means the period during which the qualified member is on leave from deployment during a period of military conflict.

### **Time Off for Voting**

In the event an employee does not have sufficient time outside of working hours to vote in a statewide election, the employee may take off sufficient working time to vote. This time should be taken at the beginning or end of the regular work schedule, whichever allows the most free time for voting and the least time off from work. An employee will be allowed a maximum of two (2) hours of voting leave on election day without loss of pay. Where possible, the manager should be notified of the need for leave at least two (2) working days prior to the election day.

### **Time Off for School and Childcare Activities**

Parents with school children from kindergarten through Grade 12, or whose children attend a licensed child care provider, are provided unpaid time off up to a maximum of eight (8) hours in one (1) calendar month and forty (40) hours in one (1) calendar year to find, enroll, or reenroll his or her child in a school or with a licensed child care provider or to participate in activities of the school or licensed child care provider of his or her child so long as the employee provides reasonable advance notice of the absence. We may require proof of an employee's participation in child-related activities on a specific date at a particular time.

Time off is also provided to address a child care provider or school emergency, if the employee gives notice of the need for time off. "Child care provider or school emergency" means that an employee's child cannot remain in a school or with a child care provider due to one of the following: (1) the school or child care provider has requested that the child be picked up, or has an attendance policy, excluding planned holidays, that prohibits the child from attending or requires the child to be picked up from the school or child care provider; (2) behavioral or discipline problems; (3) closure or unexpected unavailability of the school or child care provider, excluding planned holidays; and (4) a natural disaster, including, but not limited to, fire, earthquake, or flood.

Parents with custody of schoolchildren who have been suspended also are allowed to take unpaid time off to appear at the school pursuant to the school's request.

For the purposes of this section, "parent" means a parent, guardian, stepparent, foster parent, or grandparent of, or a person who stands in loco parentis to, a child.

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### **Time Off for Victims of Domestic Violence, Sexual Assault or Stalking**

Victims of domestic violence, stalking or sexual assault may take unpaid time off work for up to twelve (12) weeks to obtain help from a court, seek medical attention, obtain services from an appropriate shelter, program, or crisis center, obtain psychological counseling, or participate in safety planning, such as permanent or temporary relocation. We may require proof of an employee's participation in these activities. Whenever possible, you must provide your manager reasonable notice before taking any time off under this policy. You may substitute any accrued vacation, sick, or other paid time off for the unpaid leave provided under this policy. Leave under this policy does not extend the time allowable under the "Family and Medical Leave Act" Policy in this Handbook.

The Agency also will not discipline, discriminate or retaliate against an employee because the employee is a known victim of domestic violence, stalking or sexual assault unpaid time off for the purposes listed above.

An employee who is the victim of domestic violence, stalking or sexual assault may request reasonable accommodation with respect to his or her safety while at work. Reasonable accommodation may include the implementation of safety measures, including a transfer, reassignment, modified schedule, changed work telephone, changed work station, installed lock, assistance in documenting domestic violence, sexual assault, or stalking that occurs in the workplace, an implemented safety procedure, or another adjustment to a job structure, workplace facility, or work requirement in response to domestic violence, sexual assault, or stalking, or referral to a victim assistance organization.

Eligible employees desiring an accommodation should notify Human Resources. Human Resources will then engage in an interactive process with the employee to determine possible effective reasonable accommodations. As part of the interactive process, Human Resources may require the employee to provide appropriate certification demonstrating the employee's status as a victim of domestic violence, sexual assault, or stalking. Any verbal or written statement, police or court record, or other documentation provided to an employer identifying an employee as a victim of domestic violence, sexual assault, or stalking shall be maintained as confidential by the employer and shall not be disclosed by the employer except as required by federal or state law or as necessary to protect the employee's safety in the workplace. The employee shall be given notice before any authorized disclosure.

An employee who no longer needs an accommodation must notify Human Resources of his/her change in circumstance. Similarly, an employee who has been provided an accommodation must notify Human Resources if he or she requires a new accommodation.

### **Time Off for Crime Victims**

Employees who have been victims of certain serious or violent felonies specified under California law may take time off work to attend judicial proceedings related to the crime, including any proceeding involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which the right of the victim is at issue. Employees also may take time off for such reasons if an immediate family member has been a victim of a specified crime. "Immediate family member" is defined as spouse, registered domestic partner, child, child of registered domestic partner, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, or stepfather. Employees who are or whose immediate family members are crime victims should consult with Human Resources to determine if they are permitted time off under this policy. All requests for time off under this Policy will be treated as confidential.

Employees eligible for time off under this Policy must give Human Resources a copy of the court notice given to the victim of each scheduled proceeding before taking time off, unless reasonable advance notice to the Agency of the need for time off is not feasible. When advance notice is not feasible, the employee must provide the Agency with documentation evidencing the judicial proceeding, within a reasonable time after the absence. The documentation may be from 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; or documentation from a medical professional, domestic violence advocate or advocate for victims of sexual assault, health care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from a specified offense.

Employees may elect to use accrued paid vacation time, paid sick leave time, or other paid time off for the absence. If the employee does not elect to use paid time off, the absence will be unpaid. However, exempt employees will be paid their full salary for any workweek interrupted by the need for time off under this policy.

**WORKPLACE STANDARDS**

### **Personal Appearance**

AACI strives to maintain a workplace environment that is well functioning and free from unnecessary distractions and annoyances. As part of that effort, the Agency requires employees to maintain a neat and clean appearance that is appropriate for the workplace setting and for the work being performed. To that end, AACI department heads may determine and enforce guidelines for workplace-appropriate attire and grooming for their areas; guidelines may limit natural or artificial scents that could be distracting or annoying to others.

All AACI employees are expected to present a professional, businesslike image to clients, visitors, customers and the public. Acceptable personal appearance, like proper maintenance of work areas, is an ongoing requirement of employment with AACI.

Managers should communicate any department-specific workplace attire and grooming guidelines to employees during new-hire orientation and evaluation periods. Any questions about the department's guidelines for attire should be discussed with the immediate manager.

Certain employees may be required to meet special dress, grooming and hygiene standards, such as wearing scrubs or protective clothing, depending on the nature of their job.

At the discretion of the department head, in special circumstances, such as during unusually hot or cold weather or during special occasions, employees may be permitted to dress in a more casual fashion than is normally required. On these occasions, employees are still expected to present a neat appearance and are not permitted to wear ripped, frayed or disheveled clothing or athletic wear. Likewise, tight, revealing or otherwise workplace-inappropriate dress is not permitted

Certain days can be declared dress down days, generally Fridays. On these days, jeans and other more casual clothing, although never clothing potentially offensive to others, are allowed. Departments that adopt casual or dress-down days must use the following guidelines to define the appropriate casual attire.

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Appropriate:

- Khakis or corduroys
- Jeans (must be clean and free of rips, tears and fraying; may not be excessively tight or revealing)
- Capris
- Polo collar knit or golf shirts
- Oxford shirts
- Company logo wear
- Short-sleeve and sleeveless blouses or shirts
- Turtlenecks
- Blazers or sport coats
- Jackets or sweaters
- Boating or deck shoes, moccasins
- Casual, low-heel, open-back shoes (e.g., mules, sling backs)

Inappropriate:

- Sweatpants
- Shorts, low-rise or hip-hugger pants or jeans
- Beachwear
- Crop tops, clothing showing midriffs, spaghetti straps
- Thongs, flip flops
- Skirts more than three (3) inches above the knees

If a employee's poor hygiene or use of too much perfume/cologne is an issue, the manager should discuss the problem with the employee in private and should point out the specific areas to be corrected. If the problem persists, Managers should follow the normal corrective action process.

Any employee who does not meet the attire or grooming standards set by his or her department will be subject to corrective action and may be asked to leave the premises to change clothing. Hourly paid employees will not be compensated for any work time missed because of failure to comply with designated workplace attire and grooming standards.

If you have any questions about the proper attire for your work area, ask your manager or Human Resources.

## **Smoking**

AACI regulates smoking on the premises for health and safety reasons and in accordance with California law. Smoking is prohibited in all indoor locations on agency property.

**Smoking** means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form. Smoking includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking.

**Tobacco product** means any of the following:

- A product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff.
- An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah.
- Any component, part, or accessory of a tobacco product, whether or not sold separately.

Tobacco product does not include a product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such an approved purpose.

Any area not defined by the statutes as a place of employment (or in which the smoking of tobacco products is not regulated) will be subject to local regulation of smoking of tobacco products. If the all-encompassing smoking prohibitions are ever repealed or modified, local governments have the full right and authority to enforce previously enacted, and to enact and enforce new, restrictions on smoking in enclosed workplaces within their jurisdictions, including a complete prohibition of smoking.

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### **Confidentiality**

AACI property includes not only tangible property, like desks and computers, but also intangible property such as information. Of particular importance are proprietary information and confidential information. Proprietary information includes all information obtained by AACI employees during the course of their work. Confidential information is any AACI information that is not generally known to the public or the industry. In addition to client files, which are specifically covered by the California Welfare & Institutions Code, personnel files, computer records, financial and marketing data, and research plans and studies are examples of confidential information.

Protecting proprietary and confidential information is of vital concern to AACI. Employees must not use or disclose any proprietary or confidential information that they obtain during employment with AACI, except as required by their jobs. This obligation continues even after an employee's employment with AACI ends.

In addition, all employees must observe good security practices. They are expected to keep proprietary and confidential information secure from outside visitors and all other persons who do not have a legitimate reason to use or to see such information.

AACI rules regarding document control and other such procedures must be strictly observed by each employee. Failure to adhere to AACI policies regarding proprietary and confidential information will be considered grounds for discipline, up to and including dismissal.

On termination of employment, whether voluntary or involuntary, all AACI documents and other tangible AACI property in the employee's possession or control must be returned to AACI.

Each employee is responsible for safeguarding confidential information obtained during employment. Each employee is required to sign a confidentiality acknowledgment form as a condition of employment. Any breach of this policy will not be tolerated and legal action may be taken by the Agency.

An exception to the Agency's confidentiality policy arises under the federal Defend Trade Secrets Act. Employees cannot be held criminally or civilly liable under federal or state trade secret law for the disclosure of trade secrets made in confidence to government officials or to an attorney, solely for the purpose of reporting or investigating a suspected violation of law, or included in a complaint or other document in legal proceedings, provided that any such filing is made under seal and protected from public disclosure.

### **Conflict of Interest**

AACI expects its employees to devote their full work time, energies, abilities, and attention to our business. Employees are expected to avoid situations that create an actual or potential conflict between the employee's personal interests and the interests of the Agency. Employees who, because of other work or activities, cannot make this commitment may be asked to end their employment with the Agency.

A conflict of interest exists when an employee's loyalties or actions are divided between the Agency and a competitor, supplier, client or customer. Employees who are unsure whether a certain transaction, activity, or relationship constitutes a conflict of interest should discuss the situation with their manager or a member of management for clarification. Any exceptions to this policy must be approved in writing by Human Resources.

Some examples of the more common conflicts that should be avoided by all employees include, but are not limited to:

1. accepting personal gifts or entertainment from competitors, clients, customers, suppliers, or potential suppliers;
2. working for a competitor, supplier, or customer while employed by the Agency;
3. engaging in self-employment in competition with the Agency;
4. using proprietary or confidential Agency information (as defined earlier) for personal gain or to the Agency's detriment;
5. having a direct or indirect financial interest in or relationship with a competitor, client, customer, or supplier;
6. acquiring any interest in property or assets of any kind for the purpose of selling or leasing it to the Agency; and
7. committing the Agency to give its financial or other support to any outside activity or organization without appropriate written authorization.

No employee may be employed by, render volunteer services to, or have an economic interest in any organization, agency, group or individual, if he/she is influential in the granting of funds, or the issuing of licenses or permits to that entity; and/or a source of client referrals or placements for that entity

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Outside employment which creates a conflict of interest or which affects your ability to perform your work for the Agency. The Agency recognizes that employees may seek additional employment during off hours, but expects, in these cases, that any outside employment will not affect job performance, work hours, or scheduling, or otherwise adversely affect the employee's ability to effectively perform his or her duties. Any conflicts should be reported to your manager. Failure to adhere to this policy may result in discipline up to and including termination.

Failure to adhere to this policy, including failure to disclose any conflict or seek an exception to this policy, may result in disciplinary action, up to and including termination.

Employees are required to fill out a form to declare that he/she is not aware of any conflict of interest with the Agency and such form shall be kept in the employee's personnel file.

### **Third Party Disclosures**

From time to time, our Agency may become involved in news stories or potential or actual legal proceedings of various kinds. When that happens, lawyers, former employees, newspapers, law enforcement agencies, and other outside persons may contact our employees to obtain information about the incident or the actual or potential lawsuit.

If you receive such a contact, you should not speak on behalf of the Agency and should refer any call requesting the Agency's position to Human Resources. If you have any questions about this policy or are not certain what to do when such a contact is made, please contact Human Resources.

### **Employment of Relatives**

No relatives of current employees will be hired by the Agency if such hiring would create a supervisory relationship between a current employee and that relative. For purposes of this policy, “relative” means spouse, registered domestic partner, mother, father, children, sisters, brothers, mother and father-in-law, sons and daughters-in-law, cousins, aunts and uncles.

Current employees who become related, for example, by virtue of marriage, to another current employee will be permitted to continue employment. However, the Agency may transfer one of the employees if a supervisory relationship exists between the employees to avoid an actual or potential conflict of interest.

### **Criminal Background Clearance**

AACI reserves the right to conduct background investigations to the extent permitted and in accordance with applicable law. Your job offer is contingent upon a clearance. To further protect clients, AACI requires that employees and volunteers undergo a criminal background check via fingerprinting upon commencement of employment.

Due to AACI's contracts with federal and state agencies, additional background reference resources, such as the Office of Inspector General and Medicaid list of excluded providers, may also be used. Such resources will be reviewed periodically during the course of employment with AACI. Employees who are subject to additional background screening will be notified upon commencement of their employment or at the time of promotion if their position requires additional background investigation.

### **Personal Relationships in the Workplace**

The employment of relatives or individuals involved in a dating relationship in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried over into day-to-day working relationships.

For purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage. A dating relationship is defined as a relationship that may be reasonably expected to lead to the formation of a consensual "romantic" or sexual relationship. This policy applies to all employees without regard to the gender, gender-identity or sexual orientation of the individuals involved.

Relatives of current employees may not occupy a position that will be working directly for or supervising their relative. Individuals involved in a dating relationship with a current employee may also not occupy a position that will be working directly for or supervising the employee with whom they are involved in a dating relationship. AACI also reserves the right to take prompt action if an actual or potential conflict of interest arises involving relatives or individuals involved in a dating relationship who occupy positions at any level in the same line of authority that may affect the review of employment decisions.

If a relative relationship or dating relationship is established after employment between employees who are in a reporting situation described above, it is the responsibility and obligation of the manager involved in the relationship to disclose the existence of the relationship to management. The individuals concerned will be given the opportunity to decide who is to be transferred to another available position. If that decision is not made within thirty (30) calendar days, management will decide who is to be transferred or, if necessary, terminated from employment.

In other cases where a conflict or the potential for conflict arises because of the relationship between employees, even if there is no line of authority or reporting involved, the employees may be separated by reassignment or terminated from employment.

### **Restriction On Political Activities**

Employees shall not use their official position or authority for the purpose of interfering with, influencing and/or affecting the results of an election or a nomination for public office. However, employees are free to engage in political activities as individuals, not as representatives of AACI.

Employees shall not discriminate, threaten, or promise discrimination against or in favor of another employee, beneficiary of any agency program, potential employee, or potential beneficiary, because of his/her political affiliations or belief.

Employees shall not offer any person employment, promotion, or benefits as a reward for the support or defeat of any political party or candidate for public office; nor shall employees threaten or create a disadvantage in employment or deprivation of benefits as penalty for such action.

### **Disciplinary Actions**

AACI expects satisfactory performance and behavior from all employees. If discipline is necessary, it may take the form of an oral warning, a written warning, suspension, or discharge, at management's discretion. The Agency has the right to determine what discipline is appropriate. There is no standard series of disciplinary steps AACI must follow. In certain circumstances, your conduct may lead to immediate discharge. Further, as previously stated, both you and AACI may terminate your employment at any time, on notice to each other, without cause, and AACI's discipline procedures are not meant to imply any contrary policy.

Employees may be subject to disciplinary action for unsatisfactory work performance or misconduct.

If an employee's performance is below standard level, or an incident of misconduct occurs, the manager will discuss the issues directly and promptly with the employee. If appropriate, a written action plan with a reasonable timeline for improving performance will be accorded and signed by the employee.

An employee may be subject to disciplinary action including immediate discharge for any of the following causes including, but not limited to:

- Fraud in securing employment;
- Possession of an illegal weapon;
- Incompetence, inefficiency, or negligence in the performance of duties;
- Under the influence of alcohol while on duty or while representing AACI;
- Taking, possessing, being under the influence of, or offering for sale any controlled substance while on the job, as defined in the California Health Safety Code, Division 10 and the Uniform Substance Act of 1973;
- The use of any controlled substance which affects job performance;
- Unauthorized absence for more than three (3) days to the extent permitted and in accordance with applicable law.;
- Persistent refusal to carry out policies and procedures;
- Use of official position for personal advantage;
- Conduct reflecting discredit to AACI;
- Falsification of records;
- Dishonesty;
- Conversion of or taking of any property for the benefit of or use by any employee or for any other person;
- Failure to disclose a conflict of interest;
- Unlawful harassment

### **Workplace Etiquette**

AACI strives to maintain a positive work environment where employees treat each other with respect and courtesy. Sometimes issues arise when employees are unaware that their behavior in the workplace may be disruptive or annoying to others. Many of these day-to-day issues can be addressed by politely talking with a co-worker to bring the perceived problem to his or her attention. In most cases, common sense will dictate an appropriate resolution. AACI encourages all employees to keep an open mind and graciously accept constructive feedback or a request to change behavior that may be affecting another employee's ability to concentrate and be productive.

The following workplace etiquette guidelines are not necessarily intended to be hard and fast work rules with disciplinary consequences. They are simply suggestions for appropriate workplace behavior to help everyone be more conscientious and considerate of co-workers and the work environment. Please contact the Human Resources Department if you have comments, concerns, or suggestions regarding these workplace etiquette guidelines.

- Avoid public accusations or criticisms of other employees. Address such issues privately with those involved or your manager.
- Try to minimize unscheduled interruptions of other employees while they are working.
- Be conscious of how your voice travels, and try to lower the volume of your voice when talking on the phone or to others in open areas.
- Keep socializing to a minimum, and try to conduct conversations in areas where the noise will not be distracting to others.
- Minimize talking between workspaces or over cubicle walls. Instead, conduct conversations with others in their workspace.
- Try not to block walkways while carrying on conversations.
- Refrain from using inappropriate language (swearing) that others may overhear and find offensive.
- Avoid discussions of your personal life/issues in public conversations that can be easily overheard.
- Monitor the volume when listening to music, voice mail, or a speakerphone that others can hear.
- Clean up after yourself and do not leave behind waste or discarded papers.

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### **Use of Cellular Phones and Hand-Held Radios While Operating a Vehicle**

Cell phones (including hand-held radios) and moving vehicles can be a dangerous mix. A national study found drivers were four (4) times as likely to be involved in an accident while using their cell phones. Whether employees use a cell phone provided by the Agency or their own cell phone for work-related calls, it is important for employees to know and understand our policy on cell phone use while driving a vehicle.

The Agency is committed to promoting roadway safety and to minimizing risk to the well-being of our employees by encouraging the safe use of cellular telephones by our employees while they are on company business. While the Agency recognizes there often is a business need to use cellular phones, safety must be a priority.

Employees must use a “hands free” device when using a cell phone while operating a motor vehicle for work. Exceptions are permitted only where an employee is using a cell phone for emergency purposes. Employees should be aware that studies have found that hands-free units do not offer a safety advantage over hand-held units because driver concentration remains compromised. Even when using “hands free” technology, an employee who needs to make a cell phone call while driving, should if practicable, find a proper parking space or designated “pull off” area first. Stopping on the shoulder of the road is not acceptable except in the case of a genuine unexpected emergency.

If stopping and pulling off the road is not practicable, the employee must exercise caution and care when using the cell phone. The employee is prohibited from any other activity, such as reading and/or writing, while participating in a cell phone conversation and while driving a vehicle. If an in-coming call occurs while the employee is driving, and it is practicable to do so, the employee should answer the phone with care and caution and if possible, return the call when not operating a vehicle. If it is not practicable to answer the phone, under the circumstances (e.g., poor visibility due to weather, heavy traffic), do not answer the phone. Rather, allow the call to go into voicemail. You should then find a parking space or pull-off area as noted above, check voicemail, and return the call if necessary.

Texting or email while driving is prohibited at all times.

California employees should also be aware that state law requires use of “hand-free” devices and prohibits texting or emailing at all times while driving, even when stopped at a traffic signal. Employees who violate the law are subject to a fine. The Agency will not reimburse any employee for any fine imposed as a result of violating this law.

### **Electronic Communications Policy**

The Agency's voice mail and e-mail systems are provided to employees by the Agency and are intended primarily for business use. Access to the Internet through the Agency's computer systems is also intended primarily for business use.

The Agency may access its electronic communications systems and obtain the communications within the systems, without notice to users of the system, in the ordinary course of business when the Agency deems it appropriate to do so. The Agency also has the right to and may inspect or monitor without advance notice any devices employees use to access the Agency's electronic communications systems, including but not limited to computers, laptops, notebooks, tablet computers or mobile devices.

The reasons for which the Agency may obtain such access include, but are not limited to: maintaining the system, preventing or investigating allegations of system abuse or misuse, assuring compliance with software copyright laws, complying with legal and regulatory requests for information, protecting proprietary information, and insuring that the Agency's operations continue appropriately during an employee's absence. The Agency may store electronic communications on magnetic media for a period of time after the communication is created. From time to time, magnetic media copies of communications may be deleted.

The Agency's policy prohibiting all types of harassment applies to the use of the Agency's electronic communications systems, including Internet access. No one may use electronic communications in a manner that may be construed by others as harassment based on race, national origin, sex, sexual orientation, age, disability, religious beliefs or any other characteristic protected by federal, state or local law. No jokes on these bases should be transmitted over the Agency's electronic communications systems.

Since the Agency's electronic communications systems are intended primarily for business use, these systems may not be used to solicit for commercial activity unrelated to the business of the Agency. Any personal use of the Agency's electronic communications systems must be limited to employees' non-work time.

No one may access, or attempt to obtain access, to another individual's electronic communications without appropriate authorization.

Violators of this Electronics Communications Policy may be subject to discipline, up to and including termination.

### **Social Networking Policy**

AACI recognizes that Social Networking (such as personal websites, blogs, Facebook, Myspace Twitter, online group discussions, text messaging, message boards, chat rooms, etc.) are used by many of our employees. AACI respects the right of our employees to maintain a blog or post a comment on social networking sites. However, AACI is also committed to ensuring that the use of social media serves the needs of our business by maintaining AACI's identity, integrity and reputation. In addition, in light of the nature of our business, there are also risks for HIPAA violations whenever anyone posts any information which may be prohibited by law.) Further, AACI has a business interest in protecting its logo, company name, and other intellectual property and in making sure that its employees do not violate criminal or civil law or patient privacy or rights. Please make sure that you are aware of your obligations in this regard.

To protect AACI's identity, integrity and reputation, employees must adhere to the following rules:

- Employees may not post on a blog or social networking site during their working time or at any time using AACI equipment or property. AACI's electronic communication systems are for business use only.
- If an employee identifies himself or herself as an employee of AACI on any social networking site, the communication must include a disclaimer that the views expressed are those of the author and do not necessarily reflect the views of AACI.
- All rules regarding confidential business information apply in full to blogs and social networking sites. Confidential business information includes items such as trade secrets, technical or non-technical data, a formula, pattern, compilation, program, device, method, technique, drawing, process, financial data (with the exception of non-confidential information (i.e., obtained from Human Resources) regarding employee wages, benefits and other terms and conditions of employment) or list of actual or potential customers or suppliers.
- Any conduct which is impermissible under the law if expressed in any other form or forum is impermissible if expressed through a social networking site. For example, posted material relating to AACI and its employees that is discriminatory, defamatory, libelous or malicious is not permitted. AACI's policies prohibiting discrimination, retaliation, and/or harassment based on age, race, sex, religion, and national origin/ancestry as well as AACI's Workplace Violence policies apply equally to employee comments concerning AACI and its employees on social networking sites, even if done on

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nonworking time. Employees are encouraged to review those sections of the Handbook for further guidance.

- Employees are prohibited from misappropriating or using without permission AACI's corporate logo and Agency intellectual property on any social networking site or other online forum. Employees are reminded that there are civil and criminal penalties for posting copyrighted material without authorization.

Any employee who violates this policy may be subject to disciplinary action, up to and including termination. AACI reserves the right to monitor all public blogs and social networking forums for the purpose of protecting its interests and maintaining compliance with this policy.

If you have any questions at all regarding this, please feel free to contact Human Resources.

### **Supplier-Provided Gifts**

Suppliers should be chosen solely on the basis of the needs of our business. Only reputable, qualified individuals or companies should be retained as suppliers under market compensation agreements that are reasonable in relation to the services provided.

No employee of the Agency may select a supplier for any reason other than such supplier's ability to fulfill the given need. To ensure compliance with this requirement, no employee of the Agency may accept any goods, services or other form of compensation or favor from a supplier (or prospective supplier) for less than the supplier's cost.

The provisions of this section are not intended to apply to:

- Gifts received infrequently by employees, provided that such gifts are not in the form of cash, gift certificates or other cash equivalents, and further provided that either: (1) the value of the items are so little in value as to make accounting for them unreasonable or administratively impracticable or (2) the gifts are in the form of tickets for a single entertainment or sporting event; and
- Gifts received infrequently by a department, provided that such gifts are not in the form of cash, gift certificates or other cash equivalents, and further provided that the gift is suitable to being shared among members of the department and the value of the items are so little in value as to make accounting for them unreasonable or administratively impracticable or less.

Employees are required to report to their immediate manager any goods, services or other forms of compensation or favor received from a supplier to the extent that:

- their fair market value exceeds the values specified above;
- the employee is uncertain whether their fair market value exceeds the values specified above;
- they take the form of season tickets;
- they are in the form of cash, gift certificates or other cash equivalents regardless of their value;
- they are provided frequently, regardless of their value; or
- they are not otherwise included in the two (2) categories of exceptions listed above.

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In lieu of a gift or award, management would prefer that a supplier recognize an employee by writing a letter addressed to Human Resources or by making a donation to AACI. Employees violating this policy will be subject to disciplinary action, up to and including termination.

### **Gift Policy**

There may be occasions when a manager chooses to recognize one or more employees with a gift. These gifts are generally provided in an effort to recognize a particular high level of performance or to mark a particular occasion. Likewise, there may be occasions when an employee chooses to recognize a manager with a gift for similar reasons. Employees are neither expected nor required to provide gifts to their managers.

Any gift under this policy must be a non-cash gift of nominal value, such as flowers, a fruit basket, or similar item. In all cases and situations, reasonableness and sound business judgment is required and expected.

### **Solicitation and Distribution**

At AACI, we believe employees should not be disturbed or disrupted in the performance of their job duties. For this reason, solicitation of any kind by one employee of another employee is prohibited while either person is on working time. Solicitation by non-employees on Agency premises is prohibited at all times.

Distribution of advertising material, handbills, or printed or written literature of any kind in working areas of the Agency is prohibited at all times. Distribution of literature by non-employees on Agency premises is prohibited at all times.

### **Right to Inspect**

To protect employees from theft, and to enforce Agency policies prohibiting weapons and possession or use of drugs or alcohol on its premises, AACI may at any time inspect any packages or containers entering or being removed from the Agency's property by employees. The Agency also reserves the right to search employees' personal property (e.g., vehicles, clothing, packages, purses, brief cases, lunch boxes, or other containers brought onto Agency premises) when there is reason to believe Agency policy is being violated. Employees are expected to cooperate in the conduct of such searches and have no expectation of privacy when bringing personal items or vehicles on to Agency property.

The Agency provides property to employees for their use (e.g., desks, file cabinets, employee lockers, etc.). Employees have no expectation of privacy regarding Agency property that is provided for their use. Searches of Agency facilities and property, including Agency property in the possession of the employee, may be conducted at any time and do not have to be based upon reason to believe Agency policy is being violated. Employees may not withhold permission for the Agency to search any such property.

**SAFETY/SECURITY**

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### **Safety**

Your safety, and that of those who work with you, is one of our greatest concerns. With an alert safety attitude, you can help eliminate painful and costly accidents. You can help by:

- keeping work areas clean and clear
- reporting hazards or unsafe conditions to your manager
- reporting all injuries, however minor, to your manager immediately
- walking and not running in all buildings
- keeping aisles clear
- never performing a job that you feel is unsafe. Report such situations to your manager immediately.

Your manager will inform you of any additional safety rules that apply to your particular job or work location.

### **Accidents on Agency Premises**

Any accident that occurs on Agency premises, be it that of a guest or of an employee, should be reported immediately to your manager. For your own safety and the safety of our guests, please do not attempt to give medical aid to an injured guest or fellow employee unless you have been trained to do so. Seek the assistance of a manager and call 911 if warranted. In addition, please remember that only the manager can answer questions about the agency's liability to injured guests. Please direct those asking questions to a manager.

If an employee is injured on the job, he or she will usually be entitled to worker's compensation benefits. The Agency carries workers' compensation insurance and will assist employees in obtaining all benefits to which they are legally entitled. If you are injured while working, please report it immediately to your manager, no matter how minor the injury may be. Failure to timely report work place injuries or illnesses may result in a denial of workers' compensation benefits.

If your work-related injury requires a leave of absence, this leave may count toward your annual Family and Medical Leave, if you qualify for leave under those programs.

### **Personal Belongings**

The Agency will not be responsible or liable for any personal property of an individual that is lost, stolen, or damaged. The responsibility for safeguarding, replacing, or repairing personal property lost, stolen, or damaged while on Agency premises is that of the employee. Consequently, we encourage employees not to bring personal property to work.

### **ID Badges**

All employees are required to wear photo identification badges that are provided by Human Resources all the time while at work. This magnetic photo identification badge is used as a security keycard to gain access to AACI. Any employees who leave our premises to visit clients should take their photo identification badge with them. You must return this ID badge prior to termination from the agency and are prohibited from loaning your ID badge to other employees or any unauthorized individual. Please notify Human Resources immediately if you should lose or misplace your ID badge.

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**Telephone**

AACI telephones are to be used solely for AACI purposes and personal local telephone calls should be kept to a minimum. Under no circumstances may long distance personal phone calls be charged to AACI.

### **Housekeeping**

All employees are expected to keep their work areas clean and organized. Common areas such as lunch/group rooms, conference rooms, library, and restrooms should be kept clean by those using them.

All employees are responsible for practicing good housekeeping in office areas and in common areas to deter insects and pests.

Please refer to the Integrated Pest Management policy in Facilities for more information.

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### **Visitors**

In order to assure the safety and security of AACI's associates, its visitors, and its property and to insure that only authorized personnel have access to the agency facilities, all visitors must sign in at the Front Desk and be issued a Visitor's Badge and sign out at the Front Desk again at the end of the visit. Visitors must be escorted by their host. Visitors are defined as vendors, guests, family members and ex-staff. Clients are not considered visitors.

AACI does not provide childcare on the premises for employee's children. Should employees bring their child to work, they must inform their managers in advance and obtain approval. If approved, it is the sole responsibility of the employee to ensure the child is supervised and that the employee is still able to carry out the responsibilities of their job. The managers have the option of not allowing this to occur.

### **Driving for Agency Business**

From time to time, you may be required to drive as part of your job. For your own safety and the safety of others, if you are asked to drive on Agency business, the Agency requires that you have a valid and current driver's license and that you carry legally-mandated automobile insurance. Prior to beginning any business-related travel, you must notify your manager if you do not have a valid and current driver's license or automobile insurance so that your manager can make other travel arrangements. This policy does not apply to your regular commute to work.

No employee may operate a motor vehicle while under the influence of alcohol or a chemical substance or other substance that can impair judgment. In addition, no employee may operate a motor vehicle while texting, emailing, or otherwise using a cell phone or other handheld device without utilizing a hands-free device.

### **Driving Records**

The Agency is committed to ensuring employees who have driving responsibilities do not place the Agency, other employees, or members of the general public at risk. In keeping with this policy, the Agency requires employees with driving responsibilities to maintain safe driving records as a condition of employment and continued employment. Individuals who fail to maintain such driving records may become unsuitable for their positions. In such cases, the Agency reserves the right to discipline or terminate employees with driving responsibilities whose driving records become unsatisfactory.

An applicant or employee will be considered to have an unsatisfactory driving record if the driving record indicates one (1) or more moving violations. An applicant or employee will be considered to have an unsatisfactory driving record if the Agency's and/or the applicant's or employee's insurance carrier(s) refuses to continue to insure the applicant or employee, or agrees to continue to insure the applicant or employees only for an increased premium.

To verify an individual's driving status, the Agency may require employees or job applicants to furnish all or portions of their driving record from the Department of Motor Vehicles or may ask them to sign any necessary authorizations to request records directly from the Department of Motor Vehicles. Subject to any limitations imposed by state and federal law, individuals must cooperate fully with any request for records or request for an authorization to seek such records from an appropriate agency or entity.

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**Proof of Insurance**

Employees with driving responsibilities must provide proof of insurance and a Certificate of Liability providing the insurance carrier will notify the Agency if there is any modification to the employee's insurance coverage, including, but not limited to, cancellation of coverage, within seven (7) days of such known responsibilities. Employees who fail to comply with this requirement will be subject to disciplinary action, up to and including termination.

**Notice of Suspension or Revocation of License or Cancellation or Modification of  
Liability Insurance**

Any employee whose duties include driving has a significant responsibility to the Agency and the general public to operate any motor vehicle in a safe and appropriate manner that conforms with all applicable traffic and safety laws. The employee also must at all times maintain the levels of liability insurance required by law. The Agency, in turn, has responsibilities to employees, the general public and its insurance carrier with respect to employees whose duties include driving.

To fulfill these responsibilities, the Agency requires employees with driving responsibilities to inform Human Resources within 24 hours if the employee's driver's license has been suspended or revoked or if the employee's liability insurance has been canceled or modified in any manner. Employees who fail to comply with this requirement will be subject to disciplinary action, up to and including termination.

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**Off-Duty Access**

Employees are not permitted to enter the areas of our facilities which are not open to the general public at any time when they are not scheduled to work. Access during non-working hours must be approved by your manager.

### **Workplace Violence Prevention**

We are strongly committed to providing a safe workplace. The purpose of this policy is to minimize the risk of personal injury to employees and damage to Agency property. We specifically discourage employees from engaging in any physical confrontation with a violent or potentially violent individual. However, we do expect and encourage employees to exercise reasonable judgment in identifying potentially dangerous situations and informing management accordingly.

Threats, threatening language, or any other acts of aggression or violence made toward or by any Agency employee will not be tolerated. For purposes of this policy, a threat includes any verbal or physical harassment or abuse, attempts to intimidate or to instill fear in others, menacing gestures, bringing weapons to the workplace, stalking, or any other hostile, aggressive, injurious and/or destructive actions undertaken for the purpose of domination or intimidation.

All potentially dangerous situations including threats by co-workers should be reported immediately to the Human Resources, or to any other member of management with whom you feel comfortable. Reports of threats may be made anonymously. All threats will be promptly investigated. No employee will be subject to retaliation, intimidation, or discipline as a result of reporting a threat under this policy.

If an investigation confirms that threat of a violent act or violence itself has occurred, the Agency will take appropriate corrective action. Anyone, regardless of position or title, whom the Agency determines has engaged in conduct that violates this policy, including retaliation, will be subject to discipline, up to and including termination.

If you are the recipient of a threat made by an outside party, please follow the steps detailed in this section. It is important for the Agency to be aware of any potential danger in our workplace. Indeed, we want to take every precaution to protect everyone from the threat of a violent act by an employee or anyone else.

All individuals who apply for or obtain a protective or restraining order which lists Agency locations as being protected areas, must provide Human Resources with a copy of the petition and declarations used to seek the order, and a copy of any temporary protective or restraining order which is made.

The bringing of firearms, weapons, or other hazardous or dangerous devices or substances onto Agency property will not be tolerated. Violations of this policy will lead to disciplinary action which may include dismissal. In addition, it is possible that such conduct could lead to arrest and prosecution.

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**IF YOU LEAVE US**

Every employee is free to terminate his or her employment at any time, with or without cause and with or without notice. Likewise, AACI is free to terminate an employee's employment at any time for any or no reason, with or without cause and with or without notice.

We anticipate that your association with AACI will be pleasant. However, should you find it necessary to leave us, we ask that you provide your manager with as much advance notice of your departure as you can. Your thoughtfulness will be appreciated.

All Agency property must be returned to the Agency on the last day of employment including, but not limited to, keys, credit cards, security cards, computer disks, tools, and manuals.

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**A FEW CLOSING WORDS**

This Handbook is intended to give you a broad summary of things to know about AACI. The information in this Handbook is general in nature and, should questions arise, your manager should be consulted for complete details. While we intend to continue the policies, rules, and benefits described in this Handbook, the Agency may always modify or vary from the matters set forth in this Handbook at its discretion except for the right of the parties to terminate employment at will, which may only be modified by an express written agreement signed by both parties. Please do not hesitate to speak to your manager or Human Resources if you have any questions.

Again, welcome to **AACI!**

**EMPLOYEE ACKNOWLEDGEMENT**

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**Acknowledgment of At-Will Employment Status  
& Receipt of Personnel Handbook**

Acknowledgment of At-Will Employment Status

I acknowledge that either The Asian Americans for Community Involvement of Santa Clara County, Inc. ("AACI") or I may end the employment relationship between us at will, at any time, without notice, and without cause. I also may be demoted or disciplined, and the terms of my employment may be altered at any time, without notice and without cause.

I further acknowledge that no oral or written agreement, policy, or handbook is intended to modify this at-will employment relationship. No one other than the President has the authority to change this at will relationship, and any such change must be in writing and signed by the President.

**Acknowledgment of Receipt of Personnel Handbook**

**I hereby acknowledge receipt of The Asian Americans for Community Involvement of Santa Clara County, Inc. Personnel Handbook. I have read and understood its content. I understand and agree that the policies contained in the Personnel Handbook are not intended to create any contractual rights or obligations, and AACI reserves the right to amend, interpret, modify or withdraw any portion of this Handbook at any time.**

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

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

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

(Original to be placed in Personnel file; copy to employee)

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**ACKNOWLEDGMENT OF RECEIPT OF  
AACI NO HARASSMENT, NO RETALIATION & NO DISCRIMINATION POLICY**

I acknowledge that I received a copy of AACI's No Harassment, No Retaliation and No Discrimination Policy and that I have carefully read and understand this policy. I further acknowledge that I have had the opportunity to ask questions about this policy, and I understand that I can talk to my manager, any other manager, or the CHRO to have my questions about this policy answered.

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

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

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