



Employee Policies Handbook

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If an exempt employee, due to an emergency, an event or travel, is required to work on a holiday, weekend or other time period that the office is closed for the rest of the staff, and if the employee is unable to flex their time in the current work week, they are eligible to utilize a specific time during a different payroll period within 6 weeks of the occurrence as the holiday. The employee needs to inform their supervisor, who will confirm eligibility and copy their Department Head and HR when informing the employee of their determination. All efforts should be made to give advance notice of an anticipated occurrence when possible.	44
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Employees may receive up to three days with pay when absent due to a death in the employee's immediate family. An additional two days with pay may be granted when out-of-state travel is involved. For the purposes of this policy, immediate family includes spouse or domestic partner; parent of employee, spouse or domestic partner; child; sister; brother; grandparent; grandchild, or other as approved by the CEO/Executive Director. Leave taken in excess of bereavement leave may be charged to vacation leave, sick leave, or may be taken without pay when approved by the manager and CEO/Executive Director.	48
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WELCOME

Welcome to the Arizona Foundation for Legal Services and Education – the Arizona Bar Foundation!

This Handbook provides answers to most of the questions you may have about the Arizona Bar Foundation (“the Foundation”). You are responsible for reading and understanding the information contained in this handbook. This Handbook and the policies set forth herein are not intended to create a contract, either expressed or implied, nor are they to be construed as constituting contractual obligations of any kind or a contract of employment. Employment at the Foundation is “at-will” and, therefore, someone may be terminated with or without cause and without prior notice.

The procedures, practices, policies, and benefits described in this Handbook are subject to change without notice, and revised information may supersede, modify or eliminate existing policies at any time. Every effort will be made to keep you informed through suitable lines of communication. Nevertheless, it is your responsibility to read and understand the Handbook and the Foundation’s policies. Your performance evaluations will reflect your adherence to these policies.

This Handbook supersedes all previously issued Handbooks and inconsistent policies and practices. No one other than the CEO/Executive Director may modify the policies in this Handbook. If you have questions or need clarification, your supervisor and the Chief Operating Officer can serve as an additional guide.

We welcome you to the Foundation. As you will read in our Mission Statement, we are dedicated ***to promoting access to justice for all Arizonans***. As stated in our philosophy statement, that dedication is rooted in our internal philosophy of supporting and strengthening each member of the Foundation. It is only by building up one another that we create a foundation on which this agency can solidly stand.

We look forward to working with you in serving this state.

INTRODUCTION

In 1978, the State Bar of Arizona (SBA) created the Arizona Bar Foundation, also known as the Arizona Foundation for Legal Services & Education (the Foundation) as a means to formalize and assist with their promotion of access to justice for all Arizonans. The 'Silver Stars' who began the Foundation were leaders in the nation as Arizona was in the top five states to institute IOLTA (interest on lawyers' trust accounts) as a means of promoting access to justice.

As a charitable, non-profit 501(c)(3) entity, the Foundation was allowed to extend its purpose and activity beyond the scope of the SBA's primary functions. The Foundation is a separate legal entity from the SBA. The governing body of the Foundation consists of a separate Board of Directors from the SBA.

In order to implement our mission of *'promoting access to justice for all Arizonans,'* the Foundation provides technical and financial assistance to entities and individuals providing law related education and/or legal services to those in need and residing in Arizona.

While a separate entity, the Foundation continues to maintain a close relationship with the SBA through a signed management agreement and the six Foundation board members appointed by the State Bar's Board of Governors.

OUR MISSION STATEMENT

"Promoting access to justice for all Arizonans."

OUR WORK PHILOSOPHY STATEMENT

Because we are a small agency, we must hire people who are able to work under pressure as a team member. This concept has been incorporated into our Employee Policies Handbook as follows:

"In an agency the size of the Foundation, it is not feasible to draw tight lines around job descriptions. At times, employees will be asked and expected to assist in areas outside their primary job description. The Foundation can only successfully meet its mission with flexible, efficient staff discharging the work that needs to be accomplished."

This commitment to teamwork is a condition of employment, as seen by its inclusion in our employee code of behavior. We do not take this idea lightly, nor do we consider it some trendy philosophy. Teamwork is the key to our survival. Without willing teamwork, we could not possibly accomplish all that has been given us.

PURPOSE OF EMPLOYEE HANDBOOK

This Handbook provides the standards, policies, and guidelines by which employer-employee relations generally will be governed. A Handbook cannot be written to cover or foresee every situation that may arise. **The Foundation has attempted to establish general policies, standards and procedures that will serve as guidelines for its employees, recognizing that, from time to time, circumstances will warrant exception. Policies, standards and procedures may be applied differently based on the Foundation's operations, business needs, and/or the classification of the employees involved.** Employees are expected to familiarize themselves and comply with this Handbook, including any updates and/or revisions.

The Foundation intends to (1) administer all personnel policies without discrimination or regard to race, color, national origin, age, gender, political or sexual orientation, gender identity or expression, military service, pregnancy, disability, genetic information or any other legally protected status, and (2) select employees based on the qualifications and requirements of each position.

The brief descriptions and summaries of employee benefits included in the Handbook are general information provided for the convenience of employees *and do not constitute commitments or obligations of the respective providers*. For specific information as to the policies, plans and benefits, please direct inquiries to Chief Operating Officer.

Unless otherwise noted, this Handbook applies to all employees of the Foundation. This Handbook does not constitute a contract, nor does it alter employees' at-will status in any manner. Employment at the Foundation is "at-will" and, therefore, someone may be terminated with or without cause and without prior notice.

The Foundation reserves the right to revise or suspend all or any portion of this Employee Policies Handbook, *except the at-will employment provision*, at any time without prior notice. If changes in the Handbook are required, suggestions and/or updates should be brought to the attention of the Chief Operating Officer.

This Handbook remains the property of the Foundation and may not be disseminated to anyone outside the organization without the express written authorization of the CEO/Executive Director.

ACKNOWLEDGMENT
Employees Receipt of Employees' Policies Handbook
and the Foundation's At-Will Policy

Please Read Carefully, Sign and Return to the Chief Operating Officer

I understand that the Arizona Bar Foundation's ("Foundation") Employee Policies Handbook ("Handbook") supersedes and replaces all prior written and/or oral statements. The Handbook is not meant to be a contract, expressed or implied, nor is it to be construed as creating contractual obligations of any kind. The Foundation reserves the right to amend, change, or discontinue the policies, practices, procedures, and/or benefits described in the Handbook at any time, with or without notice. Employees failing to comply with the procedures in the handbook may be subject to discipline, up to and including immediate termination.

I further understand that the term of my employment is for no specific time period and is at-will, which means that I may end my employment at any time, with or without cause, just as the Foundation may end my employment at any time, with or without notice, with or without cause, and without liability. I will not rely upon any statements contained in the Handbook as either creating or attempting to create any type of employment contract.

I also understand that, with the exception of the CEO/Executive Director, no one at the Foundation has the authority to make any verbal or written agreement contrary to the Foundation's Handbook.

I have reviewed and familiarized myself with the provisions in the Handbook. I further agree to and am willing to work under the policies described therein. I understand that if I have any questions or do not understand any provision in the Handbook, I can ask my supervisor, the Chief Operating Officer, or the CEO/Executive Director for clarification and seek additional information on any subject covered in the Handbook.

I also understand that if I am terminated or resign for any reason, any amount of money owed to the Foundation at the time will be withheld from my final paycheck, as permitted by law.

I acknowledge that I have read and that I understand the Employee Policies and Procedures Handbook and this notice.

Sign your name here

Date

Print your name here

Code of Behavior Acknowledgement

Please Read Carefully, Sign and Return to the Chief Operating Officer

I understand that the Arizona Bar Foundation is an equal opportunity employer, and that each employee is expected to promote this philosophy in their work and all their interactions. Consistent with this philosophy of equal opportunity the Foundation does not tolerate harassment of any kind.

I understand that the Foundation is committed to a drug-free workplace. This policy extends to any circumstance in which employees represent the Foundation in an official capacity.

I understand that all employees of the Foundation are expected to act in a professional manner. This behavior includes maintaining a professional appearance; respectful interaction with clients and outside agencies; maintaining a clean and orderly office space; respecting the property of others and representing the agency in a positive manner.

I understand that respecting the confidentiality of clients, staff, and agency is a primary requirement of each employee. Employees shall ensure the privacy of others by properly storing records, maintaining accurate documentation, and refraining from sharing confidential information without securing proper authorization.

I understand the Foundation is a separate legal entity from the State Bar of Arizona. I further understand because of possible public perception that the two entities are one and the same, I am expected to behave and hold the same confidence in any SBA-related events or matters as I would for the Foundation.

I understand that any donation or contribution made to the Foundation will be used for the sole benefit of this agency and the clients we serve. The CEO/Executive Director will authorize the use of all contributions.

I understand that as an employee of the Foundation, I must avoid any actual or apparent conflict of interest, including any outside activity which could be construed as conflicting with the goals and objectives of the agency or which may deter from the accomplishment of the purposes for which the agency was formed.

I understand that any violation of the Foundation's Employee Policies Handbook and/or Code of Behavior may result in discipline, up to and including immediate termination.

I have read the above and further understand that the Foundation's Employee Policies Handbook and "Code of Behavior" sets forth the minimum expectations for my performance at the Arizona Bar Foundation.

Sign your name here

Date

Print your name here

Confidentiality Agreement

Please Read Carefully, Sign and Return to Chief Operating Officer

As an employee of the Arizona Bar Foundation ("Foundation"), I recognize and understand that one of my responsibilities is to maintain in-confidence business and/or personal information I learn in the course of my employment. From time to time, I may become aware of certain confidential materials or information regarding the Foundation and its operation that is not known or available to the public. Examples:

- Due to the close working relationship with the State Bar of Arizona, conversations may be overheard regarding pending issues with members or other considerations relating to SBA matters;
- The Foundation is responsible for the maintaining of IOLTA account information for the Arizona IOLTA program – any information relating to individual accounts or the interest rate of a specific bank;
- Individual specific contribution records;
- Employee evaluations or corrective actions;
- Loan Repayment Program recipients share financial need information and loan payment histories;
- Grantees will share difficulties they are experiencing when requesting technical assistance which are often confidential in nature;
- We are required to request fingerprint clearance approval forms to the state for our domestic violence grant, the results of those grantees' employees not passing the fingerprint clearance should not be shared;
- Individuals will contact us for legal assistance information and/or referral and often share information which should be kept confidential;
- Discipline records of attorneys being reviewed by the SBA for participation in our programs, and,
- At times, we run the evaluations for other entities' programs and provide them the reports.

In consideration of my employment with the Foundation, I understand that I must keep this information confidential and not disclose any part of it orally or in writing at any time to any third party without the prior written consent of the CEO/Executive Director or designee. I understand that all employees of the Foundation are required to sign this confidentiality agreement as a condition of employment. I further understand and agree that employees who improperly use or disclose confidential business information will be subject to disciplinary action, up to and including termination of employment, and legal action, even if they do not actually benefit from the disclosed information.

I acknowledge that I have read, understand and accept this notice regarding confidentiality and the consequences of any breach.

Sign your name here

Date

Print your name here

Information and Technology Acknowledgement

Please Read Carefully, Sign and Return to Chief Operating Officer

As an employee of the Arizona Bar Foundation ("Foundation"), I recognize and understand that the Foundation's network and computer systems are to be used for conducting business. I understand that excessive or inappropriate personal use of this equipment is strictly prohibited.

I acknowledge that the Foundation's electronic mail system is not to be used to create any offensive or disruptive messages which may include, but are not limited to, messages which contain sexual references, racial slurs, degrading gender-specific comments or any other comment that offensively addresses someone's race, color, national origin, age, gender, political or sexual orientation, gender identity or expression, military service, pregnancy, disability, or any other legally protected status.

I acknowledge that the use of a password does not guarantee confidentiality. I understand that employees do not have any expectation of privacy with respect to their use of the Foundation's telephones, mail, e-mail, or computer systems and that any and all communication is the property of the Foundation. I agree not to access a file or retrieve any stored communication other than where authorized unless there has been prior clearance by an authorized Information Technology representative.

I am aware that the Foundation reserves and will exercise the right to review, audit, intercept, access and disclose all matters on the Foundation's network and computer systems at any time, with or without employee notice, and that such access may occur during or after working hours.

I am aware that violations of the policy and/or this notice may subject me to disciplinary action, up to and including termination from employment.

I acknowledge that I have read and understand the Information Technology Policy located in the Foundation's Employee Policies Handbook. I further acknowledge that I have read and understand this notice.

Sign your name here

Date

Print your name here

Whistleblower Policy

Please Read Carefully, Sign and Return to Chief Operating Officer

If any employee or volunteer reasonably believes that some policy, practice, or activity of the Foundation is possibly fraudulent or dishonest conduct in violation of law, that employee or volunteer must file a written complaint with the CEO/Executive Director or the Board President.

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 file;
- Fraudulent financial reporting;
- Pursuit of a benefit or advantage in violation of the Foundation's conflict of interest policy;
- Misappropriation or misuse of Foundation resources, such as funds, supplies, or other assets;
- Authorizing or receiving compensation for goods not received or services not performed; and,
- Authorizing or receiving compensation for hours not worked.

It is the intent of the Foundation to adhere to all laws and regulations that apply to the organization and the underlying purpose of this policy is to support the organization's goal of legal compliance. The support of all employees and volunteers is necessary to achieving compliance with various laws and regulations. An employee can only be protected from retaliation if the employee or volunteer brings the alleged unlawful activity, policy, or practice to the attention of the Foundation and provides the Foundation with a reasonable opportunity to investigate and correct the alleged unlawful activity. The Foundation will not retaliate against an employee or volunteer who in good faith, has made a protest or raised a complaint against some practice of the Foundation, or of another individual or entity with whom the Foundation has a business relationship, on the basis of a reasonable belief that the practice is in violation of law, or a clear mandate of public policy.

The Foundation will not retaliate against employees or volunteers who disclose or threaten to disclose to a supervisor or a public body, any activity, policy, or practice of the Foundation that the employee reasonably believes is in violation of a law, or a rule, or regulation mandated pursuant to law or is in violation of a clear mandate or public policy concerning the health, safety, and welfare of the environment.

My signature below indicates my receipt and understanding of this policy. I also verify that I have been provided with an opportunity to ask questions about the policy.

Employee Signature

Date

Children in the Workplace Acknowledgement

The Foundation recognizes its obligation for the safety and well-being of children that comes with their presence at facilities. Office facilities and grounds can present a variety of potential hazards to individuals unfamiliar with them. Risks associated with these potential hazards are greater for children who often lack the hazard recognition abilities of an adult. The practices put in place are to establish criteria that welcome children to the Foundation office, minimize the risk of injury to children, and promote an environment conducive to accomplishment of the Foundation's mission. The practices outlined are intended to foster respect for the needs of all parties impacted by the presence of children in the workplace.

General Statement

Employee supervisors and the directors have the authority to approve or deny the presence of children in the workplace under appropriate circumstances. In approving or denying continued presence of children, supervisors and directors will consider the factors indicated below.

Factors

Careful consideration shall be given to the following factors when determining the situations in which a child may be present in the workplace.

Safety and health: The primary consideration when approving the presence of children is the safety and health of the child and others present in the workplace. Consideration should be given to the kinds of hazards and whether such hazards can be controlled under the circumstances in which the child will be present. **The parent is responsible for care of the child in all circumstances.**

Disruption: children should not create an undue disruption to the accomplishment of the Foundation's work.

Age and behavioral characteristics: Acceptability of children in the workplace depends on the age and behavioral characteristics of the child and relates to issues of safety and disruption.

Nature of the workplace: Some workplaces are more adaptable to the presence of children than others. Considerations of confidentiality and professionalism are appropriate depending on the circumstances.

Welcoming environment: Allowing children to be present in the workplace on a reasonable basis may be advantageous to the whole workplace environment and contribute to enhanced satisfaction with work.

Employee Signature: _____

Date: _____

EMPLOYMENT MATTERS

AT-WILL EMPLOYMENT

Employment with the Foundation is "at-will," meaning the employment relationship may be terminated at any time by either the employee or the Foundation with or without cause and with or without notice, except as prohibited by law. Nothing contained in this Handbook shall be construed as a contract or a guarantee of employment by the Foundation. This at-will provision may be modified only by a written contract signed by the employee and the CEO/Executive Director and ratified by the Board of Directors.

EQUAL OPPORTUNITY EMPLOYMENT POLICY

It is the policy of the Foundation not to discriminate against any applicant for employment or any employee on the basis of race, color, national origin, age, gender, political or sexual orientation, gender identity or expression, military service, pregnancy, disability, genetic information or any other legally protected status. This policy applies to all phases of the employment process including recruiting, testing, hiring, promotion or demotion, transfer, layoff, and termination. It also covers any type of employment action, including those relating to salary, benefits, training, travel and participation in sponsored business and social events.

Employees who believe they have been discriminated against should report the matter to an appropriate member of management or the Chief Operating Officer. Although management is primarily responsible for seeing that the Equal Employment Opportunity Policies are implemented, all members of the staff share in the responsibility for assuring, through their personal actions, the policies are effective and apply uniformly to everyone.

ANTI-HARASSMENT

The Foundation is committed to providing a work environment where all employees can work together comfortably and productively, free from harassment on the basis of race, color, national origin, age, gender, political or sexual orientation, gender identity or expression, military service, pregnancy, disability, or any other legally protected status. Such behavior is prohibited by federal and state laws and is strictly forbidden. The Foundation maintains a "zero tolerance" standard with regard to harassment or the creation of a hostile work environment.

Prohibited Sexual Harassment

- Unwelcome sexual advances, requests for sexual favors, and other verbal, written, visual, or physical conduct of a sexual nature constitute sexual harassment when one or more of the following occurs:
 - Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
 - Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or,
 - Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Prohibited behavior that is unsolicited and/or unwelcome may include, *but is not limited to*, the following:

- Written contact, such as sexually suggestive or obscene letters, notes, invitations, or e-mail messages;
- Verbal contact, such as sexually suggestive or obscene comments, threats, slurs, epithets, jokes about gender-specific traits, sexual propositions;
- Physical contact, such as intentional touching, pinching, brushing against another's body, impeding or blocking movement, assault, coercing sexual intercourse; and,
- Visual contact, such as leering or staring at another's body, gesturing, displaying sexually suggestive objects or pictures, cartoons, posters, or magazines.

Sexual harassment may also occur when an individual continues to express sexual or social interest after being informed that the interest is unwelcome. Using behavior, implications, or threats of a sexual nature to control, influence, or affect the career, salary, or work environment of another employee, either positively or negatively, is also considered sexual harassment.

Other Prohibited Harassing Behavior

Harassment based on race, color, national origin, age, gender, political or sexual orientation, gender identity or expression, military service, pregnancy, disability, or any other legally protected status may also be a violation of federal and state law and will not be tolerated by the Foundation.

"Harassment" is defined to include verbal, written, visual or physical conduct that creates a hostile or offensive work environment or that unreasonably interferes with an employee's work performance.

Examples of conduct that may constitute harassment include:

- The use of racial, religious or gender-based slurs;
- Epithets or negative stereotyping;
- Written or visual materials, physical gestures, and verbal statements that show hostility because of race, color, national origin, age, gender, political or sexual orientation, gender identity or expression, military service, pregnancy, disability, or any other legally protected status; and,
- Treating someone as if that person were inferior to you because of their race, color, national origin, age, gender, political or sexual orientation, gender identity or expression, military service, pregnancy, disability, or any other legally protected status. This includes condescension (refusing to take someone seriously), verbal abuse (making negative or derogatory comments), exclusion (overlooking or denying someone access to places, people, or information, especially when opportunities for advancement are involved).

Harassment by Non-Employees

Since it is the Foundation's objective to maintain a work environment free of harassment for

all employees, the Harassment Policy also applies to non-employees involved in the operations or business of the Foundation. This includes members of the State Bar of Arizona and its Board of Governors, members of the Board of Directors, volunteers, members, vendors and suppliers, and any other guests or visitors who are likely to have work-related contact with Foundation employees. Complaints of harassment involving non-employees will be promptly investigated.

Complaint Procedure

Our complaint procedure provides for a prompt, thorough, and objective investigation of any claim of prohibited harassment, appropriate disciplinary action against anyone found to have engaged in prohibited harassment, and appropriate remedies for any victim of harassment.

Any employee who believes that they have been the subject of prohibited harassment or retaliation must report the matter immediately to their supervisor, other management representative, or the CEO/Executive Director. Disclosure regarding such incidents will be made only to those with a legitimate need to know, and confidentiality will be maintained to the fullest extent possible.

All Foundation employees have a responsibility for keeping our work environment free of harassment. Any employee who becomes aware of an incident of harassment, whether by witnessing it or being told of it, must report it immediately to their supervisor. When management becomes aware that harassment may have occurred, it is obligated to take prompt and appropriate action, whether or not the victim wants the Foundation to do so.

No Retaliation

Employees shall not be retaliated against for bringing a concern or complaint of harassment forward, or for assisting in the investigation of such a complaint. Similar to complaints of harassment, complaints of retaliation will be promptly investigated. Employee complaints shall be treated as confidential as possible and will be shared only with those individuals who have a legitimate need to know.

Investigation of Complaint

It is the Foundation's policy to investigate all complaints of harassment thoroughly and promptly. Any allegation of sexual or other discriminatory harassment will be promptly investigated and kept as confidential as possible.

It is the responsibility of *every employee* to prevent and eliminate harassment in the workplace. Accordingly, all employees are required to comply with the Foundation's Complaint Procedure as outlined above and are required to cooperate fully with any harassment investigation.

Resolution of Complaints

If an investigation confirms that harassment has occurred, the Foundation will take

appropriate corrective action, which may include discipline up to and including termination of employment.

Disciplinary Action

Any employee found to have violated this policy, according to the findings of the complaint investigation, shall be subject to appropriate disciplinary action, up to and including required counseling and/or training, warnings, reprimand, suspension and/or termination.

HIRING

In order to assure consistency in our hiring practices and to assure compliance with relevant federal and state laws, including but not limited to new-hire employment and E-Verify, all employment-related decisions for the Foundation are coordinated through the Chief Operating Officer.

This policy is intended to cover part-time and full-time employees, who are expected to receive compensation or voluntarily provide employment-related services to our organizations.

INTRODUCTORY PERIOD

All employees shall serve an introductory period of approximately ninety days. During this time, the employee's skills, knowledge, attitude and overall compatibility with the position and the Foundation will be carefully considered. The Foundation has three options during or at the end of this period:

- To grant the employee regular (non-introductory) status;
- To extend the introductory period; or,
- To dismiss the employee.

At the completion of the introductory period, a performance assessment of the employee will generally be conducted by the employee's supervisor and forwarded to the Chief Operating Officer. The successful completion of the introductory period does not alter the at-will nature of the individual's employment and in no way implies a contract of employment or a guaranteed term of employment between the Foundation and any or all of its personnel.

Employees are not eligible to apply for an internal vacant position until they have successfully completed the introductory period and achieved regular status.

A former employee who has been rehired after a separation from the Foundation of more than one (1) year is considered an introductory employee during their first ninety (90) days following rehire.

Former employees who are rehired (whether less or more than one year) will negotiate seniority status with the conditions of their rehire.

INTERNAL EMPLOYMENT OPPORTUNITIES

To be qualified to apply for an internal posting, employees must have successfully completed their introductory period as evidenced by their introductory period performance assessment on file with Chief Operating Officer.

If an employee is interviewed for an internal position, they should immediately inform their supervisor. When an employee is selected for a position in a different department or division, the move to the new position will generally become effective two weeks from the date the employee has accepted the new position, unless the relevant supervisors have made different arrangements.

NEPOTISM

Employees shall not hire (including regular and temporary employees, contractor, intern, and volunteers); supervise; direct; evaluate; and/or set the pay for spouses, domestic partners¹, children, and other close relatives or dependents of themselves or other employees under their area(s) of supervision. For purposes of this policy, "other close relative" means a parent, child, sibling, aunt, uncle, and cousin of either the employee or their spouse or domestic partner.

Should the CEO/Executive Director determine a relative or domestic partner of a current employee may be employed by the Foundation, an appropriate reporting relationship and management monitoring and oversight will be established to avoid a direct conflict of interest and/or possible breach of systems, or the perception thereof. In the event of employment of a family member, the related incumbent may not take part in or make any decisions regarding the terms and conditions of employment for a spouse, domestic partner, child, or other close relative.

SECONDARY EMPLOYMENT

For purposes of this policy, the term "*secondary employment*" occurs when an employee:

- Performs services similar to those performed by the employee in his or her regular course of employment in a workplace other than the Foundation; or
- Contracts for hire in the same or similar capacity as the employee's status within the organization; or,
- Performs any activity for pay on a regular, ongoing or scheduled basis.

This definition is not intended to include activities occasionally engaged in by employees for pay that are performed in pursuit of a hobby or recreational activity.

Employees wanting to pursue secondary employment must first obtain management's approval. Management has the option to approve such requests, provided that the outside employment:

¹ As identified in the Affidavit of Domestic Partnership on file with the Chief Operating Officer

- Does not interfere with or compromise the operations of the organization or create a conflict with normal work hours;
- Does not interfere with the employee's ability to perform the job;
- Does not constitute, or appear to cause, a conflict of interest as determined by management; and,
- Does not compromise the Foundation's reputation or credibility.

Employees requesting authorization for outside employment shall submit a memo through their department head to the Chief Operating Officer for consideration which, if recommended, will then be forwarded to the CEO/Executive Director for final approval. Written authorization must be obtained *prior* to an employee engaging in outside employment. Such authorization may be rescinded by the Foundation at any time and for any reason. Authorization will be in the sole discretion of the Foundation.

EMPLOYEE TRAINING AND DEVELOPMENT

The Foundation offers employees a number of in-house training opportunities. Employees may also participate in outside training. Training opportunities will be communicated to employees on a regular basis. A supervisor's prior approval is required for participation in any training activity. With supervisory approval, registration fees and other costs related directly to the seminar may be paid for or reimbursed by the Foundation. Sightseeing, sporting events and other "extracurricular" events are not reimbursable.

No reimbursement will be made for meals eaten in place of, or in addition to, meals served in conjunction with and included in the cost of conference or meeting registration unless a medical condition prevents the employee from eating the meals served.

The Chief Operating Officer generally maintains a file of information regarding outside seminars, some of which have been previously attended by staff, and may be able to advise others as to the value of such seminars.

Employees who attend seminars may be requested to conduct staff training on the seminar subject.

EMPLOYMENT STATUS, PAY, AND RECORDS

Definitions

Full-Time: An employee who is scheduled to work and normally works **37.5** hours or more per week on a continuous basis and for an indefinite period of time is considered a full-time employee. Full-time employees are eligible for most employee benefits described in this Handbook, subject to the conditions and limitations of the benefit program.

Part-Time: An employee who is scheduled to work and normally works less than 37.5 hours per week on a continuous basis and for an indefinite period of time is considered a part-time employee. Part-time employees are eligible for those benefits expressly set forth in this

Handbook and those required by law.

Temporary: From time to time, the Foundation may hire employees for specific periods of time or for the completion of a specific project. Temporary employees are not eligible for benefits described in this Handbook, except as granted on occasion, or to the extent required by state and federal law.

All employees, including temporary employees who are classified as “Non-Exempt” (see the definition that follows), will receive overtime pay for any time worked in excess of forty (40) hours during the workweek.

Non-Exempt vs. Exempt: All employees are classified as either “Non-Exempt” or “Exempt.” This is necessary because, by law, employees in certain types of jobs are entitled to overtime pay for hours worked in excess forty hours (40) per workweek. These employees are referred to as “Non-Exempt” in this Handbook. This means that they are not exempt from the overtime requirements of state and federal wage law and are therefore entitled to overtime pay. Generally, “Exempt” employees are those who work in executive, administrative, sales, or professional capacities and are “exempt” from the minimum wage and overtime requirements of state and federal law.

Classification of Positions

Positions at the Foundation are classified in accordance with the job classification and compensation system approved by the Board of Directors. Job descriptions will be provided to employees, to be signed, by the Chief Operating Officer, who will keep it on file. It is recommended that employees request a copy from the Chief Operating Officer.

Employees seeking a review of their position description and/or classification may submit a memo of request through their department head to the Chief Operating Officer. If the department head determines that this type of review is warranted, the Chief Operating Officer may complete an analysis of the position.

COMPENSATION AND PAYROLL

Salaries are set in accordance with the established job classification and compensation system.

Bi-Weekly Paychecks, Timesheet Preparation and Adjustments

The pay week runs from Monday through Sunday. Paychecks are issued every other Friday, with a total of 26 paychecks per year. In the event the payday falls on a weekend or holiday, paychecks will be distributed on the preceding workday. Payroll will be direct deposited according to the form the employee submits to the Chief Operating Officer when hired. The employee will be given access to the payroll portal to monitor payroll information. Any paycheck distribution changes the employee would like made must be made through the payroll portal a week prior to their paycheck being submitted and the accounting department must be informed that changes have been made. Except in emergency situations (and with the approval of CEO/Executive Director), paychecks will not be issued in advance of payday.

All employees are required to complete and sign their time and allocation sheet, have it approved by their supervisor, and submit it to the Chief Operating Officer no later than 4:00 p.m. the Monday before paychecks are issued. Each employee is responsible for the accurate submission of payroll records. If an employee takes more sick time than they have accrued, excess days may be charged against accrued vacation or taken without pay, if the employee so desires and with the supervisor's approval.

Non-exempt staff should be aware of the following:

- If the combined hours worked and sick leave or vacation requested exceed a total of 37.5 hours in a single workweek, the sick leave or vacation balance will be reduced only by the amount necessary to yield a total of 37.5 hours.

Overtime

From time to time, non-exempt employees may be asked to work beyond the standard 37.5 hours per week. When this occurs, every effort will be made to notify the employee in advance so as to interfere minimally with their personal schedule.

Compensation for extra hours will vary depending on the circumstances. Compensation will be at the rate of straight time from 37.5 to 40 hours per week, and at the overtime rate of time and a half when the employee has worked more than 40 hours in any workweek.

A non-exempt employee who *chooses* to work on a holiday or a holiday weekend but who is not required to do so by his or her supervisor and/or *does not receive prior written approval* will be compensated according to the previous paragraph.

However, a non-exempt employee who is *required* to work on a holiday or a holiday weekend by their supervisor or department head (with a member of senior management's prior knowledge and *written approval*) will be paid at time and a half for the hours worked on the holiday and/or the holiday weekend regardless of the total number of hours worked that week. (A list of Foundation holidays is included in this Handbook.)

Non-exempt employees may not work overtime without prior approval from a supervisor. Both the employee and the supervisor will be required to sign an Overtime Authorization form for the overtime. Therefore, non-exempt employees are cautioned against working before or after scheduled time without prior approval if such work would result in any overtime hours.

In all overtime cases, non-exempt employees must complete an Overtime Authorization form, initial it, have it signed by the supervisor, and attach it to their timesheet.

Exempt employees are not paid overtime, nor are they granted compensatory time.

Any questions about overtime pay should be directed to the Chief Operating Officer.

PAYMENT IN LIEU OF VACATION

Vacation is a time for employees to rest, relax, and renew themselves. The Foundation considers this time very important for employee well-being and so payment will not be provided for accrued but unused vacation.

TRAVEL PAY

(please also see reimbursement for travel)

Pay for travel is established in accordance with the federal/state wage and hour guidelines. Although the following outline briefly describes these guidelines, all questions regarding travel time should be directed to the Chief Operating Officer.

When attendance at an out-of-town meeting, seminar, etc., is mandatory for a non-exempt employee, travel time normally may be paid (minus normal meal hours).

As a general rule, travel time to approved out-of-town meetings, seminars, etc. will be considered paid work time, provided:

- The employee is traveling during their scheduled work hours for that week;
- During non-working hours, the employee is driving their own vehicle, unless they have been requested to fly and have chosen to drive for their own personal consideration. Flying time, when associated with agency authorized travel, during non-working hours is considered paid work time; or,
- During non-working hours, an employee is a passenger in a vehicle and is carpooling with another employee in order to share or reduce expenses.

SALARY DEDUCTION & SAFE HARBOR POLICY

It is our policy to comply with the salary basis requirements of the Fair Labor Standards Act (FLSA). Therefore, we prohibit all company managers from making any improper deductions from the salaries of exempt employees. We want employees to be aware of this policy and know that the Foundation does not allow deductions that violate the FLSA.

Circumstances in Which Employer May Make Deductions from Exempt Employees' Pay

Deductions from pay are permissible under the following circumstances: when an exempt employee is absent from work for one or more full days for personal reasons other than sickness or disability ; for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness; to offset amounts employees receive as jury or witness fees, or for military pay; or for unpaid disciplinary suspensions of one or more full

days imposed in good faith for workplace conduct rule infractions. *(Refer to policies in this Handbook and Code of Conduct regarding penalties for workplace conduct rule infractions).*

Also, an employer is not required to pay the full salary in the initial or terminal week of employment, for penalties imposed in good faith, for infractions of safety rules of major significance, or for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act. In these circumstances, either partial day or full day deductions may be made.

What To Do If an Improper Deduction Occurs

If an employee believes that an improper deduction has been made to their salary, they should immediately report this information to their direct supervisor and/or Chief Operating Officer. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, reimbursement for any improper deduction made.

PERFORMANCE REVIEWS

Employees are typically evaluated on their job performance on an annual basis utilizing the performance management system adopted by the Foundation. The annual rating period usually coincides with the calendar year.

The Foundation expects employees to perform at their highest level of competency at all times. In addition, the Foundation expects and encourages each employee to continually strive to learn and improve. The person who should be most concerned with how their performance is perceived is themselves. *Therefore, it is the responsibility of each employee to assure that their evaluation is scheduled with their supervisor within the timeframe announced by the Chief Operating Officer for that calendar year.*

Performance reviews will include, but may not be limited to, consideration of the following:

- Work Habits
- Professionalism
- Performance of assigned responsibilities

New employees should be evaluated at the completion of their 90-day introductory period and are then placed on the annual cycle.

All employees are strongly encouraged to become aware of the performance management system and request feedback from their supervisor if they have questions regarding their performance.

Questions about the performance management system and its administration should be directed to Chief Operating Officer.

Personnel Files/Personal Data Changes/Performance Reviews

The Chief Operating Officer maintains personnel, benefits, payroll and other employment-related files for each employee. These files are the property of the Foundation and are used to ensure the accuracy of records and implementation of agency policies. An employee may schedule an appointment to review their own personnel file in the presence of the Chief Operating Officer or another employee as designated by the CEO/Executive Director. Contents of the file may not be copied or removed without the Chief Operating Officer's knowledge and the CEO/Executive Director's prior approval. Employees wishing to have documents added to their personnel file shall consult with the Chief Operating Officer who will obtain the approval from the CEO/Executive Director to make the addition to the file. Documentation of the review will be kept in the file with the signatures of all parties present.

It is necessary for all employees to promptly report changes in status to their direct supervisor and the Chief Operating Officer. These include, but are not limited to, change of name, address, telephone number, marital status, number of dependents, emergency contact, and vehicle information.

THE FOUNDATION'S CODE OF BEHAVIOR

Whenever people gather to achieve goals, some rules of conduct are needed to help everyone work together efficiently and effectively. The rules are not to restrict rights, but rather to be certain that employees understand what conduct is expected and necessary. When each person is aware that they can fully depend upon fellow workers to follow the rules of conduct, then the organization is a better place for all. This Code of Behavior extends to outside events involving the Foundation and the related interaction of all Foundation employees. This Code sets forth the minimum expectations for employee behavior. As in all things, the Foundation encourages its employees to excel beyond these minimum expectations whenever possible.

FRATERNIZATION

The organization's success depends on positive employee morale and effective working team relationships. We recognize that romantic relationships and close personal friendships can sometimes develop between people who work together. Unfortunately, sometimes attractions are not mutual, or relationships do not remain mutual, and these situations can cause problems for the employees involved as well as for the organization. In addition, such relationships can cause morale problems, misperceptions about assignments, questions about performance reviews, and concerns about favoritism on the part of other employees. For these reasons, the Foundation has implemented the following policy concerning personal relationships:

- Supervisors are expected to refrain from engaging in romantic relationships with subordinate employees. While supervisors are strongly encouraged to have positive working relationships with all of their employees, supervisors should avoid personal relationships that might result in exclusion, favoritism or anything having a similar negative impact on the work environment for all employees, or that would be perceived as such.
- If a supervisor and a subordinate do enter or are considering entering into such a romantic relationship, it must immediately be reported to Chief Operating Officer. Administrative action, including changing the employment relationship between the two, will be taken.
- Romantic relationships between any employees in the same area of responsibility are strongly discouraged. If employees do enter into a romantic relationship, it must immediately be reported to Chief Operating Officer. The employment relationship between the two may be changed.

In these situations, management will work to protect the interests of the organization and to ensure that they do not undermine a professional working environment for all employees.

COMMUNITY RELATIONS

In addition to the above, any employee participating in or coordinating any fairs, displays, booths, or tables of information, or conducting a public presentation will coordinate the

activity with the staff in charge of public relations. This doesn't include program activities (i.e., the educational seminars/contests/conferences).

The senior management will assure that the employee is equipped with: a guest sign-in sheet to be placed on the sign-in table (explain that the purpose is for periodic information and notices to be sent to those who would be interested in further information); updated information regarding Foundation statistics, current brochures or flyers to be distributed; and information that may be relevant to the group/business/entity to which the employee is speaking/presenting.

The completed sign-in sheet will be returned to the public relation staff identified with the additional information: name of employee speaking, program they work for, what organization they spoke to, and the contact person's name, phone number, & address.

Any extra brochures and materials will be returned to the public relation staff. The staff in charge of public relations will oversee the maintenance of a database of interested parties and organizations.

Any employee who is approached by an outside agency, organization, or person, and is asked to serve as a representative of the Foundation on any committee, at a meeting, as a speaker, or at a community event must obtain approval from the Chief Operating Officer and the CEO/Executive Director before accepting the request.

Media Specific Inquiries and/or Requests

Employees should respond to any media questions with a polite referral to their supervisor. The supervisor will inform the staff in charge of public relations and CEO/Executive Director of the inquiry. After consultation, the appropriate person will respond in the most expedient manner. It is the responsibility of the staff receiving the inquiry to determine if the inquiry can wait for consultation and their best judgment will need to be exercised. If it is not in the best interest of Foundation and/or the clients we serve to wait in responding, then they will inform the staff in charge of public relations and CEO/Executive Director as soon as possible following the inquiry and explain why the decision was made.

NON-VIOLENT WORK ENVIRONMENT

The Foundation is committed to maintaining a non-violent environment for its employees and visitors. If an employee encounters a situation, personal or otherwise, that could result in violence at the office or at an agency-sponsored function off-premises, the employee must immediately notify their department head and Chief Operating Officer. The Foundation does not support and will not tolerate verbal or physical abuse of any kind on its premises or at organization-sponsored functions.

Unless authorized by the CEO/Executive Director, no employee shall possess or carry onto the Foundation's premises a deadly, dangerous, illegal, or prohibited instrument or item of

weaponry. This rule of “no weapons” applies to all organization-sponsored functions located off the premises as well.

Prohibited instruments may include, *but are not limited to*, any firearm or instrument that propels projectiles, or any replica thereof, even if an employee possesses a concealed weapon permit or license; any form of knife, blade or spear, including instruments of the martial arts; or any other item commonly known by their use as a deadly weapon. Knives brought to the workplace for utilization in lunch preparation are not considered weapons under this policy. Pepper spray or similar self-protection sprays are also not considered weapons under this policy.

If any employee has obtained a protective or restraining order against another individual, a copy of the order must be filed with the Chief Operating Officer to assist with providing the level of security and safety expected for all employees. Confidentiality will be protected within the bounds necessary to create a secure environment.

If an employee believes there is a threat or danger to the workplace or employees, the employee must inform the Chief Operating Officer. Confidentiality of the employee reporting the threat will be protected within the bounds necessary to create a secure environment.

SUBSTANCE ABUSE — A DRUG FREE WORKPLACE

In accordance with our federal and state grant requirements, the Foundation has implemented the following policy for a “Drug Free Workplace.”

The Foundation is committed to a drug-free workplace that protects its most valuable resource, its employees, as well as the service provided to the public. The Drug-Free workplace policy of the Foundation is as follows:

“The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance by an employee is strictly prohibited at the Foundation’s offices, at functions or meetings where the employee is a representative of the Foundation, in or during the operation of the Foundation’s leased and/or owned vehicles, or at any time the employee is carrying out official acts of the Foundation.”

Any employee found in violation of this policy may be (1) terminated immediately, or (2) subject to suspension until all of the following has occurred:

- They are evaluated by the Employee Assistance Program (“EAP”) or equivalent agency;
- An evaluation report is submitted to the CEO/Executive Director; and,
- An agreement to follow the recommendations of the evaluation is approved by the employee and the CEO/Executive Director.

If an employee violates the recommendations made by the EAP (or equivalent agency) or is found to be in violation of the substance abuse policy a second time, the employee may be terminated immediately at the discretion of the CEO/Executive Director or may be subjected to an additional review by the EAP (or equivalent agency).

The Chief Operating Officer will be responsible for dissemination to staff of information on the dangers of drug abuse in the workplace and the policies of Foundation pursuant to it. In addition, they will make available to employees information on how to access various treatment programs or seek advice on drug abuse. The Drug-Free Workplace policy statement will be posted on company bulletin boards by the Chief Operating Officer. As a condition of employment with the Foundation, all employees must sign an agreement to abide by the terms of the statement, notify the CEO/Executive Director of any criminal drug statute conviction prior to returning to his job duties and must agree to participate in recommended rehabilitation. The CEO/Executive Director will notify the appropriate federal program with which the employee works of the conviction within 10 days after the receipt of notice of an employee's 'criminal drug statute conviction for a violation occurring in the workplace" and within 30 days of such notice the CEO/Executive Director will take appropriate personnel action which can include termination or require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program that is approved by a federal, state or local health, or law enforcement agency.

The legitimate use of controlled substances prescribed by a licensed physician is not prohibited. Employees should inquire with their physicians, and notify the CEO/Executive Director, of any use of prescription medications that may affect their job performance.

As a condition of employment with the Foundation, all employees must sign an agreement to abide by the terms of this statement and must notify the CEO/Executive Director of any criminal drug statute conviction within 5 days of the conviction and prior to returning to his job duties. (The Foundation will notify the appropriate federal program with which the employee works of the conviction.) The employee must further agree to participate in recommended rehabilitation if they are found to be in violation of this policy.

The Foundation recognizes that alcoholism/drug abuse is a form of illness and will accommodate employees in a dependency program as required by law. All employees on all levels are eligible for assistance. Benefits for treatment will be available as provided for in the Foundation's health insurance plan. No employee to whom the program applies will have his or her job jeopardized by a request for counseling or referral service. Medical leave and/or annual leave will be granted for treatment or rehabilitation on the same basis that it is granted for any other illness. Nothing in this policy, however, is to be construed as prohibiting the Foundation from its responsibility to maintain a safe and secure work environment for its employees or from invoking such disciplinary actions as may be deemed appropriate for acts of misconduct arising out of or related to the use or abuse of alcohol and/or drugs.

DRUG AND ALCOHOL POLICY

In accordance with federal and state grant requirements, the Foundation has implemented the following policy for a "Drug Free Workplace."

Our goal is to maintain a supportive, stigma-free workplace where every team member feels safe

to ask for help, seek clarification, and access available resources. To encourage open communication and reduce stigma around substance use, recovery, and Medically Assisted Treatment (MAT), the Foundation promotes an “open door policy” to ask questions about our Drug and Alcohol Policy, and related procedures.

The Foundation is committed to a drug-free workplace that protects its most valuable resource, its employees, as well as the service provided to the public. The Drug-Free workplace policy of the Foundation is as follows:

“The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance by an employee is strictly prohibited at the Foundation’s offices, at functions or meetings where the employee is a representative of the Foundation, in or during the operation of the Foundation’s leased and/or owned vehicles, or at any time the employee is carrying out official acts of the Foundation.”

Any employee found in violation of this policy may be (1) terminated immediately, or (2) subject to suspension until all of the following has occurred:

- They are evaluated by the Employee Assistance Program (“EAP”) or equivalent agency;
- An evaluation report is submitted to the CEO/Executive Director; and,
- An agreement to follow the recommendations of the evaluation is signed by the employee and the CEO/Executive Director.

The Chief Operating Officer will be responsible for dissemination to staff the policies of the Foundation pursuant to it as part of the Foundation’s drug-free awareness program. In addition, they will make available to employees information on how to access various treatment programs or seek advice on drug abuse. The Drug-Free Workplace policy statement will be posted on company bulletin boards by the Chief Operating Officer. As a condition of employment with the Foundation, all employees must sign an agreement to abide by the terms of the statement, notify the CEO/Executive Director of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after the conviction and must agree to participate in recommended rehabilitation. The CEO/Executive Director will notify the appropriate federal program with which the employee works of the conviction within 10 days after the receipt of notice of an employee’s ‘criminal drug statute conviction for a violation occurring in the workplace’ and within 30 days of such notice the CEO/Executive Director will take appropriate personnel action which can include termination or require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program that is approved by a federal, state or local health, or law enforcement agency.

The legitimate use of controlled substances prescribed by a licensed physician is not prohibited. Employees should inquire with their physicians and notify the CEO/Executive Director (and their supervisor, as appropriate), if they are using a lawful medication that may impair their ability to safely perform essential job functions or may pose a safety risk, so the Foundation can assess appropriate workplace safety measures and, where applicable, engage **in an interactive process** regarding reasonable accommodations.

The Foundation recognizes that alcoholism/drug abuse is a form of illness and will accommodate employees in a dependency program as required by law. All employees on all levels are eligible for assistance. Benefits for treatment will be available as provided for in the Foundation's health insurance plan. No employee to whom the program applies will have his or her job jeopardized by a request for counseling or referral service. Medical leave and/or annual leave will be granted for treatment or rehabilitation on the same basis that it is granted for any other illness. Nothing in this policy, however, is to be construed as prohibiting the Foundation from its responsibility to maintain a safe and secure work environment for its employees or from invoking such disciplinary actions as may be deemed appropriate for acts of misconduct arising out of or related to the use or abuse of alcohol and/or drugs.

DRUG TESTING

Purpose

As part of its commitment to safeguard the health of employees, to provide a safe place for employees to work, and to promote a drug-free community, the Foundation establishes this policy on the use or abuse of alcohol and illegal drugs by its employees. Substance abuse, while at work or otherwise, seriously endangers the safety of employees, as well as the general public, and creates a variety of workplace problems, including increased injuries on the job, increased absenteeism, increased health care and benefit costs, increased theft, decreased morale, decreased productivity, and a decline in the quality of products and services provided by the Foundation. The Foundation has established this policy to detect users and remove abusers of alcohol and drugs from the workplace. It is also the policy of the Foundation to prevent the use and/or presence of those substances in the workplace, and to assist employees in overcoming any dependence on drugs and/or alcohol in accordance with the following guidelines.

Drug & Alcohol Testing Program

To the extent the Foundation requires drug and/or alcohol testing, testing or retesting will be conducted under a written program that is made available to employees subject to testing in the same manner the Foundation communicates other personnel practices, and prospective employees will be informed if testing is a condition of hire, consistent with Arizona law (A.R.S. §_23-493.04). The Foundation may require testing for applicants, employees, or designated positions based on job-related purposes consistent with business necessity, including (as applicable): pre-employment/conditional offer, reasonable suspicion, post-accident, return-to-duty, and follow-up testing. "Reasonable suspicion" means a belief, based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of an employee, that the employee may be impaired or in violation of this policy. When reasonable suspicion exists, the Foundation may remove the employee from duty pending results and may require the employee to cooperate with reasonable documentation and safe-transport arrangements. The Foundation may test for alcohol and for drugs/controlled substances (which may include marijuana/THC, cocaine, opioids/opiates, **amphetamines/methamphetamines, phencyclidine (PCP), and other substances** as identified by the testing panel in effect at the time of the test). Testing may be conducted

using a lawful collection method (e.g., urine, oral fluid, or other specimen type) using chain-of-custody procedures, an initial screening test, and confirmatory testing as appropriate. Non-negative results may be reviewed by a qualified medical review process as permitted by law. Refusal to submit to required testing, failure to cooperate with collection procedures, tampering, substitution, or adulteration may result in disciplinary action up to and including termination. Disciplinary action may also be taken based on a verified positive test result, policy violations (use/possession/impairment at work or on Foundation property), or other job-related grounds. An employee has the right, on request, to obtain written test results and the right, on request, to explain a positive test result in a confidential setting. Test results and related medical information will be treated as confidential and maintained in a manner consistent with applicable law, with access limited to those with a business need to know or as required by law.

Definitions

Alcohol “Alcohol” means ethanol, isopropanol or methanol.

Foundation Property The term “Foundation Property” includes work sites; parking lots; vehicles; offices owned, rented, utilized, or serviced by the Foundation or by any members/vendors of the Foundation’s employee-owned or employee-rented vehicles on the property of the Foundation or of any members/vendors of the Foundation while on Foundation business; and locations where the employees represent the Foundation in any capacity.

Illegal Drugs “Illegal Drugs” are drugs or controlled substances which are not legally obtainable or are legally obtainable but not obtained or used in a lawful manner. Examples include, but are not limited to, cocaine and methamphetamines, as well as prescription drugs that are not lawfully obtained or properly utilized. The term “illegal drug” also includes mind-altering and/or addictive substances that are not sold as drugs or medicines but are used for mind or behavior-altering effect.

Legal Drugs “Legal drugs” are those prescribed, or over-the-counter drugs that are legally obtained by the employee and used for the purpose for which they were prescribed and sold.

Marijuana “Marijuana” is any product derived from the Cannabis sativa plant containing psychoactive cannabinoids, primarily THC.

On Duty The term “on duty” includes all working hours, as well as meal periods and break periods, regardless of whether on premises, and all hours when an employee represents the Foundation in any capacity.

Drug Use Prohibitions The use, sale, purchase, possession, manufacture, distribution, or dispensing of illegal drugs on Foundation property, or while on duty, is against Foundation policy, is prohibited, and is cause for immediate termination.

Off-site use, sale during work, or possession of drugs or alcohol which adversely affects work performance or safety is also prohibited and is cause for disciplinary action, up to and including termination.

Prohibitions and Employees’ Responsibilities

Employees are prohibited from the use, sale, dispensing, distribution, possession, or manufacture of illegal drugs, or narcotics on Foundation premises or worksites; any employee who violates this prohibition will be subject to discipline, up to and including termination. In

addition, employees are required to report to work unimpaired by alcohol and without illegal drugs in their systems. Any employee who reports to work impaired by alcohol, or with a controlled substance in their system, will be subject to discipline, up to and including termination. In addition, being impaired by a controlled substance or alcohol shall not be an excuse for any other misconduct that violates the Foundation's rules.

Employees are personally responsible for confirming with their physician and/or pharmacist that they may perform their regular job duties safely while taking a prescribed or over-the-counter drug. Although prescription and non-prescription medications are not prohibited when taken in accordance with a lawful prescription or consistent with standard dosage recommendations, improper use of prescribed or over-the-counter drugs is prohibited.

Scope of the Policy

As a condition of employment, all job applicants and employees are required to abide by the terms of this policy. Certain employees may be subject to additional requirements under state or federal regulations.

REPORTS OF CHILD ABUSE

Though Foundation staff do not provide direct services to minors and are not legally mandated reporters, staff will follow established protocols to ensure the safety of any youth involved in Foundation programs and to ensure that subcontractors to the Foundation also follow protocols established by A.R.S. §13-3620.

Any employee who reasonably believes a minor is the victim of abuse shall immediately report or cause reports to be made to a peace officer. Abuse includes physical, emotional and sexual abuse.

CONFIDENTIALITY AND ETHICAL CONSIDERATIONS

Confidentiality and the avoidance of conflicts of interest are critical for employment with the Foundation. Recognizing that the lack of confidentiality, apparent conflicts, or the appearance of impropriety can be as damaging as actual improper acts, all Foundation employees are put on notice that action may be taken if it appears that the operations or responsibilities of the Foundation are being compromised.

This duty of confidentiality should be kept in mind when staff are visiting other offices, attending meetings, lunching with friends, attending parties, or just talking in the elevators or office hallways. It is inappropriate for any member of the staff to discuss information obtained from

correspondence, files, telephone calls, or conversations overheard between members of the staff and/or any individual not associated with the Foundation.

Employment with the Foundation assumes an obligation to maintain confidentiality, even after an employee leaves our employ.

No one is permitted to remove or make copies of any Foundation records, reports or documents, for any reason other than regular business use, without prior CEO/Executive Director approval.

If an employee is questioned by someone outside their department or the organization and are concerned about the appropriateness of providing certain information, remember that employees are not required to answer and that we do not wish employees to do so. Instead, as politely as possible, refer the request to a supervisor or the CEO/Executive Director.

Although confidence is critical, *there are certain circumstances where the disclosure of information may be required by law. (e.g., the mandatory reporting of child abuse and neglect, other statutory exceptions where clear and imminent danger to life or society has been clearly shown to exist.)* If an employee has any questions or concerns regarding whether certain information may or must legally be divulged, *please consult a supervisor and the CEO/Executive Director immediately.*

Non-attorney employees must not give the impression, or allow others to have the impression, that they are members of the Bar, or to otherwise convey the impression that they are qualified to practice law or render legal advice or services. Attorney employees must not give the impression, or allow others to have the impression, that their role at the Foundation includes that of giving legal advice or services. All questions of a legal nature must be referred to the CEO/Executive Director.

Each attorney employed by the Foundation is bound by the Rules of Professional Conduct promulgated by the Supreme Court of Arizona. It is important that all employees be aware of the limitations set forth in this code of ethics so they may take precautions to avoid any improper conduct or the perception thereof.

Under no circumstances may any staff member use Foundation letterhead or supplies for personal matters. . In general, employees may not provide legal services or advice to outside individuals or entities for any form of compensation, unless they comply with the “*Secondary Employment*” section of the Employee Policies Handbook.

Attorneys on staff are encouraged to comply with ER 6.1 regarding voluntary pro bono service. While serving in that capacity, an attorney employed by the Foundation may use Foundation resources such as copying, supplies, secretarial support and postage, on a limited basis. The employee’s supervisor must approve any time or expense.

If an attorney employed by the Foundation provides uncompensated legal advice or services to

third parties not encompassed by ER 6.1, such as family and friends, work time and resources may not be utilized, and neither the Foundation's name nor the employee's affiliation with the Foundation may be used in conjunction therewith.

Any attorney employed by the Foundation -may not receive compensation, honoraria, or other items of more than nominal value for activities performed on Agency time. s (*See "Secondary Employment" policy for further information on this issue.*)

CONFLICTS OF INTEREST

No employee shall engage in any outside activities that could be construed as being in conflict with the goals and objectives of the Foundation, or which may deter from the purposes for which the Foundation was formed. Therefore, employees are expected to avoid situations that might cause their personal interests to conflict with the interests of the Foundation or compromise its reputation or integrity.

Conflict of interest provisions contained within any contract being fulfilled by the Foundation will be upheld.

EMPLOYEE CONCERNS AND RESOLUTION

Employees are encouraged to bring their work-related concerns and/or complaints to the attention of management so that they may be addressed by those most directly involved and in a timely and professional manner. Employees are requested to bring their concerns forward as soon as possible and, to the extent practical, within 5 working days. Concerns may involve but are not limited to: working conditions; policy inequities and/or violations; financial improprieties; relationships with supervisors, coworkers and/or subordinates.

Concerns regarding harassment and discrimination should be addressed as provided in the Equal Employment Opportunity and Anti-Harassment policies. Complaints regarding salary deductions should be addressed as provided in the Salary Deduction policy.

Employee complaints shall be treated as confidential as possible and will be shared only with those who have a legitimate need to know, at the discretion of the Foundation. Employees shall not be retaliated against by virtue of having brought forward a concern and/or complaint.

Complaints Involving Staff Other than Senior Management

Step 1: Employees are expected to discuss their concerns and/or complaints with their supervisors as soon as possible, usually within 5 working days, as this affords employees and management the opportunity to resolve problems when they arise and before they have an opportunity to escalate. In turn, supervisors are expected to meet with their employees, listen to their concerns and/or complaints, and provide a response as soon as possible. We recognize that

it is not always possible or appropriate to discuss a concern or complaint with one's supervisor. In these types of situations, or when the issue is not resolved by the supervisor, employees may proceed to Step 2.

Step 2: Employees whose concerns and/or complaints cannot be or are not resolved at the Step 1 level should discuss these concerns with their department heads as soon as possible, usually within 5 working days of receiving their supervisor's response at the Step 1 level or within five working days of the action or occurrence giving rise to the complaint. In turn, department heads are expected to meet with their employees, listen to their concerns, and provide a response as soon as possible. We recognize that it is not always possible or appropriate to discuss a concern or complaint with one's department head. In these types of situations, or when the issue is not resolved by the department head, employees may proceed to Step 3.

Step 3: Employees whose concerns and/or complaints are not resolved at the Step 2 level should submit their concerns, in writing, to the CEO/Executive Director, with a copy to the Chief Operating Officer. This should be done as soon as possible, usually within 10 working days of receiving the Departments Head's response. The CEO/Executive Director will meet with the employee, review the matter, and provide them with a final response as soon as possible.

Complaints Involving Senior Management

Employees whose concerns and/or complaints involve a member of senior management may submit their written complaints directly to the CEO/Executive Director as soon as possible, usually within 10 working days of the action or occurrence giving rise to the complaint. The CEO/Executive Director will meet with the employee, review the matter and provide them with a response as soon as possible. When these concerns and/or complaints are not resolved by the CEO/Executive Director, employees may submit their written complaints to the President or President-Elect of the Board of Directors, as applicable. This should be done as soon as possible, usually within 10 working days of the employee's receipt of the CEO/Executive Director's response. The Board member will review the matter and provide the employee with a final response as soon as possible.

Employees whose concerns and/or complaints involve the CEO/Executive Director may submit their written complaints directly to the Executive Committee members of the Board of Directors, as applicable, as soon as possible, usually within 10 working days of the action or occurrence giving rise to the complaint. The Executive Committee will review the matter and provide the employee with a response as soon as possible.

Nothing in this policy is intended to inhibit the normal and necessary interaction between staff and Board members regarding work-related activities. In referring matters to the Board, however, employees should exercise good judgment and refer only matters that are of a sufficiently serious nature to warrant involvement by the Board in the internal operations of the organization. Employees should recognize that the members of the Board are volunteers and should first consider whether their concerns and/or complaints can be resolved directly with their supervisor, the Chief Operating Officer, or the CEO/Executive Director.

Any questions regarding this policy should be directed to the Chief Operating Officer or CEO/Executive Director.

CONSTRUCTIVE DISCHARGE POLICY

Employees are encouraged to communicate with the Foundation whenever the employee believes working conditions may become intolerable to the employee and cause them to resign. Under Section 23-1502, Arizona Revised Statutes, an employee may be required to notify an appropriate representative of the employer in writing that a working condition exists that the employee believes is intolerable and will compel the employee to resign or that constitutes a constructive discharge, if the employee wants to reserve the right to bring a claim against the employer alleging that the working condition forced the employee to resign.

Under the law, an employee may be required to wait for 15 calendar days after providing written notice before the employee may resign if the employee desires to preserve the right to bring a constructive discharge claim against the employer. An employee may be entitled to paid or unpaid leave of absence of up to 15 calendar days while waiting for the employer to respond to the employee's written communication about the employee's working condition.

EMPLOYEE SUGGESTIONS

The Foundation encourages suggestions for improving policies, benefits or procedures and will seriously consider such suggestions. Suggestions may be submitted to the CEO/Executive Director, via e-mail, hard copy, or in person.

EMPLOYEE/CHARITABLE SOLICITATIONS

The CEO/Executive Director decides which charitable causes, if any, the Foundation will support each year. Employee participation in these efforts is on a voluntary basis.

In order to prevent disruption in the operations, interferences with work, and inconvenience to any employees:

- Solicitation by employees for any purpose is not permitted during work time;
- Distribution of literature of any kind by employee (other than company literature) is not permitted in working areas at any time;
- Distribution of literature and/or solicitation for any purpose by non-employees on the Foundation's premises is not permitted at any time; and,
- Postings on the Foundation's premises shall be limited to matters directly related to the Foundation's business.

Employees should consult with their manager regarding the appropriateness of the cause and appropriate method of solicitation, *prior* to undertaking any such solicitation.

OUT-OF-POCKET REIMBURSEMENT

Occasionally, it is necessary to incur out-of-pocket expenses on behalf of the organization. In

these cases, the Expense Reimbursement Form should be used so that the organization may properly account for these expenditures. Proper authorization should be obtained prior to the expenditure to assure reimbursement.

All receipts should be stapled to a plain sheet of paper noting the proper documentation for each expenditure. Proper documentation includes **all** of the following:

- The **amount and description** of each separate expenditure;
- The **date** each expenditure took place;
- The **location** (name and address of location) where the expenditure occurred;
- The **business purpose** and nature of the business benefit expected to be achieved; and,
- The **business relationship** of the employee to the other person(s).

The Foundation will not reimburse employees for items such as alcoholic beverages, penalties, late fees, tickets, or citations absent specific department head approval.

Expense Reimbursement Forms must include proper approvals, back up and IRS documentation, and all footings (math calculations) must be correct before processing can occur. Proper approval entails review of all expenses for appropriateness and supervisor/department head signature.

Reimbursements for Travel

“Travel status” is that period of time between which an individual commences and concludes travel to conduct necessary Foundation business away from the office. The CEO/Executive Director or department head must authorize all official travel.

Travel is authorized when personal contact is the most beneficial method of conducting official business. The most economical method of transportation should be selected in terms of direct expense to the Foundation with consideration given to the employee's schedule and other work commitments. Mileage reimbursement equivalent to current Government Services Administration (GSA) guidelines will be made for automobile travel. If airline travel is determined to be the most cost-effective alternative, the least expensive fare for the day and time of travel should be utilized.

Reimbursement for travel costs will be made depending upon the nature and purpose of the trip. It is incumbent upon each employee planning out-of-town travel to discuss and receive approval for reimbursement with the department head **before** such travel occurs. The established Federal Per Diem serves as the guide for allowable travel costs.

Management maintains the right to determine "reasonable" costs anywhere in this section and may disallow certain costs if they are not determined to be reasonable. Management will use the federal guidelines to determine the reasonableness and allowance of costs. A general guide of allowed and disallowed costs follows:

- Breakfast is reimbursable when travel begins at or before 6:00 a.m.

- Lunch is reimbursable when a traveler is in travel status for at least six hours that includes the entire period from 11:00 a.m. to 2:00 p.m.
- Dinner is reimbursable if the traveler leaves for overnight travel at or before 6:00 p.m. or if travel extends to 8:00 p.m. or beyond.
- No reimbursement will be made for meals consumed in place of or in addition to meals served in conjunction with and included in the cost of conference or meeting registration unless dietary restriction necessitates additional food being purchased because accommodations could not be made by the facility.
- No reimbursement will be made for the cost of alcoholic beverages.
- Lodging and other reasonable expenses will be reimbursed upon submission of proper receipts to the Accounting Department.

In every instance, employees should ask the department head or their manager before incurring costs on behalf of the organization. Prior approval from the CEO/Executive Director or other persons as may be expressly authorized by the CEO/Executive Director, is required for reimbursement for meals not related to travel or conferences. The CEO/Executive Director has the authority to approve or disallow reimbursement for travel costs.

(For information on compensation while traveling, refer to “Travel-Pay” policies under the “Compensation and Payroll” section in this Handbook.)

EMPLOYEE REIMBURSEMENTS TO THE FOUNDATION

If an employee owes the Foundation money due to personal phone calls made, lost or damaged equipment, or any other circumstances, the Foundation will hold the account due for one month. At that time a statement will be prepared by a member of the Accounting Division authorizing the contract bookkeeper to withhold the amount due from the employee’s next paycheck.

Before the next payroll is submitted to be processed the employee is expected to either: 1) sign the authorization form; 2) pay the amount owed; or 3) make alternate written arrangements with the CEO/Executive Director.

If the employee is terminated or resigns prior to reimbursing the Foundation, the amount due and owing will be withheld from the employee’s final paycheck per the employee’s signed acknowledgement form.

GRATUITIES

Employees are discouraged from accepting meals or other gifts from vendors, suppliers, salespeople and/or other solicitors. Gratuities received from regular Foundation vendors become the property of the Foundation. Prior to accepting any item of gratuity with more than a nominal value from any outside source, employees should consult with their department head. Exceptions to this policy may be provided by an employee’s department head or may be

approved by the CEO/Executive Director.

Advance approval from the Chief Operating Officer is required before an employee may solicit a gift of any kind from a client, Board member, agency, or any community representative.

CONVICTIONS

An employee who pleads guilty to or is convicted of any crime must immediately report this to the Chief Operating Officer who will inform only necessary staff. The Foundation may take disciplinary action, up to and including termination.

DRIVER'S LICENSE & DRIVING RECORD

Employees whose work requires operation of a motor vehicle must present and maintain a valid driver's license and a driving record acceptable to the agency's insurer. Any changes in an employee's driving record status must be reported to the employee's supervisor and the Chief Operating Officer immediately.

AUTOMOBILE POLICY

Employees may be asked to travel for business purposes (*e.g.*, to attend meetings, conferences, training sessions, etc.) in an employee's personal automobile or a company leased vehicle.

Insurance and Licenses

Employees who drive personal or company-leased vehicles on Foundation business are required to carry the minimum insurance as required by the laws of the state in which the vehicle is registered. Employees must also possess a valid state driver's license at all times when driving.

Driving Record and Violations

Employees must present an unrestricted driver's license to the Chief Operating Officer in order to drive on Foundation business. Employees must immediately report to the Chief Operating Officer if their driver's license becomes restricted. Any employee who drives a personal vehicle on Foundation business and is convicted of driving while under the influence, driving while intoxicated, or any other serious moving violation will be considered to have an unacceptable driving record for the period of time of the conviction if it results in any restriction on the employee's driver's license.

Employees are responsible for paying any fines, including parking tickets, incurred while driving their vehicle on Foundation business.

Employees who are involved in a traffic accident while operating a vehicle on Foundation business are required to call the police to the accident scene. Immediately upon return to the workplace, employees are required to report the accident and give the police accident report

to the Chief Operating Officer. Employees involved in an accident while on Foundation business, no matter how minor, may be required to submit to a drug and alcohol test at the Foundation's expense.

Safety Issues

Employees who drive their personal vehicles while conducting Foundation business are required to wear their seatbelts at all times. Passengers in a personal vehicle on Foundation business must also wear seatbelts. Failure to wear seatbelts is illegal and may result in disciplinary action up to and including termination.

Because the Foundation is committed to promoting driving safety, the Foundation encourages the safe use of cellular telephones by employees while they are conducting business (e.g., talking to customers, other personnel, or others when a business need is apparent). Therefore, the Foundation prohibits employees from utilizing their phones while operating an automobile unless a hands free device is employed.

ADDITIONAL POLICIES

PARKING

Parking is provided free of charge to all employees. Employees utilizing this benefit are expected to have their vehicle licensed by the State of Arizona.

The Foundation encourages employees to use alternative modes of transportation when traveling to work and encourages carpooling for those who drive. Those who ride the bus to and from work will be issued a pass that may be used on either the regular or the express buses for the purpose of riding to and from work. The bus fare is recorded by the transit system each time the pass is used. An invoice is then sent to the Accounting Department at the end of each month and the regular monthly fare is paid by the Foundation as an employee benefit.

ATTENDANCE

Normal business hours are 8:30 a.m. to 5:00 p.m., Monday through Friday, resulting in a core workweek of 37.5 hours. For most individuals, this will result in a 7.5-hour workday with a standard one-hour lunch period.

Work Schedules

Departments may allow flexible work hours to accommodate special needs, special projects, or other demands of a unique nature, subject to the needs of the organization. Flexible work hours beyond that of a pay period must be approved in advance by the CEO/Executive Director and may be discontinued at any time.

Departments may allow telecommuting and/or a four-day 9.5-hour/day work week either on a regular or special project basis, subject to the needs of the organization. Telecommuting must be approved in advance by a manager and may be discontinued at any time in management's sole discretion.

Requests for an alternate work hour schedule should be directed to the CEO/Executive Director.

Reporting Requirements

If an employee is unable to attend work, the employee must notify his or her supervisor by 8:30 a.m., or as soon as possible thereafter. Personal contact with the supervisor is expected. Text, email, and/or phone call are all acceptable forms of contact. If this is not possible, a message should be left for the supervisor, along with a telephone number where the employee may be reached in the event the supervisor has any questions or needs any further information.

All employees are expected to be punctual. If this is not possible, the supervisor must be notified. With respect to non-exempt employees, it is expected that time lost due to tardiness

will be made up promptly or will be unpaid, at the supervisor's discretion. Habitual tardiness by any employee will be treated as a performance issue and may result in corrective action, up to and including termination from employment.

Absence time is measured in quarter-hour (15-minute) increments. With respect to non-exempt employees, absence time of less than half a day (3.75 hours) that is not charged to vacation or sick leave can be made up within the same workweek, with the prior approval of the manager. This should not be interpreted as permitting employees to report late for work and make up the time by shifting lunch, working after the employee's established workday ends, or charging vacation or sick leave for tardiness.

It is important that advance notice of the absence be given whenever possible so that plans can be made to address the needs of the employee and the department. Employees are encouraged to schedule medical and dental appointments to create minimal conflict with normal working hours.

Exempt employees are expected to report all vacation and sick time. Unless the employee's supervisor has previously approved an adjustment to the regular work schedule, absences of 3.75 or more hours in a day *must be reported as sick and/or vacation time* on the biweekly timesheet.

Non-exempt employees may request leave without pay in lieu of charging the time to any one of the leaves of absence authorized in this Handbook; however, such requests are reviewed on a case-by-case basis and are subject to the approval of the employee's manager, Chief Operating Officer and CEO/Executive Director. Leave without pay should be reported on the biweekly timesheet.

Planned absences (including vacation or sick leave) must be approved in advance by the employee's supervisor via email. The approved time must be properly documented on the biweekly timesheet and submitted to the Chief Operating Officer.

EMPLOYEE GROOMING AND DRESS

Employees of the Foundation are to ensure that their overall appearance, grooming, and dress present a professional image at all times. Grooming and dress should be appropriate for the conservative legal environment in which our members and we work.

The Foundation allows casual business-wear to be worn year-round; however, each day's activities should be considered before opting for casual business-wear. Professional dress should be worn at meetings with members or other visitors and when representing the Foundation at outside events.

SMOKING

The Foundation is a non-smoking workplace. The office building in which its office is located is also designated as non-smoking.

BREAKS

Breaks are a privilege that may be extended to employees when work schedules and staffing levels permit. Breaks should be taken so as not to interfere with the employee's work and should not exceed a total of 15 minutes in the morning and 15 minutes in the afternoon.

FOUNDATION AND EMPLOYEE PROPERTY

Any Foundation property in the possession of an employee shall be returned upon request and/or upon termination of employment with the Foundation. Such property includes but is not limited to: laptops, phones, keys; credit cards; security and parking cards; security devices; policy and training Handbooks; electronic and/or hard-copy files; and other office supplies and/or equipment. If Foundation property is not returned to the organization, the value of the property may be deducted from any funds due to the employee. Furthermore, reimbursement for any lost or damaged property will be deducted from any funds due to the employee, as permitted by law, unless an alternative means of resolution is agreed upon in writing. By signing the Handbook's acknowledgement form, employees authorize such deductions.

The Foundation *does not provide* insurance coverage for employees' *personal* property items and will not be responsible for the individual property of its employees. It is suggested that if any employee has personal property on the premises that they feel is of particular value, then the employee should seek insurance coverage for these items on their own.

LEAVES OF ABSENCES

Employees who are regularly scheduled to work 22 hours or more per week are eligible for paid leave. Full-time employees shall accrue vacation and sick leave at the rates specified below.

Eligible part-time employees shall accrue at **60%** of the rates identified below.

Definitions

Accrued time refers to that which is earned throughout the course of a calendar year.

Workday refers to a 7.5-hour period of time that is considered a workday in a core workweek of 37.5 hours.

VACATION

Vacation leave begins to accrue from the first day of employment. Vacation leave is accrued at a rate that is dependent on the number of years of service. Years of service, for purposes of vacation accrual, mean the total number of years of regular, continuous employment at the Bar/Foundation.

Based upon a 37.5-hour work week, all full-time employees shall accrue vacation time from the date of hire at the following rates:

Less than four years of service	9.38 hours/month; 15 workdays/year
Four or more years of service	12.5 hours/month; 20 workdays/year
Fifteen or more years of service	15.63 hours/month; 25 workdays/year

Accrued vacation days may be used in lieu of paid sick days when the latter are exhausted, with the manager's approval. *(If applicable, see the "Family and Medical Leave" policy as it relates to vacation days in lieu of paid sick days.)*

A maximum of 15 vacation days (112.5 hours) may be carried forward to the next calendar year without approval of the CEO/Executive Director. Any other requests to carry forward vacation days require the CEO/Executive Director to receive approval from the President of the Board. No employee may take more than three weeks of vacation at one time without the consent of the CEO/Executive Director.

All vacation requests must be submitted to the appropriate supervisor for approval in advance of the requested leave and forwarded to the Chief Operating Officer. In instances where an employee has not received advance approval to use vacation, the employee's manager will have discretion whether to allow the time off as vacation with pay or, as applicable, non-compensated leave.

If an employee is on vacation and becomes ill during that time, the leave may be changed to sick leave, subject to the employee's provision of documentation supporting the need for sick leave.

If an employee takes an extended leave of absence during the year, their accrued vacation must be exhausted prior to the leave of absence taking effect. In cases in which simultaneous vacation

absences of employees would be a hardship on a department, the manager will make the final determination, with Chief Operating Officer and CEO/Executive Director approval, regarding vacation schedules and advise employees accordingly.

Any used-but-unaccrued vacation may be withheld, as permitted by law, from an employee's paycheck. There is no compensation for accrued but unused vacation time upon separation from employment.

SICK LEAVE

Sick leave may be taken in the event of illness of the employee, the employee's spouse or domestic partner, dependent child(ren), the employee's parent(s), or as otherwise approved by the CEO/Executive Director. It may also be used for appointments with health care professionals.

Employees may be required to provide a HIPAA compliant written statement from their health care professional verifying their need to use sick leave and/or releasing them to return to work. With regard to employees, sick leave is to be used for illnesses or injuries that prevent them from being at work. When sick leave is used for appointments with health care professionals, it may be taken only for the duration of the appointment and related transportation.

Sick leave is accumulated at a rate of one day (7.5 hours) per month from the first full month of employment, with no maximum accumulation, and is determined on a calendar year basis. There is no compensation for accrued but unused sick leave upon separation from employment.

If sick leave in excess of the accrued or borrowed amount is needed, employees may review the separate Medical Leave Assistance Program (MLAP) policy.

FLEX HOLIDAY/OFFICE CLOSED POLICY

If an exempt employee, due to an emergency, an event or travel, is required to work on a holiday, weekend or other time period that the office is closed for the rest of the staff, and if the employee is unable to flex their time in the current work week, they are eligible to utilize a specific time during a different payroll period within 6 weeks of the occurrence as the holiday. The employee needs to inform their supervisor, who will confirm eligibility and copy their Department Head and HR when informing the employee of their determination. All efforts should be made to give advance notice of an anticipated occurrence when possible.

LEAVE WITHOUT PAY

Employees not eligible for consideration for other leave benefits offered by the Foundation may be eligible to receive an unpaid leave of absence due to a temporary medical condition. Such requests will be reviewed and considered on a case-by-case basis. Under this leave, the employee may be granted a leave of absence without pay or welfare benefits (unless employee

qualifies for COBRA) for the duration of the temporary medical condition or three (3) months, whichever ends first.

To be eligible for this leave, the employee may be required to produce HIPAA compliant medical documentation justifying the need for the leave and may also be required to periodically advise their supervisor of their status. When an employee is ready to return to work, they should send a letter of intent at least two weeks before the expiration date of the leave and/or the date they are ready to return. The employee must also submit HIPAA compliant medical information confirming their suitability to return to work.

Employees may also request leave without pay for personal reasons, such as to pursue their education or to assist their family members in the event of a death in the family. Such requests will be reviewed and considered on a case-by-case basis.

Due to operational or business reasons, the Foundation may have to fill the position while the employee is on leave. Therefore, *there is no guarantee of job reinstatement*. If the job the employee left is not available when they are ready to return, they *may* be offered an alternative position, if one is available, for which the employee is qualified to perform, at the pay rate of such a position. If the employee rejects an offered position, or there is no available position that can be offered, the employee will be separated from employment.

If a leave without pay exceeds 30 days, the employee must make arrangements for the prepayment of any group insurance premium. Vacation and sick leave accrual shall also be discontinued if the leave exceeds 30 days. During a leave of absence, holiday pay is not applicable to the employee. Employees are responsible for verifying the status and accrual of any and all benefits the company is offering before taking the extended leave.

If an employee accepts any employment or goes into business while on a leave of absence from the Foundation, they will be considered to have voluntarily resigned from employment with the Foundation as of the day on which the leave of absence began.

EXTENDED LEAVE POLICY

Any employee who has been employed for at least 12 months and who has worked at least 1,250 hours in the 12-month period immediately preceding a leave of absence is eligible for 12 calendar weeks of unpaid leave for any of the following reasons:

1. The birth and care of a child;
2. Placement of a child through foster care or adoption;
3. To care for a seriously ill spouse or partner, child or parent, family member); or
4. due to the employee's serious health condition.

A Certification of Health Care Provider form may be required when a serious health condition is involved. Additionally, a certification from a health care provider may also be periodically required with regard to the employee's ability to return to work, with or without reasonable accommodation.

Duration of Leave

An eligible employee may take their 12 weeks on an intermittent or reduced hour basis but not less than in 15-minute blocks. Any accrued sick and/or vacation leave must first be used and will be counted toward the 12 weeks.

An employee who is married to or is the domestic partner² of another employee³ is individually entitled to 12 weeks leave. However, if the leave is because of the birth, adoption, or foster placement of a child, or because of the serious health condition of a parent, then these employees are only entitled to take a combined total of 12 weeks.

Benefits under Leave

Benefits offered by the Foundation and time toward seniority will continue during the leave. Premiums and related costs paid by the employee (such as dependent health insurance coverage or to increase long term disability benefits) must continue to be paid by the employee during this leave.

Notice Required

Unless it is impossible to do so, at least 30 days prior notice must be given to the Chief Operating Officer of the employee's intent to take a leave under this policy. If 30 days' notice is not given, and the employee could have given such notice, then the employee may be required to wait until 30 days from the date of notice to commence leave.

MEDICAL LEAVE ASSISTANCE PROGRAM (MLAP)

This program is designed to assist employees who encounter a serious medical condition or medical situation that requires an extended leave of absence from work resulting in a financial hardship. This program is also designed to provide a vehicle for employees to assist their fellow co-workers during a period of hardship.

Definitions

Contribution/Donation means vacation days donated by an employee to the MLAP pool.

Donor means an Arizona Foundation for Legal Services & Education employee who is eligible to donate leave.

Employee means any individual who is in the employ of the Foundation who is eligible to accrue leave.

Extended means a period of time of two (2) or more weeks of absence from the job due to an illness or injury.

Immediate Family Member means the spouse or domestic partner⁴, dependent child, or parent of the employee. This definition also includes stepchildren.

Recipient means an employee who meets the eligibility requirements listed herein.

Incapacitating Illness or Injury means a serious illness or injury that prohibits employees from accomplishing their daily work performance tasks.

⁴ As identified in the Affidavit of Domestic Partnership on file with the Chief Operating Officer.

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Eligibility for Recipients

In order for a recipient to receive benefits under this program, all of the following eligibility requirements must be met:

- A. Recipients must have been employed by the Foundation for a period of at least one (1) year;
- B. Recipients receiving contributions must exhaust all of their accrued vacation and sick leave entitlements for the calendar year in which MLA is requested; and
- C. Recipients must be on a leave of absence for, or have a family member suffering from, an incapacitating and extended illness or injury lasting for two (2) or more weeks.

Eligibility for Donors:

In order for employees to donate benefits under this program, all of the following eligibility requirements must be met:

- A. Donors can only contribute accrued vacation leave; sick leave entitlements are not authorized contributions; and
- B. Donors must have at least one (1) week of accrued vacation remaining to their benefit after contribution of vacation time to the MLAP pool.

General Policies

- Donors must have been employed by the Foundation for a period of at least one (1) year.
- All donations will be credited to the appropriate MLAP pool and not to a specific employee. Foundation donations will be placed in the Foundation's MLAP pool for use by Foundation employees.
- Only hours of leave will be donated, not the actual wage of the donor employee.
- Donations must be given in full day (7.5 hour) increments.
- Donations are to be completed in writing on the MLAP Donation form and forwarded to the Chief Operating Officer.
- The Chief Operating Officer will determine that donor eligibility requirements have been met and update the attendance database per written donor instructions.
- When an employee becomes eligible to receive Workers' Compensation benefits, disability payments from any source, pension plan or retirement system benefits, the employee will no longer be eligible to participate in the Medical Leave Assistance Program.
- When the leave is requested to care for a family member, medical documentation of the seriousness of the illness and the need for the employee's presence in the care of the family member will be required.
- If the recipient returns to work prior to using all of the donated time, the unused donated MLAP hours will be transferred to the MLAP pool at the end of the calendar year for future use by other employees as needed.
- If the recipient of the donated time leaves the employ of the Foundation prior to using all of the donated time, the remaining hours will be transferred to the MLAP pool for future use by other employees as needed. Under no circumstances will the terminated employee be paid for the donated time.
- All donations are confidential.

- All donations are permanent and are not returned to the donor.
- Any accrued but unused vacation time that is not eligible for rollover to the following calendar year (i.e., vacation hours beyond the maximum 112.50 hours), will automatically become a part of the MLAP pool.
- MLAP donations may be made at any time.
- Eligible employees interested in receiving benefits under this program must apply for benefits themselves; co-workers and supervisors are not permitted to initiate the request for assistance.
- The maximum MLAP assistance an employee may receive is ten days (75 hours) in a calendar year. However, in the event there is more than one request for qualified MLAP assistance and the amount of the MLAP pool is not sufficient to provide the maximum assistance for each request, the Chief Operating Officer will divide the MLAP pool evenly among those requesting assistance.

Procedures

- Employees eligible for the MLAP will complete the MLAP Request for Assistance Form and forward to the Chief Operating Officer.
- The Chief Operating Officer will review the MLAP request and eligibility requirements.
- The Chief Operating Officer will notify the employee requesting leave of the availability of any donated time by returning an approved copy of the MLAP request form to the recipient.
- If there is no time available in the MLAP pool, the recipient will be notified by the Chief Operating Officer that there is no pool of leave available for their request at this time.

BEREAVEMENT LEAVE

Employees may receive up to three days with pay when absent due to a death in the employee's immediate family. An additional two days with pay may be granted when out-of-state travel is involved. For the purposes of this policy, immediate family includes spouse or domestic partner; parent of employee, spouse or domestic partner¹; child; sister; brother; grandparent; grandchild, or other as approved by the CEO/Executive Director. Leave taken in excess of bereavement leave may be charged to vacation leave, sick leave, or may be taken without pay when approved by the manager and CEO/Executive Director.

JURY DUTY LEAVE

An employee summoned for duty as a juror is entitled to take leave with pay. If they are called to serve, the employee must immediately submit a copy of the summons to the Chief Operating Officer. The employee on jury duty must also remit any compensation received for jury duty, with the exception of mileage reimbursement, to the Chief Operating Officer, or the Foundation will make an equivalent deduction from the employee's wages. At all times during regular working hours when the employee's presence as a juror is not officially required, the employee

shall return to work until called again, if reasonably practical. An employee may take such leave within his or her introductory period.

SUBPOENAED LEAVE

In the event an employee is subpoenaed to appear as a witness before any court or any administrative, executive or judicial tribunal which is vested by law with subpoena power and territorial jurisdiction in this state, the employee is entitled to take leave with pay after the Foundation is satisfied that the employee has not been called to give testimony or evidence relating to or arising out of the employee's personal, commercial or business transactions, misconduct or unlawful conduct. A copy of the subpoena should be sent to the Chief Operating Officer.

VOTING LEAVE

The Foundation encourages employees to fulfill their civic responsibilities by participating in elections. On days when primary and general elections are held, employees will be given time off to vote as required by law. If there are less than three (3) consecutive hours between the opening of the polls and the beginning of the employee's regular work shift or between the end of the employee's regular work shift and the closing of the polls, the employee may take off time to vote without loss in pay at the beginning or end of his or her shift. The total period of time taken by the employee when added to the time difference between work shift hours and the opening or closing of the polls may not exceed three (3) consecutive hours. Employees must request time off to vote from their supervisor prior to the Election Day. Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule.

MILITARY LEAVE

The Foundation will provide military leave for eligible employees serving in the uniformed services. Upon completion of military leave, the Foundation will restore the employee to their job in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). For more specific information regarding this topic, please contact the Chief Operating Officer.

EMPLOYEE BENEFITS

Below is a general outline of the benefits the Foundation provides its employees.

HOLIDAYS

The Foundation is closed according to the following holiday dates- Employees who are regularly scheduled for work on these days will be paid according to their normally scheduled rate:

New Year's Day (see below)	Independence Day
Martin Luther King, Jr. Day	Labor Day
Presidents' Day [OBJ]	Veterans' Day
Memorial Day	Thanksgiving and day after Thanksgiving

Juneteenth

Christmas (see below) *

In addition, each employee, after their introductory period, will be allowed one floating holiday arranged in advance with supervisor. This floating holiday is to be used during the calendar year and will not be carried over into the next year or reimbursed in anyway if not taken.

Christmas and New Year's Holidays

The observance of the Christmas and New Year's holidays will differ from year to year according to the day of the week on which Christmas and New Year's fall.

Christmas/New Year's Days fall on:

Sunday or Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

The Office is Closed:

All day Monday

All day Monday & Tuesday

At noon on Tuesday & all-day Wednesday

All day Thursday & Friday

From noon Thursday & all-day Friday

All day Friday

In most cases, when an observed holiday falls on a Sunday, the office will be closed on the following Monday. When an observed holiday falls on Saturday, the office will be closed on the preceding Friday.

To be eligible for holiday pay, an employee must work on the workdays immediately before and after the holiday. Exceptions may be made for legitimate reasons (*e.g.*, vacation leave) and with the approval of the appropriate supervisor.

When an observed holiday falls within an absence due to illness and the employee is being paid for that absence, the holiday will be paid and will not be charged to sick leave. An employee on an unpaid leave of absence is not eligible for holiday pay.

When an observed holiday falls on a regular working day within an employee's vacation period, the holiday will not be charged against vacation time and the employee will be paid for the holiday.

PACKAGE BENEFITS

The Foundation's benefits, including health insurance, pension and 401(k) plans, and other benefits such as flexible spending accounts and long-term disability coverage, provide employees meeting the eligibility requirements with a very comprehensive and cost-effective employee benefits package.

Such benefits may be altered or eliminated as the Foundation deems best for the organization, and/or its employees, and/or as the law permits. Therefore, *employees are strongly encouraged*

to always obtain current and specific information from the Chief Operating Officer when they have a question or need further information regarding employee benefits and/or the employee's eligibility for benefits.

Employee Assistance Program ("EAP")

Employees are encouraged to contact the Chief Operating Officer if they or their eligible family members have concerns or are experiencing problems for which they would like assistance. Eligibility for or utilization of employee assistance does not compromise the need to meet the performance standards and expectations of the job.

Worker's Compensation

Worker's compensation insurance coverage is provided for all employees. **All on-the-job injuries should be immediately reported by the employee(s) to the employee's supervisor.** Failure to notify a supervisor of any injury immediately could result in loss of benefits. The supervisor shall complete a "Supervisor's Report of Industrial Injury" form. The completed form should then be forwarded to the Chief Operating Officer as soon as possible. A worker's compensation claim may be filed, if appropriate.

If medical treatment is necessary, the employee should contact the Chief Operating Officer to obtain the location of the nearest approved medical facility where they may obtain treatment. In an emergency, call 9-1-1 or proceed to the nearest medical facility.

PROPERTY & INFORMATION TECHNOLOGY POLICIES

The purpose of this policy is to protect the significant investment the Foundation has made in computer equipment and programs as well as to shield this asset from exposure to outside disruptions such as viruses, incompatible accessories and electronic surges. The Foundation reserves the right to inspect computers or related equipment used for work purposes at any time in its sole discretion with or without prior notice.

Software

To protect the Foundation from software licensing violations, computer viruses, and the potential for software to affect network integrity and performance, the following requirements have been established:

- Software should not be copied from system to system, as this could violate software-licensing agreements. Illegal software reproduction can be subject to civil damages and criminal penalties including fines and imprisonment. Employees who acquire or use unauthorized copies of computer software shall be disciplined, up to and including termination.
- Employees shall not, under any circumstances, install software on to any system without consent of the Chief Information Officer.

- ***All software installed on Foundation hardware is the property of the Foundation. Files prepared on the Foundation's hardware and software are considered Foundation property.***
- All electronic data obtained from any source, including but not limited to the Internet and home computers, electronic mail attachments, disk drives, CDs and automatic updating of data files must be examined for the possible presence of viruses prior to use. If a virus is detected on any SBA system, notify the Information Technology Department of the Foundation immediately.
- An employee's home computer shall not be used for business-related purposes. Use of any data from outside sources without the benefit of being checked for viruses is prohibited.
- Any software purchased or downloaded from the Internet, or any other source must be approved by Technology Department of the Foundation prior to ordering or downloading. The Technology Department of the Foundation reserves the right to withhold approval of any software that is not compatible with or may cause damage to the systems, network, or data within the systems. No approval will be granted for non-standard wallpapers and screensavers.

Downloading Software/Files by Electronic Means

Employees shall not, without the prior consent of the Technology Department of the Foundation, download programs from any outside source, including the Internet. Programs include, but are not limited to, any executable file (.exe extension). Downloading such programs can cause legality issues and/or damage Foundation equipment or network.

Please be aware that opening attachments from electronic mail can cause automatic downloads to occur and can contain viruses and potentially damage the Foundation network.

Moving Computers and Printers

All computers, printers, and peripherals are the property of the Foundation and should not be moved, transported, or taken outside the Foundation without prior approval of the Foundation's CEO/Executive Director. Requests for relocation of systems within the Foundation should be submitted in writing to the Technology Department of the Foundation one (1) week prior to the anticipated move date. The Technology Department will schedule the move date with the requester.

The addition of personal hardware to Foundation property is prohibited without the prior approval of the Technology Department.

PERSONAL USE OF OFFICE EQUIPMENT AND SUPPLIES

Office supplies and/or equipment, unless otherwise specified, are not available for personal use.

The postage meter may only be used on a very limited basis for employees' personal matters and prompt reimbursement must be made to the Foundation.

The photocopy machines may be used for occasional, small amounts of personal copying. Office

Services must approve use of the copier for a large personal project, and prompt reimbursement must be made.

Personal Telephone Usage

Personal use of the telephone should be confined to breaks and lunch hours. Personal long-distance calls must be charged to the employee's home telephone number or their personal telephone credit card. If any personal long-distance calls are made from the office, employees must reimburse the agency for such calls.

Property & Equipment Care

It is the employee's responsibility to understand the equipment needed to perform work-related duties. If an employee finds that equipment is not working properly or in any way appears unsafe, please notify the Technology department immediately so that repairs or adjustments may be made. Under no circumstances should employees start or operate equipment deemed unsafe, nor should the employee adjust or modify the safeguards provided.

Storage of Supplies and Office Equipment

All storage areas must be kept in a clean and orderly manner. Each program is responsible for items they have placed in storage. Each box or stack of materials must be dated and marked according to the program. An inventory sheet of items located in storage is to be attached to the inside of the door and needs to be updated as items are added or removed. No files should be stored without clear identification of contents. Files that are confidential in nature must be clearly marked as "Confidential." All confidential files must be kept in a secured location not accessible to the general public.

Computers no longer in use ***must have all files deleted, including*** those in the "trash bin". No computer may be placed in storage without assuring that all records which the Foundation has responsibility for monitoring are removed completely.

Empty spaces in hallways or offices are not to be used for storing boxes or miscellaneous items for more than a temporary period (less than 5 days).

Equipment Resources

The Foundation has equipment resources such as laptops and projectors available for employees to check out for business use. This equipment is not available for any employee's personal use or for use by anyone other than a Foundation employee. Equipment cannot be utilized at any functions where a representative from the Foundation is not present. The employee is financially responsible for any lost, damaged, or otherwise altered equipment, and reimbursement for the equipment or damage may be withheld from the employee's pay. The previously mentioned software, e-mail, and Internet policies apply to all general use laptops. The Technology Department of the Foundation reserves the right to deny checkout to any individual that is abusing the privilege, equipment, or policies.

Computer Use Skills

The Foundation requires all employees to maintain a high standard of computer knowledge and

competency. The Foundation may offer employees access to training from various sources as appropriate. Employees are encouraged to achieve competencies as appropriate for their specific position.

It is the responsibility of the employee and their supervisor to determine if a higher level of competency is required for the employee's respective position. The employee and supervisor are then responsible for the creation and execution of a training plan that provides the employee with the opportunities to gain and maintain the required skills.

Passwords

The Foundation provides every employee with a username and password to access the Foundation's network. Employees have the sole responsibility for confidentially maintaining their password(s). Employee passwords are not to be provided to others, are not to be maintained within the system, and are not to be visible or accessible to others. There will be no exceptions to this requirement.

E-MAIL AND INTERNET ACCESS

As a condition of providing e-mail and Internet access to its employees, the Foundation has established the following policy governing workplace use:

- The Foundation's e-mail system and Internet access are designed and provided for business purposes only. It is recognized that employees may use e-mail and Internet access on a limited basis for personal reasons, as long as they exercise judicious use (e.g., attending to personal items at break or lunch times). All policies apply to personal use of Internet and e-mail in addition to business use.
- Access to technology, systems, programs, etc. from remote locations is limited to employees and company representatives. Access by family members or other third parties, which can occur through the use of remote access, is strictly prohibited.
- All products generated on the Foundation's system(s), including document files, e-mail communications, Internet usage logs, and voicemail messages, are considered to be the property of the Foundation. Employees have no right or expectation of privacy regarding these items.

Remote Access to Network

The Foundation offers employees the opportunity to connect to the network from a remote location. The Technology Department of the Foundation will provide the employee with documented set-up instructions and minimal phone support. It is the responsibility of the employee to set-up and maintain their remote computer system. If there is a technical issue with the employee's computer, it is the employee's responsibility to resolve the issue in a manner convenient for that individual. As a condition of providing remote access to its employees, the Foundation expects remote users to adhere to the policies contained herein when connected to the Foundation's network. This includes, but is not limited to, the Foundation's policies regarding confidentiality, virus protection and e-mail use.

Electronic Mail (E-mail)

Access to, and use of, the e-mail system is conditional upon each employee's understanding of and adherence to this policy.

- E-mail is not to be used in a way that may be offensive to others.
- The display or transmission of sexually explicit images, messages, cartoons, or any transmission or use of e-mail communications that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on their race, gender, color, age, national origin, religion, disability, appearance, sexual orientation, gender identity or expression, or any other legally protected characteristic, is strictly prohibited by the Foundation. *(See the **Anti-Harassment** policy for further information on prohibited behavior.)*
- Prohibited uses of e-mail include, but are not limited to, soliciting outside business ventures, advertising for personal enterprises, or soliciting for non-company related purposes. This policy does not prohibit personal messages of a social nature which do not contain otherwise prohibited content.
- Employees should guard against the disclosure of confidential information through the use of e-mail.
- Users of the Foundation's electronic mail system should take care to ensure that e-mail messages sent are not inappropriately or mistakenly construed as representing the views of the Foundation.

The Internet

Access to, and use of, the Internet is conditional upon each user understanding and adhering to the policies contained herein.

The Foundation's connection to the Internet may not be used for any of the following activities:

- The Internet must not be used to access, create, transmit, print or download non-work-related material that is derogatory, defamatory, disruptive, obscene, or offensive, including slurs, epithets, or anything that may be construed as harassment or disparagement based on race, color, national origin, age, gender, military service, pregnancy, disability, sexual orientation, gender identity or expression or any other legally protected status.
- The Internet should not be used to access, send, receive, or solicit sexually oriented messages or images.
- Downloading, posting, or dissemination of copyrighted material that is available on the Internet may be an infringement of copyright law. Prior permission to copy the material must be obtained from the publisher before commencement of downloading begins.
- Software may not be downloaded from the Internet, without the prior consent of the Technology Department, as the download could introduce a computer virus onto the Foundation's network. In addition, software may be protected by copyright laws and downloading could be an infringement of copyright law.