



**Friends Research Institute, Inc.**

## **EMPLOYEE HANDBOOK**

### **West Coast Administrative Office**

**17215 Studebaker Road, Suite 380  
Cerritos, California 90703  
Phone: 562-924-2872 Fax: 562-860-8163**

### **Corporate Office**

**1040 Park Avenue, Suite 103  
Baltimore, Maryland 21201  
Phone: 410-837-3977 Fax: 410-752-4218  
Email: [fri@friendsresearch.org](mailto:fri@friendsresearch.org)  
[www.friendsresearch.org](http://www.friendsresearch.org)**

## **TABLE OF CONTENTS**

<b>Welcome.....</b>	<b>5</b>
<b>About Friends Research Institute, Inc.....</b>	<b>6</b>
<b>Employee Handbook Statement of Purpose.....</b>	<b>7</b>
<b>I. Fundamental Policies</b>	
Employment At-Will .....	8
Equal Employment Opportunity.....	8
Workplace Accommodation Policy .....	8
Harassment Prevention Policy .....	12
Sexual Harassment Prevention Policy .....	13
Sexual Harassment Prevention Training .....	14
Harassment/Sexual Harassment Reporting Policy .....	14
Employee Relationship Policy .....	15
Standards of Business Conduct & Ethical Practice .....	16
Disciplinary Procedures.....	17
Conflict of Interest Policy .....	20
Financial Conflict of Interest Policy .....	20
<b>II. Business Hours, Work Schedules and Attendance</b>	
Workweek.....	22
Attendance, Punctuality, and Dependability .....	22
<b>III. Employment and Work Practices</b>	
Inspection of Personnel and Payroll Records Policy .....	23
Dress Code Policy .....	23
Travel Policy .....	24
Sensitive Information .....	25
Confidential and Proprietary Information.....	25
Rights to Inventions .....	25
Public Relations Policy .....	26
Background Check Policy .....	26
Whistleblower Policy and Procedures .....	26
Conflict Resolution Policy .....	28
No Solicitation Policy .....	29
Sick Bank Policy .....	29
Employee Layoffs .....	30
<b>IV. Compensation and Performance Policies</b>	
Pay Periods and Paydays .....	31
Commitment to the Fair Labor Standards Act (FLSA) .....	31

Classification of Employees .....	31
Introductory Employment Period .....	32
Performance Reviews .....	32
Overtime Policy .....	32
Mandatory Time Off/Day of Rest .....	33
Meal Breaks.....	33
Rest Breaks.....	33
Lactation Breaks.....	34
Compensatory Time Off .....	34
Timecards.....	34
Advances on Pay .....	35

## **V. Leave from Work Policies**

Paid Holidays .....	36
Sick Leave.....	36
Vacation Leave.....	37
Personal Leave .....	39
FRI's Family and Medical Leave Act (FRI-FMLA) Policy .....	40
Wage Replacement for FRI-FMLA Leave .....	50
Court Leave .....	50
Leave Without Pay .....	52
Military Leave .....	52
Organ/Bone Marrow Leave .....	52
School Activities Leave .....	52
Domestic Leave Policy .....	53
Drug Rehabilitation Leave .....	54
Emergency Response Leave .....	54
Civil Air Patrol Leave .....	54
Bereavement Leave .....	54
Voting Leave .....	55
Paid Family Leave (PFL) .....	55
Inclement Weather Policy.....	55

## **VI. Communications Policy**

Internet, Email, and Computer Usage Policy .....	56
Portable Data Device Security Policy .....	58
Social Media Policy .....	59
Recording Conversations Policy .....	61
Telephone Policy .....	61

## **VII. Workplace Safety and Security**

Safety and Health Policy .....	62
Disaster and Safety Policy .....	62
Workplace Violence Policy .....	62
Smoking Policy .....	63
Substance Abuse Policy.....	63

Medical Marijuana Policy .....	68
Tuberculosis (TB) Testing Policy .....	68
Employee Assistance Program .....	69
Privacy Policy .....	69

## **VIII. Termination of Employment**

Termination of Employment .....	70
Employment References .....	70

## **IX. Additional Employee Benefits .....** 71

**Note: *Handbook Acknowledgment must be signed and returned to the Human Resources Department.***

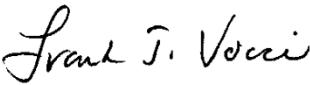
## **WELCOME**

---

Welcome to Friends Research Institute, Inc. (hereinafter referred to as FRI, "Institute," or "the Institute" and inclusive of all divisions of FRI). We are pleased that you have joined FRI and hope that our relationship will be professionally rewarding.

FRI has been in the business of research and treatment since 1955, serving communities throughout the United States and internationally. The Board of Directors recognizes that employee security and fulfillment are the backbone of a productive organization. Increasing employee satisfaction has always been a high priority of FRI. In light of that purpose, FRI provides employee benefits, including health, dental, vision, retirement, and disability insurance, to name a few.

If you have any questions as to the interpretation or application of a specific section of this Handbook, or any matter not covered by this Handbook, please consult with the Human Resources Department. In addition, if you have any suggestions regarding ways in which FRI can improve upon the policies contained in this Handbook, please feel free to forward your ideas to the Human Resources Department. We welcome your input.



Frank J. Voccia  
Frank J. Voccia, Ph.D.  
President

## **ABOUT FRIENDS RESEARCH INSTITUTE, INC.**

---

Friends Research Institute is a 501(c)(3), private, non-profit organization. It is governed by a Board of Directors that meets a minimum of four times a year. Members of the Board of Directors do not receive any payments or gratuities while serving in office. The Executive Committee (Chairman, Vice-Chairman, Treasurer, and Secretary) of the Board of Directors and the President routinely meet to set policy, goals, and review the objectives of the institution.

A financial audit is conducted yearly using an independent contractor.

The President of FRI is a full-time paid employee who is responsible for directing the daily operations of FRI as set forth in the overall policy determined by the Board of Directors.

For grant and contract applications and awards, FRI uses an external Institutional Review Board (IRB) to ensure the protection of all human subjects.

## **EMPLOYEE HANDBOOK STATEMENT OF PURPOSE**

---

The contents of this Employee Handbook summarize current policies and programs of FRI. This Handbook replaces all prior handbooks, benefit information, and practices of the Institute. This Handbook is applicable to all FRI employees.

This Handbook neither implies nor establishes a contract between the Institute and any employee. FRI retains the right to change, modify, suspend, interpret, or cancel in whole or in part any of the published or unpublished personnel policies of the Institute, with or without advance notice, at its sole discretion, without providing cause or justification to any employee. Recognition of these rights and prerogatives is a term and condition of employment and continued employment.

Nothing contained in this Handbook should be construed as a guarantee of continued employment, since employment with FRI is on an at-will basis. This means that the employment relationship may be terminated by either you or the Institute at any time, for any reason. Any written or oral statement to the contrary by a supervisor, officer, or other agent of FRI is invalid and should not be relied upon by any prospective or current employee. No one has authority to modify this at-will relationship or enter any employment contract except the Institute's President, and then only by a written agreement signed by the President. Information contained in this Handbook may be updated as policies change.

In addition, FRI reserves the right to interpret, alter and/or amend, at any time, the policies in this Handbook in accordance with its sole business judgment, with or without prior notice.

## **I. FUNDAMENTAL POLICIES**

---

### **1.1 EMPLOYMENT AT-WILL**

It is the policy of FRI that all employees are employed at the will of the Institute. Accordingly, either the Institute or the employee can terminate this relationship at any time, for any reason or for no reason, with or without cause, and with or without advance notice.

Notwithstanding the foregoing, please note that certain employees acting in the role of counselors may have ethical obligations to provide advance notice of intent to terminate employment in order to ensure that the needs of clients and research participants of FRI are being fully met. Managers should also be prepared to provide advance notice of intent to terminate employment due to the nature of their duties. Please see Termination of Employment in this Handbook for further information on these employees.

Nothing contained in this Handbook, employment applications, FRI memoranda, or any other materials provided to employees concerning their employment shall restrict FRI's right to terminate an employee at any time for any reason. Any statements of specific grounds for termination of employment set forth in this Handbook or elsewhere are not all-inclusive and are not intended to restrict the Institute's right to terminate at-will.

No Institute representative is authorized to modify this policy for any employee or to make any representations to employees or applicants concerning the terms or conditions of employment with the Institute that are not consistent with FRI's at-will policy except the President, and then by written agreement only.

### **1.2 EQUAL EMPLOYMENT OPPORTUNITY**

FRI is an equal opportunity employer and complies with every applicable federal, state and local anti-discrimination law that governs each individual employee. It is FRI's policy to recruit, hire, train, and promote individuals, as well as to administer any and all personnel actions, compensation and benefits, without regard to race (including traits historically associated with race, such as a protective hairstyle), religion, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status, domestic partnership status, sex (including pregnancy, childbirth, breastfeeding, and related medical conditions), gender, gender identity or expression, age, sexual orientation, military or veteran status, personal appearance, familial status, family responsibilities, medical condition, or any other category protected by law. This policy extends to all employees and to all aspects of the employment relationship. Any employee or supervisor who violates this policy will be subject to disciplinary action up to and including termination of employment.

### **1.3 WORKPLACE ACCOMMODATION POLICY**

The Institute complies with all laws pertaining to reasonable accommodations in the workplace.

**1.3.1 Accommodations for Disabilities.** FRI complies with the Americans with Disabilities Act (ADA) and applicable state and local laws prohibiting discrimination in employment against qualified individuals with disabilities.

A “disability” under the ADA refers to a physical or mental impairment that substantially limits one or more of an individual’s major life activities. A disabled individual is an individual who has such impairment, has a record of such impairment, or is regarded as having such impairment. A qualified person with a disability is an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the position that the individual holds or for which they have applied.

It is the Institute’s policy to:

- Ensure that qualified individuals with disabilities are treated in a nondiscriminatory manner in the pre-employment process and that employees with disabilities are treated in a nondiscriminatory manner in all terms, conditions and privileges of employment.
- Keep all medical-related information confidential in accordance with the requirements of the ADA and retain such information in a separate locked file drawer.
- Provide qualified applicants and employees with disabilities with reasonable accommodation, except where such accommodations would create an undue hardship for the Institute, and provided the individual is capable of performing the job.
- Notify individuals with disabilities that we provide reasonable accommodation to qualified individuals with disabilities, by including this policy in our Employee Handbook and by posting the Equal Employment Opportunity Commission’s poster on discrimination throughout our facilities.
- Engage in a good faith interactive process with employees seeking an accommodation for physical or mental disabilities.

**1.3.2 California Family Rights Act (CFRA) & Pregnancy Disability Accommodation.**

Under the California Family Rights Act (CFRA), if an employee has more than 12 months of service with FRI and has worked at least 1,250 hours in the 12-month period before the date they want to begin their leave, the employee may have a right to family care or medical leave (CFRA leave). This leave may be up to 12 weeks in a 12-month period for the birth of a child, for the adoption of a child, or for the placement of a child in foster care. It may also be taken to care for a seriously ill family member or for an employee’s own serious health condition, other than pregnancy-related disability. For the purposes of this law, a “family member” is defined as a child, parent, spouse, or registered domestic partner.

An employee is required to use any accrued vacation leave and personal leave that they are eligible to take during an otherwise unpaid portion of CFRA and Pregnancy Disability leave. An employee is also required to use any accrued sick leave that they are eligible to take during an otherwise unpaid portion of a CFRA leave or Pregnancy Disability leave if the leave is for the employee’s own serious health condition (or any other reason, if mutually agreed upon by both the employee and FRI). An employee is

not required, but may agree, to have FRI-provided paid leave (vacation, personal, or sick leave) supplement a partial wage replacement (unless otherwise prohibited by law).

While the provisions of the CFRA are similar to FMLA with respect to the birth of a child or the placement of a child for adoption, an employee in California has no protection under the CFRA for pregnancy-related disability. In other words, pregnancy is not covered or considered a serious health condition under the CFRA. A pregnant employee with a difficult pregnancy is not entitled to protected leave under the CFRA. This leave can only be used by an employee following the birth of a child. However, disabilities related to pregnancy are covered under a separate law.

The California Fair Employment and Housing Act (CA-FEHA), the same state law that prohibits discrimination, provides protection for pregnancy-related disabilities. It allows employees disabled by pregnancy, childbirth, or a related medical condition to take up to four months of protected leave for the period of time that they are disabled by pregnancy. Employees do not need to meet any service periods or work hour requirements to be eligible for Pregnancy Accommodation. Thus, if an employee is CFRA-eligible, they have certain rights to take BOTH a pregnancy disability leave and a CFRA leave for reason of the birth of their child. Both leaves contain a guarantee of reinstatement – for pregnancy disability it is to the same position and for CFRA it is to the same or a comparable position – at the end of the leave, subject to any defense allowed under the law.

If possible, an employee must provide at least 30 days' advance notice for foreseeable events (such as the expected birth of a child or a planned medical treatment for the employee or of a family member). For events that are unforeseeable, an employee must notify their supervisor, at least verbally, as soon as they learn of the need for leave. Failure to comply with these notice rules is grounds for, and may result in, deferral of the requested leave until the employee complies with this notice policy.

Except in a medical emergency where there is no time to obtain it, an employee must, prior to being granted CFRA leave or a Pregnancy Disability leave or accommodation, supply a written medical certification from their health care provider certifying the medical need for leave for their own serious health condition or pregnancy disability, or for a pregnancy accommodation. FRI may also require certification from the health care provider of the employee's child, parent, spouse, or domestic partner, who has a serious health condition, before allowing the employee a leave to take care of that family member. An employee must generally submit medical certification within 15 calendar days after requesting the leave, unless it is not practicable for them to do so under the circumstances despite their diligent, good faith efforts. If the need for leave is an emergency or unforeseeable, an employee must provide medical certification as soon as possible.

**PLEASE NOTE** that if an employee fails to give reasonable advance notice or written medical certification, their leave, reasonable accommodation, or transfer may be delayed.

When medically necessary, CFRA or Pregnancy Disability leave may be taken on an intermittent or reduced work schedule. If an employee is taking a leave for the birth,

adoption, or foster care placement of a child, the basic minimum duration of the leave is 2 weeks, and an employee must conclude the leave within one year of the birth or placement for adoption or foster care.

If an employee takes protected pregnancy disability leave, FRI will maintain their health insurance coverage for up to four months, under the same terms and conditions as if they were still working. The CA-FEHA does not provide for any time off for the birth or placement of a child in foster care or adoption. Thus, a pregnant employee with a difficult pregnancy is entitled to up to four months of disability leave (with the proper medical certification) and the employer cannot discriminate against them on the basis of the pregnancy or pregnancy-related disability. If the four-month leave under CA-FEHA is exhausted and additional disability leave is required by the employee's health care provider, the employer may, but is not required to, grant leave under CFRA prior to the birth. Pregnancy leave may be taken intermittently or on a reduced schedule, if medically necessary, all of which counts against an employee's four month entitlement to leave.

Pregnant employees may also request a reasonable accommodation based on their pregnancy, which may include temporarily modifying their work duties, allowing more frequent breaks or time for prenatal or postnatal medical appointments, transferring an employee to a less strenuous or hazardous position (where one is available) or duties if medically needed because of their pregnancy. Any such accommodation requests must be supported by the advice of the employee's health care provider. Employees must provide timely notice of their need for reasonable accommodation or Pregnancy Disability leave. Employees must provide at least 30 days' notice, if need is foreseeable, or if the leave is unforeseeable, employees must provide notice as soon as practicable. Employees will be required to use any accrued but unused sick leave to cover any period of otherwise unpaid pregnancy disability leave, prior to taking unpaid leave. Following the exhaustion of accrued sick leave, any remaining Pregnancy Disability leave will be unpaid.

Finally, to the extent permitted by law, FMLA runs concurrent with the CA-FEHA or the CFRA. **If an employee has no complications with their pregnancy, they could be entitled to a recovery period of approximately 6 weeks that their doctor could deem to be disability related. In that case their FRI-FMLA leave and their CA-FEHA leave would begin at approximately the time of their delivery. After exhausting their 6 weeks of CA-FEHA, CFRA leave would begin. In this case, the employee could receive 18 weeks of job-protected leave.**

**1.3.3 *Accommodations for Religious Practices.*** FRI recognizes and respects each employee's religious pursuits. To that end, the Institute seeks to provide reasonable accommodations for an employee's religious practices, including, by way of example, adjustments to an employee's work schedule for observances to attend religious services or activities at their local place of worship.

**1.3.4 *Interactive Dialogue.*** Employees requesting accommodations under this policy will be invited to participate in a good faith interactive dialogue with the Human Resources Department, specifically Michele Hipsley, to determine the feasibility of the requested accommodation. In certain circumstances, an accommodation may not be

possible if it would result in an undue hardship to FRI; pose a direct threat to the employee or others; etc.

**1.3.5 How to Request a Reasonable Accommodation.** Employees seeking a workplace accommodation should contact the Human Resources Department, specifically Michele Hipsley.

**1.3.6 No Retaliation.** The Institute will never retaliate against an employee for requesting an accommodation under this policy and/or seeking to exercise any right protected under applicable law. Individuals who believe that they have been wrongfully denied an accommodation and/or subjected to retaliation or unlawful discrimination should follow the Harassment/Sexual Harassment Reporting Policy outlined below. Any employee who is found to have engaged in a discriminatory act that violates any part of this policy will be subject to disciplinary action up to and including termination of employment.

#### **1.4 HARASSMENT PREVENTION POLICY**

FRI has a strong commitment to provide a safe environment for all its employees, free from harassment, sexual harassment, retaliation, and violence, and will act swiftly to maintain such an environment. FRI prohibits harassment by coworkers, supervisors, managers, and third parties with whom an employee may come into contact as a result of their work. When the Institute receives allegations of misconduct, it will conduct a fair, timely, and thorough investigation that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected.

FRI prohibits harassment on the basis of an individual's race (including traits historically associated with race, such as a protective hairstyle), religion, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status, domestic partnership status, sex (including pregnancy, childbirth, breastfeeding, and related medical conditions), gender, gender identity or expression, age, sexual orientation, military or veteran status, personal appearance, familial status, family responsibilities, medical condition, or any other category protected by law. In the event any such prohibited conduct should occur in the workplace, an employee should follow the same reporting procedures outlined in the Institute's Harassment/Sexual Harassment Reporting Policy outlined below. Employees unlawfully harassing others will be dealt with swiftly and vigorously. Any employee who violates this policy will be subject to disciplinary action up to and including termination of employment.

Verbal or physical conduct constitutes unlawful harassment when such behavior is related in any way to an individual's race (including traits historically associated with race, such as a protective hairstyle), religion, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status, domestic partnership status, sex (including pregnancy, childbirth, breastfeeding, and related medical conditions), gender, gender identity or expression, age, sexual orientation, military or veteran status, personal appearance, familial status, family responsibilities, medical condition, or any other category protected by law, and has the purpose or effect of interfering with an individual's performance on the job or creating an

intimidating, hostile or offensive working environment. The above-described conduct will be considered in violation of the Company's policy even if the conduct was not intended to harass an individual.

FRI has a "zero tolerance" policy with respect to unlawful harassment.

## **1.5 SEXUAL HARASSMENT PREVENTION POLICY**

All employees, as well as applicants, unpaid interns, volunteers, and independent contractors, are entitled to work in an atmosphere free of sexual harassment. Sexual harassment is **illegal** and is a form of discrimination based on sex/gender (including pregnancy, childbirth, or related medical conditions), gender identity, gender expression, or sexual orientation. Individuals of any gender can be the target of sexual harassment. Unlawful sexual harassment does not have to be motivated by sexual desire and may involve harassment of a person of the same gender as the harasser, regardless of either person's sexual orientation or gender identity.

FRI will not condone or tolerate sexual harassment of any type by any employee. This policy applies to all employee actions and relationships, within or outside the workplace (e.g., business trips, meetings, events, etc.), regardless of position or gender. The Institute will promptly and thoroughly investigate any complaint of sexual harassment and will take any and all appropriate corrective action necessary to ensure that FRI is harassment-free.

There are two types of sexual harassment:

1. *Quid pro quo* (Latin for "this for that") sexual harassment occurs when someone conditions a job, promotion, or other work benefit on an individual's submission to sexual advances or other conduct based on sex.
2. *Hostile work environment* sexual harassment occurs when unwelcome comments or conduct based on sex unreasonably interfere with an individual's work performance or creates an intimidating, hostile, or offensive work environment. An individual may experience sexual harassment even if the offensive conduct was not aimed directly at them.

Behaviors that may be sexual harassment:

1. Unwanted sexual advances.
2. Offering employment benefits in exchange for sexual favors.
3. Leering, gestures, or displaying sexually suggestive objects, pictures, cartoons, or posters.
4. Derogatory comments, epithets, slurs, or jokes.
5. Graphic comments, sexually degrading words, or suggestive or obscene messages or invitations.

6. Physical touching or assault, as well as impeding or blocking movements.

The above-described conduct will be considered in violation of the Institute's policy even if the conduct was not intended to sexually harass an individual.

In addition, employees are expected to act in a professional manner and to contribute to a productive work environment that is free from harassing or disruptive activity. Prohibited activities include, but are not limited to:

- Sexual flirtations, touching, advances, or propositions;
- Verbal abuse of a sexual nature;
- Graphic or suggestive comments about dress or body;
- Sexually degrading words; or
- The display in the workplace of sexually suggestive or offensive objects or pictures.

FRI has a "zero tolerance" policy with respect to the above activities.

## **1.6 SEXUAL HARASSMENT PREVENTION TRAINING**

FRI is dedicated to providing a workplace free of sexual and other forms of harassment. To that end, FRI will conduct training in an effort to educate its employees on all issues related to sexual harassment. Completion of such training will be mandatory within 6 months of hire for all new employees, and it will thereafter be required for all employees once every 2 years. Temporary employees and employees who are hired to work for less than six months will also be required to complete the training. Training will include, but is not limited to, a review of: 1) a definition and examples of sexual harassment; 2) available remedies for victims in lawsuits; 3) strategies for preventing sexual harassment; 4) duties required of supervisors to report any sexual harassment, discrimination, or retaliation; 5) the limited confidentiality of the complaint process; 6) resources for sexual harassment victims; 7) appropriate remedies for correcting sexually harassing behavior; and 8) what employees can do if a supervisor is accused of sexual harassment.

For more information, please visit: [dfeh.ca.gov/resources/frequently-asked-questions/employment-faqs/sexual-harassment-faqs/](https://dfeh.ca.gov/resources/frequently-asked-questions/employment-faqs/sexual-harassment-faqs/).

## **1.7 HARASSMENT/SEXUAL HARASSMENT REPORTING POLICY**

**The following Harassment/Sexual Harassment Reporting Policy pertains to all forms of harassment, sexual or otherwise.** Any employee and/or supervisor who has experienced or is aware of a situation, which is believed to be harassing, has a responsibility to immediately report the situation to the Human Resources Department, specifically Michele Hipsley. Employees should not wait until performance reviews or training programs to report harassment, although they are certainly encouraged to discuss any such concerns at any time. Upon receipt of an allegation of harassment, the Institute will conduct an immediate investigation into the allegation to determine

whether harassment or other inappropriate conduct occurred.

All complaints of harassment will be investigated promptly, impartially, and thoroughly by qualified personnel. In addition, the Institute's investigation will be conducted as discreetly as possible and will be designated as confidential to the fullest extent possible; however, the Institute cannot guarantee complete confidentiality. The Institute will provide a timely response to any complaints of harassment, and all investigations will be documented and tracked for reasonable progress. The Institute will strive to timely close all investigations of misconduct. The Institute's general policies regarding harassment investigations are as follows:

1. Employees are required to cooperate in any investigation;
2. The Institute will investigate any allegations of harassment or other inappropriate conduct, even when the complaining employee later decides not to pursue the matter; and
3. **Retaliation against any employee for filing a legitimate complaint or participating in an investigation is strictly prohibited. Anyone who violates this policy will be subject to disciplinary action up to and including termination of employment.**

In all cases where harassment or other inappropriate conduct is determined to have occurred, the offender will face appropriate remedial action, including immediate and appropriate disciplinary action up to and including termination of employment. An employee determined to be harassing another person may be held personally liable for their actions.

Employees not satisfied with the outcome of the investigation should bring the matter to the attention of the President for resolution.

#### **Additional Remedies for Claims of Sexual Harassment**

Employees who have, or believe they have, experienced sexual harassment or retaliation are permitted to file a complaint of discrimination with the California Department of Fair Employment and Housing ("DFEH") within 1 year of the last act of harassment or retaliation. DFEH serves as a neutral fact-finder and will attempt to help the parties voluntarily resolve disputes. If DFEH finds sufficient evidence to establish that discrimination occurred and settlement efforts fail, DFEH may file a civil complaint in state or federal court to address the causes of the discrimination and on behalf of the complaining party. DFEH may seek court orders changing the employer's policies and practices, punitive damages, and attorney's fees and costs if it prevails in litigation. Employees can also pursue the matter through a private lawsuit in civil court after a complaint has been filed with DFEH and a Right-to-Sue Notice has been issued.

More information from the Department of Fair Employment and Housing, including how to file a complaint, can be found at [www.dfeh.ca.gov](http://www.dfeh.ca.gov); or by calling, toll free, (800) 884-1684.

#### **1.8 EMPLOYEE RELATIONSHIP POLICY**

FRI has a strong commitment to a workplace free from inappropriate and illegal harassment and/or inappropriate employee relationships. To ensure that this policy is carried out, FRI has adopted a policy with respect to employee relationships in the workplace. Specifically, there are some circumstances where romantic and/or intimate relationships may not be appropriate in a professional setting, particularly where one of the parties has management or supervisory responsibilities. Supported by various professional Codes of Ethics, it is FRI's policy that a management team member should not engage in a romantic relationship with a subordinate. Employee relationships, of an intimate or sexual nature, may be disruptive to the workplace environment and constitute inappropriate professional conduct. If such a relationship takes place, the employees engaged in the relationship must report the relationship to the Human Resources Department.

## **1.9 STANDARDS OF BUSINESS CONDUCT & ETHICAL PRACTICE**

Ethical behavior is the guiding force behind FRI's operation. The Institute's success will be based upon mutual trust among administrators and employees. Such mutual trust can only be established when FRI, as an employer, and as a group of responsible individuals, behave with unquestionable integrity.

Every organization must have rules by which it operates. The following is a list of offenses that will lead to disciplinary action up to and including termination of employment. (This list is by no means all-inclusive. It is intended to be a guide only, and in no way limits the authority of the Institute to discipline employees for misconduct, nor does this list alter the status of FRI's employees as at-will employees.)

1. Reporting to work under the influence of alcohol, drugs (illegal, un-prescribed, or misused), or in the possession of such items while on Institute property.
2. Theft of Institute property or misappropriation of funds.
3. Possession of firearms, explosives, or weapons on Institute premises.
4. Misrepresentation or falsification of forms, records, or attendance reports.
5. Immoral or indecent conduct.
6. Willful insubordination.
7. Deliberate damage to the Institute, client, or private property.
8. Sleeping on the job.
9. Unauthorized use or misuse of Institute equipment.
10. Carelessness and/or negligence in the performance of job duties.

11. Release or dissemination of confidential Institute information, including project-related information that may not be pertinent to clients and research participants.
12. Breach of confidentiality including information pertaining to clients and research participants.
13. Violation of professional code of ethics that may govern an employee's profession.
14. Violation of any government law or statute that may govern an employee's profession.
15. Inappropriate personal relationships with clients and/or research participants.
16. Fabrication, falsification, plagiarism, or other practices that deviate from those that are commonly accepted within the scientific community for proposing, conducting, or reporting research.
17. Any other conduct detrimental to coworkers, customers, and/or the lawful operation of the Institute.

Nothing in FRI's Standards of Business Conduct Policy is intended to limit or prohibit an employee in their use of any non-English language in the workplace unless there is a business necessity for such a limitation and/or restriction.

## **1.10 DISCIPLINARY PROCEDURES**

The major purpose of any disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future. The approach taken in discipline may vary depending, at FRI's discretion, on, among other things, the gravity of the offense, the circumstances under which it occurred, your duties, your length of service with the employer, and your overall work record, including any prior misconduct. In order of severity, discipline can take one of the following forms:

- 1) Verbal warning;
- 2) Written warning;
- 3) Second written warning;
- 4) Termination of employment.

Progressive discipline means that, with respect to many disciplinary problems, these steps will normally be followed. For example, a first offense may call for a verbal warning; a second offense may be followed by a written warning; a third offense may be followed by a second written warning, and a fourth offense may then lead to termination

of employment. However, keep in mind that any or all of these steps can be omitted as FRI deems appropriate, in its sole discretion.

Moreover, by establishing this disciplinary procedure, the employer is not relinquishing or limiting its managerial right to terminate any employee for any or no reason at all, at any time, with or without cause or advance notice. As mentioned throughout this Handbook, employment at the Institute is “at-will” and either the employee or the employer can terminate the employment relationship at any time, with or without cause, and with or without advance notice.

Some of the standards of conduct and attendance that FRI expects from the employee includes, but are not limited to, the following:

**1.10.1 Give Quality Work.** FRI prides itself on being a leader in its field. One principle is enforced without exception: top quality performance. This commitment has motivated the continued growth and success of our Institute. An employee’s continued employment is dependent upon living up to this high standard in their job.

**1.10.2 Respect Trade Secrets.** Protecting the Institute’s Trade Secrets is the responsibility of every employee, and we all share a common interest in making sure that such Trade Secrets are not improperly or accidentally disclosed. Do not discuss the Institute’s Trade Secrets with anyone who does not work for FRI. In addition, do not discuss Trade Secrets with other employees, unless the other employee has a “need to know.” This prohibition applies to both active employees and former employees. Pursuant to the Defend Trade Secrets Act of 2016, individuals – including employees – may not be held criminally or civilly liable under any federal or state trade secret law for the disclosure of a trade secret that: a) is made (i) in confidence to a federal, state, or local government official, either directly or indirectly, or to an attorney; and (ii) solely for the purpose of reporting or investigating a suspected violation of law; or b) is made in a complaint or other document that is filed under seal in a lawsuit or other proceeding. Further, an individual who files a lawsuit for retaliation by a Institute for reporting a suspected violation of law may disclose the Institute’s trade secrets to the attorney and use the trade secret information in the court proceeding if the individual: a) files any document containing the trade secret under seal; and b) does not disclose the trade secret, except pursuant to court order.

**1.10.3 Contact with the Media.** All media inquiries requesting statements from the Institute and its operations must be referred to the President of FRI. Only the President of FRI is authorized to make or approve public statements on behalf of the Institute or its operations. No employees, unless specifically designated by the President, are authorized to make those statements on behalf of the Institute.

**1.10.4 Office Supplies.** FRI maintains a stock of basic office supplies such as pens, paper clips, staples, note pads, etc. used on a day-to-day basis by employees. All office supplies are located in the office or given by a supervisor. If an employee needs additional items not regularly stocked, they should request the item from their supervisor, who will determine if the item is needed. **Office supplies are for business use only and should not be removed from the office for non-business use.**

Violations of this policy may result in disciplinary action up to and including termination of employment.

**1.10.5 Follow Common Sense Standards of Conduct.** FRI is not just any employer. We are founded upon principles of integrity, and we expect all of our employees to carry out their work responsibilities in a manner consistent with the Institute's high ideals. You should be aware that there are certain major offenses which may result in an immediate termination of employment, without any prior counseling. In other words, if you commit a major offense, all or any part of our progressive disciplinary procedures may be omitted, in FRI's sole discretion. In order to avoid such severe consequences, just follow simple common-sense guides and avoid major offenses such as, but not limited to, the following:

1. Failure or refusal to carry out orders or instructions.
2. Unsatisfactory work performance, including, but not limited to, violations of the policies set forth in this Handbook.
3. Violation of a safety, fire prevention, health, or security rule, policy or practice.
4. False, fraudulent and/or misleading statements, actions or omissions involving coworkers, consumers and/or FRI.
5. False, fraudulent, misleading statement, action or omission related to an employment application or any other information provided to or requested by FRI, whether oral or written.
6. Unauthorized use of, removal of, theft of or damage to the property of FRI, an employee, an independent contractor, or a customer.
7. Threatened or actual physical violence.
8. The use of profane or abusive language towards coworkers, clients/research participants, associates, and/or customers.
9. Carrying any weapon while on FRI business, jobsite, premises or property.
10. Violation of any of the provisions of FRI's Substance Abuse Policy.
11. Organized gambling and/or other disorderly conduct while on FRI premises, jobsite or business.
12. Conducting or attempting to conduct any outside business while on the Institute's premises or business and/or using FRI contacts and resources to foster personal business opportunities.
13. Chronic, habitual, or excessive lateness or absenteeism of any unauthorized type, early departure from work, and/or other violation of the FRI's Attendance, Punctuality, and Dependability policy.

14. Harassment of another employee of a sexual nature or otherwise, including but not limited to verbal or physical conduct, or unwelcome advances with regard to or on the basis of race (including traits historically associated with race, such as a protective hairstyle), religion, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status, domestic partnership status, sex (including pregnancy, childbirth, breastfeeding, and related medical conditions), gender, gender identity or expression, age, sexual orientation, military or veteran status, personal appearance, familial status, family responsibilities, medical condition, or any other category protected by law.
15. Subject to applicable law, an arrest and/or criminal complaint, summons to answer a criminal charge; statement of charges, indictment, criminal information, or any other criminal charge that occurs during the course of your employment with FRI; and/or conviction of an employee, depending on the particular circumstances and the offense charged (and subject to applicable law), including but not limited to the Institute's judgment as to the potential risk to safety or health of employees, the security of FRI's premises and property, and/or FRI's reputation.

## **1.11 CONFLICT OF INTEREST POLICY**

FRI's Conflict of Interest (COI) Policy is to protect FRI, its employees, and its clients and research participants from potential or actual risks related to any conflicts of interest. A COI exists when the interests of an FRI Associate (employee, Board member, researcher, consultant, intern) or their relative, significant other, or business affiliate/relationship appear to compete, or do compete, with the interests of FRI. There are a variety of situations that raise COI concerns, including, but not limited to, financial, use of FRI services, property or facilities, proprietary or confidential information, etc.

An FRI Associate is under a continuing obligation to disclose any actual or potential COI, or the appearance of a conflict, as soon as it is known, or reasonably should have been known. An FRI Associate shall complete the COI Disclosure Form to fully disclose any actual or potential COI, or the appearance of a COI. The disclosure statement shall be completed upon first association with FRI, and shall be completed annually, thereafter. An additional disclosure statement shall be filed, using the Disclosure Form, when any new, potential or actual conflict or appearance of a conflict arises.

Where the appearance of a COI or an actual or potential COI involves an FRI Associate, the Conflict of Interest Officer shall review the matter and notify the President, who will take appropriate action to protect the interests of FRI, its employees, and its clients and research participants.

A complete copy of FRI's Conflict of Interest Policy is distributed to all new employees and available through the Human Resources Department.

## **1.12 FINANCIAL CONFLICT OF INTEREST POLICY**

FRI's Financial Conflict of Interest (FCOI) Policy is designed to comply with Federal regulation 42 CFR Part 50 Subpart F and to protect FRI, its employees, its clients, and its research participants from potential or actual risks associated with any financial conflicts of interest related to US Public Health Service (PHS)-funded research studies conducted by Investigators. The purpose of this regulation is to promote objectivity in research by establishing standards to ensure there is no reasonable expectation that the design, conduct, or reporting of research funded under PHS grants and cooperative agreements will be biased by any conflicting financial interest of an Investigator.

This policy applies to all Investigators (including subrecipient investigators) and applicable research staff who are planning to participate in or are participating in PHS-funded research. Compliance with this policy is a condition of employment and/or relationship with FRI. All staff working on research projects are required to complete FCOI training prior to engaging in research related to any PHS-funded grant. The FCOI training is required at least every 4 years.

An FCOI exists when FRI, through its FCOI Officer, reasonably determines that an Investigator or research staff member (including their spouse and dependent children) has a Significant Financial Interest (SFI) related to a NIH-funded research project that could directly and significantly affect the design, conduct, or reporting of NIH-funded research.

Investigators and research staff are required to disclose to FRI a listing of Significant Financial Interests (SFIs) (and those of their spouse and dependent children) that: 1) would reasonably appear to be affected by the research for which funding is sought, and 2) includes those entities whose financial interests would reasonably appear to be affected by the research.

An Investigator is under a continuing obligation to disclose any SFI (and those of their spouse and dependent children), or the appearance of a financial conflict, as soon as it is known, or reasonably should have been known. When there is reason to believe that an actual or potential FCOI exists, or the appearance of an FCOI exists, between the interests of FRI and that of an Investigator or research staff member, the President shall ultimately be responsible for determining the appropriate response.

Where the appearance of an SFI or an actual or potential SFI involves an Investigator or research staff member, the FCOI Officer shall review the matter and determine whether an Investigator's SFI is related to PHS-funded research and if so related, whether the SFI is an FCOI. The FCOI Officer will notify the President, who will take appropriate action to protect the interests of FRI, its employees, its clients, and its research participants.

A complete copy of FRI's Financial Conflict of Interest Policy is distributed to all new employees who will work on research studies and available through the Human Resources Department.

## **II. BUSINESS HOURS, WORK SCHEDULES AND ATTENDANCE**

---

### **2.1 WORKWEEK**

FRI's normal workweek is 40 hours, from Monday through Friday; however, based on the project to which the employee is assigned, an employee's workweek may differ. FRI's normal workday is 8 hours, excluding a 30-minute unpaid meal break. There may be occasions, of course, where employees may be called upon to perform services outside of the normal workweek and/or workday.

FRI is amenable to alternate work arrangements that are subject to approval from the supervisors at various FRI worksites.

### **2.2 ATTENDANCE, PUNCTUALITY, AND DEPENDABILITY**

Because FRI depends heavily upon its employees, it is important that employees attend work as scheduled. Dependability, attendance, punctuality, and a commitment to the job are essential at all times. As such, employees are expected at work during all scheduled work hours, unless the employee's supervisor has approved other arrangements in advance. In order to minimize disruption to FRI's operations and as a courtesy to coworkers, if an employee must be absent, the immediate supervisor must be notified as soon as possible before the start of the workday. Absences must be reported daily, unless other arrangements have been specifically made with an employee's immediate supervisor. An employee who repeatedly fails to report to work and to contact their immediate supervisor may be subject to disciplinary action up to and including termination of employment. In addition, 3 consecutive days of unexcused absence may be considered by the Institute to be a voluntary termination of employment.

A record of absenteeism and lateness becomes part of the personnel record. Frequent absenteeism and lateness lessen an employee's chances for advancement and may result in disciplinary action up to and including termination of employment.

### **III. EMPLOYMENT AND WORK PRACTICES**

---

#### **3.1 INSPECTION OF PERSONNEL AND PAYROLL RECORDS POLICY**

With limited exceptions as outlined by law, FRI will allow an employee to review and obtain a copy of their personnel records related to the employee's performance or to any grievance concerning the employee. The right of inspection is extended to former employees and employee representatives who have been designated in writing by the employee. Requests by former employees are limited to one per year. FRI reserves the right to charge for the actual cost of any copies.

Current and former employees may also inspect or copy their wage earnings and deductions statements, in accordance with the law. FRI reserves the right to charge the actual cost of any copies.

#### **3.2 DRESS CODE POLICY**

FRI recognizes that staff, working in many of its programs, operate in a variety of settings that differ in their degree of contact with the public. Accordingly, standards of dress must reflect the circumstances under which employees work. Those employees who work directly with the public (e.g., providing counseling services or meeting with participants in a research study) should dress in a manner suited to these responsibilities. Those employees who have little contact with the public (e.g., laboratory technicians and staff involved in laboratory experiments) may dress more casually but are still expected to be neat in appearance.

It is difficult to specify standards of dress for employees at all worksites within the FRI organization. Therefore, the supervisor at each project site may use their discretion in implementing the dress code. However, the following clothing is NOT ACCEPTABLE, regardless of project site, including, but not limited to: 1) bare feet; 2) stocking feet; 3) excessive or extreme piercings and/or tattoos; 4) spandex; 5) shorts; 6) hoodies; 7) sweatshirts/sweatpants; 8) graphic t-shirts; 9) athletic wear; 10) clothing revealing the midriff; 11) sexually provocative clothing; 12) clothing with profanity, drug or alcohol depictions, nude or semi-nude pictures; and/or sexually suggestive slogans, cartoons, or drawings; 13) hats/caps; 14) flip flops (including any rubber-soled flip flops); and 15) the observable lack of undergarments and exposed undergarments.

In addition to wearing proper clothing, employees should also be aware of wearing excessive fragrance (i.e., perfume, cologne, lotion, etc.) in the workplace. FRI asks all employees to be aware of, and respect, their colleagues' sensitivities to particular scents. Employees wishing to discuss a colleague's excessive use of perfume, cologne, lotion, or other fragrance should speak with their immediate supervisor.

Please note that due to the nature of their work, Friends Community Center has their own dress code policy, which supersedes this policy. An employee may direct any questions they may have with respect to this policy to the Human Resources Department.

### **3.3 TRAVEL POLICY**

Travel amounts and policies may vary at different divisions/worksites depending on the parameters of the funding source. All travel expenditures must be approved by an employee's immediate supervisor.

AIRFARE: Employees traveling are required to make every effort to obtain the lowest possible domestic coach airfare available. Travel plans should be made no later than 14 days in advance to take advantage of better rates.

HOTELS: Employees traveling are required to make every effort to obtain the lowest possible hotel rate available.

CAR RENTAL: Employees traveling are required to make every effort to obtain the lowest possible car rental rate available, not to exceed \$50 per day. Anything in excess of \$50 must be approved by a supervisor.

RIDE SHARE: Employees may be reimbursed for using ride share services/taxi for FRI business trips. However, employees will not be reimbursed for using ride share services/taxi in lieu of a personal vehicle to conduct normal everyday FRI business.

MEALS: FRI pays per diem rates per individual city. When completing a travel request, please refer to [www.gsa.gov/portal/content/104877](http://www.gsa.gov/portal/content/104877) to determine the appropriate per diem rate. At the aforementioned website, enter the city and state or zip code the employee will be traveling to in order to determine the per diem rate. The per diem rate includes meals plus incidentals. In order to receive per diem, a Travel Request Form must be completed. This form is available from the Human Resources Department and the FRI website.

MILEAGE: FRI uses the IRS determined standard mileage reimbursement rate to reimburse employees when using a personal vehicle for FRI business excluding an employee's regular commute to and from work. Employees will receive mileage reimbursement if their first stop to work is a location other than their usual worksite(s) but will only be reimbursed for the difference in mileage in excess of their normal commute to work. This same rule also applies to employees if they make a stop for work on their way home but, again, will only be reimbursed for the difference in mileage in excess of their normal commute home. Employees do not receive mileage reimbursement when traveling to a social event for work.

Because the IRS rate changes from time to time, the current mileage reimbursement rate will be listed on the Mileage Reimbursement Form on FRI's website. An employee can also contact the Human Resources Department to obtain the current mileage reimbursement rate as well as the Mileage Reimbursement Form. If the IRS mileage reimbursement rate changes at any time, FRI will inform employees and follow the new IRS rate per FRI's effective date. Employees should obtain approval from their immediate supervisor before applying for reimbursement.

Please note that funding sources of some FRI programs do not follow the IRS

determined standard mileage reimbursement rate and will only allow a certain rate to be reimbursed. Therefore, particular FRI worksites may have to utilize a lower mileage reimbursement rate due to funding restrictions.

**CONSOLIDATION OF BUSINESS:** Whenever possible, business meetings should be consolidated to a single destination to enable an FRI employee to accomplish the maximum business in one trip.

**RECEIPTS:** In order for an employee to be reimbursed for business expenses, a receipt is required for expenses outside of per diem allowances.

### **3.4 SENSITIVE INFORMATION**

Occasionally, employees of FRI may, as part of their job duties, have access to client information of a highly sensitive nature, including, but not limited to, sexual matters, as well as information regarding substance abuse and other confidential information. Employees must, as a condition of employment, treat such information with the highest possible degree of confidentiality and discretion. Information regarding clients must never be discussed outside of the workplace, or with other FRI employees who do not have a "need to know." Moreover, employees who, as part of their job duties, access materials that are of a sexual nature must take steps to minimize the distribution or display of such materials to coworkers who do not have a need to access such information. Employees must also comply with applicable federal and state laws relating to the protection of client information including HIPAA.

### **3.5 CONFIDENTIAL AND PROPRIETARY INFORMATION**

Due to the nature of an employee's association with FRI, an employee may have access to and have acquired confidential and proprietary information relating to the business and operations of the Institute, including information with respect to the Institute's strategic plans, operations, employees, and past, present, and prospective clients, customers, accounts, files, sales, software, marketing methods, business relationships, and business opportunities. Accordingly, employees may not disclose any of the above-referenced information, which might be reasonably construed to be contrary to the best interest of FRI or its clients, to any person or firm outside of the Institute. Violation of this policy may result in disciplinary action up to and including termination of employment, and, further, may result in legal action against the offending employee.

### **3.6 RIGHTS TO INVENTIONS**

FRI's Rights to Inventions policy is largely governed by regulations issued by the various granting agencies involved. When not so regulated, FRI retains all rights, title, and interest to all inventions, software, and other intellectual property that result from or are suggested by work performed by employees for FRI or use of FRI resources. This provision does not apply to an invention, software, or intellectual property that the employee developed entirely on their own time without use of the employer's equipment, supplies, facilities, or trade secret information.

### **3.7 PUBLIC RELATIONS POLICY**

Only the President of FRI and the Chairman of the Board of Directors of FRI are authorized to address any public-related inquiries on behalf of the organization, unless they direct and approve otherwise.

If an FRI employee is contacted by either public officials and/or representatives of the media, the employee should obtain the name of the public official/agency and the name of the media outlet represented and inform the representative that they need to obtain approval from the President before providing them with any information. If necessary, designated staff at the Corporate Office will vet the public agency and/or media outlet before the President determines if such approval will be given. Once the employee has obtained approval from the President, the employee may respond to the specific inquiry.

If an FRI employee is speaking to a public figure, organization, media outlet, advisory board/committee, etc., they will state that they are voicing their own opinion and that their opinion does not necessarily reflect the official position of FRI. In addition, before any employee speaks to an aforementioned outlet, they should contact the Human Resources Department and must sign FRI's Public Relations Policy Statement.

Furthermore, any inquiries regarding FRI-related media issues should be directed to the President.

### **3.8 BACKGROUND CHECK POLICY**

Many of FRI's research and treatment protocols deal with vulnerable populations, such as children, the elderly, prisoners, and the decisionally impaired. Accordingly, FRI conducts a post-offer background check that includes a criminal investigation on all applicants who are offered and accept an offer of employment. Employment with FRI may be conditioned upon the Institute's review of the information in the background check. FRI reserves the right to conduct this background check at any time after an employee has been employed. Furthermore, employees have certain legal rights to request and to dispute or explain any information prepared by the background checking company. In addition, the applicant may be required to undergo fingerprinting based on the position for which they are applying.

### **3.9 WHISTLEBLOWER POLICY AND PROCEDURES**

#### **Purpose**

To outline the guidelines and procedures for alerting the management or Board of Directors of FRI to a possible serious violation of internal policies, procedures, or external laws or regulations. FRI welcomes such information and considers it essential to preserving its reputation and long-term viability. FRI is committed to compliance with all applicable laws, regulations, and policies. Our compliance will only be possible if all employees, interns, volunteers, and Board of Director Members ("FRI Associates") follow all applicable laws and regulations and all internal policies. When in doubt on the appropriate course of action, individuals should seek guidance from their immediate supervisor, the Human Resources Department, a member of the Executive

Management Committee (EMC), the President of FRI, the Chairman of the Board of Directors, or they may choose to provide information anonymously by contacting the President of FRI or the Chairman of the Board of Directors through the process described herein.

## **Scope**

This policy applies to all employees and FRI Associates. Compliance with this policy is a condition of employment or office.

## **Alerting Management**

Employees and FRI Associates should inform their supervisor, the Human Resources Department, a member of the EMC, the President of FRI, or the Chairman of the Board of Directors through the process described herein if they have information which, in their best judgment, demonstrates the involvement of the organization, or one of its employees, supervisors, EMC members, or Board Members in any of the following:

- A violation of one of the company's policies;
- A violation of any external law, rule, or regulation;
- Unethical work practices;
- An unsafe work environment, or situation or circumstance which poses a threat to the health or safety of employees or the general public;
- Purposeful and deceitful efforts to devalue or discredit FRI to its primary stakeholders;
- Corruption, fraud, or mismanagement of company resources and/or finances; and
- Questionable auditing or accounting practices.

Employees and FRI Associates who believe they have such information should inform such individuals as soon as possible in order for the organization to take action to quickly remedy the situation. Employees and FRI Associates should focus on providing facts in their disclosure, not simply speculation, and provide as much detail as possible to support a thorough investigation.

## **Protection of Informants**

Employees or FRI Associates who inform their supervisor, a member of the EMC, the President of FRI, or the Chairman of the Board of Directors of what they believe is a genuine serious violation of internal policies, external laws or regulations will not suffer any negative repercussions for bringing the matter forward. Attempts to intimidate or threaten such individuals to prevent disclosure under this policy, or any retaliation or harassment following a disclosure made under this policy, are strictly prohibited and will be subject to disciplinary action up to and including termination of employment. Furthermore, employees are strictly prohibited from discriminating against any employee who is a family member of a person who engaged in protected conduct under this policy.

Additionally, disclosures under this policy that are made in bad faith, or with the sole intent to be malicious, vindictive or merely disruptive, will not be tolerated and will be subject to disciplinary action up to and including termination of employment.

## **Investigative Process**

All information received under this policy will be thoroughly and promptly investigated. Normally, this investigation will be conducted by the FRI Human Resources Advisory Committee, though outside resources may also be used where appropriate and expedient. The investigation will be completed as soon as possible after the receipt of the information so that the matter can be dealt with as quickly as possible. A report will then be made to the EMC (which includes the President of FRI), the Chairman of the Board of Directors, and the Board of Directors of the investigation's findings. During the investigation process, the identity of the employee disclosing the information will be kept confidential to the greatest extent possible and will only be revealed on a need-to-know basis or as required by law or court order.

### **Response to Information Received**

If the investigation confirms the allegations made in the disclosure under this policy, immediate steps will be taken to bring the company into compliance with the applicable law, regulation, or policy. Unsafe working conditions will be promptly remedied and no work will be performed until it is safe to do so. Where appropriate, the company may also report any violations to external regulators or authorities.

### **Disciplinary Action**

Employees or FRI Associates who violate external laws, regulations, or internal policies, or who knowingly fail to report such a violation, may be subject to disciplinary action, up to and including termination of employment. The extent of the discipline will be based on a number of factors, including but not limited to, the nature and extent of the violation, the intent of those involved, whether the violation was an honest mistake, whether reasonable efforts were made to avoid the violation or seek appropriate guidance before the violation occurred, and whether those involved reported the violation themselves. Employees or FRI Associates who report their own violations will have that fact noted when disciplinary action, if any, is determined.

### **Policy Interpretation**

FRI reserves the right to interpret, alter, and/or amend at any time this policy in accordance with its sole business judgment, with or without prior notice.

## **3.10 CONFLICT RESOLUTION POLICY**

An employee having a problem, complaint, or dispute is to make every effort to resolve the matter through informal discussion with the parties involved.\* If a resolution is not forthcoming the employee may approach their immediate supervisor, preferably in writing. The supervisor will take the matter under consideration and, if needed, with the help of other staff, including the Human Resources Department, attempt to resolve it or provide a satisfactory explanation.

If the matter is not resolved through this process, the employee may send a written explanation of the matter to the Human Resources Department who will present it to the Human Resources Advisory Committee consisting of FRI employees from various worksites. The Committee will take the matter under consideration, including any necessary investigation or evaluation of the facts related to the situation, and render a written decision, response, or explanation to the employee as expeditiously as possible.

If the employee's matter is still unresolved, or not resolved to their satisfaction through these procedures, the aggrieved employee may choose to forward the matter to the President. The President will issue a written decision or response, which will be final and conclusive.

Throughout the process, appropriate levels of confidentiality will be observed; however, complete confidentiality cannot be assured.

**\*An employee who believes that they are the victim of discrimination and/or unlawful harassment (including, but not limited to, sexual harassment) should follow the Harassment/Sexual Harassment Reporting Policy, as outlined above.**

### **3.11 NO SOLICITATION POLICY**

Solicitation of any kind in work areas during work time is prohibited unless authorized in advance, in writing, by the President. Distribution of any non-FRI related literature during work time or in work areas is strictly prohibited. In addition, solicitation or distribution of literature by any person who is not employed by FRI is strictly prohibited. If an employee observes unauthorized solicitation, it should be immediately reported to the Human Resources Department.

### **3.12 SICK BANK POLICY**

FRI's Sick Bank is supported by employees donating their vacation leave to be used by other employees as sick leave, when they do not have any leave (sick, vacation, and personal) available.

Employees who would like to request leave donations from the Sick Bank must have exhausted all sick, vacation, and personal leave. In addition, use of the Sick Bank is limited to a "medical emergency," which is defined as:

- A major illness or medical condition of the employee that requires a prolonged absence; or
- A major illness or medical condition of an employee's family member that requires a prolonged absence.

The employee requesting leave under this policy must contact the Human Resources Department. Direct solicitation of coworkers by an employee requesting leave is prohibited and automatically disqualifies the employee from eligibility under this policy. If the request meets the definition of a medical emergency as outlined above, an email will be sent to all FRI employees explaining that an employee is requesting donated vacation leave. Only the name of the employee will be given. Circumstances of the condition will not be disclosed, unless the employee requesting the leave authorizes disclosure. Donations can only be made to a named employee.

Donated time may not be converted to cash, as it results in "constructive receipt," which has a taxable impact. The donor may not claim an expense, charitable contribution, or

loss deduction for any leave donated.

Employees who wish to donate vacation leave must complete the Sick Bank Donation Form and submit it to the Human Resources Department. Human Resources will then submit the form to the Payroll Department, where adjustments will be made to the donating employee's vacation balance.

### **3.13 EMPLOYEE LAYOFFS**

Employee layoffs may become necessary primarily due to a lapse in federal, state, local, or private funding for any project that FRI administers. Such layoffs are inevitable due to the contractual nature of government and private funding sources. Whenever possible, FRI will attempt to provide each employee to be laid off at least 2 weeks' notice of such layoff. Please be reminded that nothing in this paragraph is intended to alter in any way the "at-will" nature of employment with FRI. The Institute is free to hire new employees and terminate current employees in accordance with its sole business judgment.

## **IV. COMPENSATION AND PERFORMANCE POLICIES**

---

### **4.1 PAY PERIODS AND PAYDAYS**

FRI pays its employees on the Monday of every other week. Should a regular payday fall on an FRI holiday, employees will be paid the day after the scheduled holiday. In order to allow a sufficient amount of time for physical payroll checks to run through the postal system, replacement payroll checks will not be issued until 72 hours after the pay date.

FRI is required by law to make certain deductions from an employee's paycheck, such as federal and state withholding taxes, social security taxes (FICA), and court-ordered garnishments. An employee may voluntarily authorize in writing additional deductions from their paycheck for contribution to FRI's benefit plans and other items permitted by the Institute. It is the employee's responsibility to contact the Payroll and/or Human Resources Department for any changes concerning deductions.

All employees should inform the Payroll Department, in writing, whenever there are changes in address, telephone number, marital status, number of dependents, military status, or education.

### **4.2 COMMITMENT TO THE FAIR LABOR STANDARDS ACT (FLSA)**

As explained in the Overtime Policy, FRI pays overtime to eligible employees. However, based on their job duties and rate of pay, some employees are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) and/or applicable State law.

FRI is committed to compensating and classifying employees in strict accordance with the minimum wage and overtime provisions of the FLSA and applicable State law. As a general policy, FRI prohibits improper deductions from exempt employees' salaries, and it prohibits the failure to compensate non-exempt employees for overtime pay in accordance with the terms of FRI's Overtime Policy.

Any employee who has a question regarding their classification under the FLSA, or any other question pertaining to the payment of overtime or the provisions of the FLSA in general, should contact the Human Resources Department. FRI welcomes such inquiries from its employees. All complaints shall be investigated immediately, thoroughly, and impartially. If FRI determines that an improper deduction has occurred, the employee shall be promptly reimbursed for any improper deduction by FRI.

FRI prohibits retaliation of any kind against employees who make inquiries about, or otherwise assert their rights under the FLSA.

### **4.3 CLASSIFICATION OF EMPLOYEES**

Exempt and Non-Exempt Employees: All FRI employees are classified into "exempt" and "non-exempt" categories for purposes of establishing eligibility for overtime pay under the Federal Fair Labor Standards Act ("FLSA"). Employees should speak to the

Human Resources Department to determine whether they are exempt or non-exempt. Exempt Employees: "Exempt" employees are those executive, administrative (i.e., managerial), and professional employees who meet the applicable "duties" and "salary basis" tests under the FLSA and who are both paid a salary and not entitled to overtime pay.

Non-Exempt Employees: Hourly employees are classified as "non-exempt" and are eligible for overtime pay. If an employee is not an hourly paid employee, they will most likely be classified as "exempt."

Full-Time/Part-Time Employees: FRI considers a full-time employee as one who works 40 hours per week. An individual working less than 40 hours per week is considered part-time.

#### **4.4 INTRODUCTORY EMPLOYMENT PERIOD**

All new employees will serve an introductory period of employment of 6 months. Supervisors may choose to extend the introductory period beyond the 6 months depending on the learning curve for the particular job, questionable job performance, or other extenuating circumstances. During this period, employees will be evaluated on their performance, attitude, attendance, conduct, and their relationship with supervisors and coworkers to determine their suitability for continued employment with FRI. This introductory employment period does not constitute an employment contract for a period of time, either expressed or implied. Employment with FRI continues to be on an at-will basis, and either the employee or the Institute may terminate the employment relationship at any time, for any reason.

The Institute reserves the right to either shorten or extend the introductory employment period at its sole discretion.

#### **4.5 PERFORMANCE REVIEWS**

FRI evaluates employees at the conclusion of their introductory employment period and on an annual basis. However, special performance reviews may be conducted at any time at the Institute's sole discretion. As part of an employee's evaluation, the immediate supervisor will meet with the employee to discuss the strengths and weaknesses of job performance and to help set goals to facilitate improvements and professional development. Performance reviews become a permanent part of an employee's personnel record and may be considered in reviewing transfers, demotions, promotions, terminations, and pay increases.

#### **4.6 OVERTIME POLICY**

From time to time, FRI employees may be asked to work overtime. A non-exempt employee must obtain prior approval from their immediate supervisor before working overtime hours. A non-exempt employee who performs overtime work will be compensated as follows:

1. All hours actually worked in excess of 40 hours per week will be paid at

2. the rate of one and one-half times the regular hourly rate.
3. For purposes of determining overtime pay, the workweek is considered Wednesday through Tuesday, which coincides with FRI's pay period schedule.
3. Any work in excess of 8 hours in a workday will be paid at the rate of one and one-half times the regular rate of pay.
4. Any work in excess of 12 hours in a workday shall be compensated at the rate of double the regular rate of pay.
5. Seventh Consecutive Workday: The first 8 hours of work on the seventh consecutive day of work shall be compensated at the rate of one and one-half times the regular rate of pay, regardless of the number of hours worked during the previous 6 days. Overtime is paid at the rate of double the regular rate of pay for every hour worked after 8 hours on the seventh consecutive workday.
6. Personal leave, short-term disability, emergency time off, sick leave, holidays, vacation, court leave, bereavement leave, and unpaid time off are not counted as hours worked with respect to overtime pay.

#### **4.7 MANDATORY TIME OFF/DAY OF REST**

All employees are entitled to 1 day's rest in 7, except in emergencies, or if performing work required to prevent loss of life or property. If the nature of an employee's work requires 7 or more consecutive days, days of rest may be accumulated and equivalent time off must be allowed during the calendar month. Work on the seventh day may be permitted, if total hours of employment do not exceed 6 hours per day or 30 hours per week.

#### **4.8 MEAL BREAKS**

Non-exempt employees are provided a 30-minute unpaid meal period, which must be taken no later than the end of the fifth hour worked. An employee may voluntarily choose not to take the first meal period if their work schedule for that day is 6 hours or less. Employees are entitled to a second meal period of 30 minutes if they work more than 10 hours in a day. An employee can waive the second meal period if the total hours worked on that day is not more than 12. Non-exempt employees are prohibited from working during a meal break. Due to the requirements of certain projects, FRI, at its sole discretion, may set an employee's work schedule as a 9 hour shift with a 1 hour unpaid meal break.

#### **4.9 REST BREAKS**

Non-exempt employees are authorized and permitted to take a 10-minute rest break, if they work more than three and a half hours a day. These breaks should occur in the middle of each work period and are 10 minutes for every four hours worked (or fraction thereof). Rest breaks are compensable time, and non-exempt employees will be paid

for this rest time.

#### **4.10 LACTATION BREAKS**

FRI will provide a reasonable amount of break time to accommodate an employee's need to express breast milk for the employee's infant child. The break time should, if possible, be taken concurrently with other break periods already provided. Non-exempt employees will not be paid in accordance with state law for any lactation breaks taken that do not run concurrently with normally scheduled rest periods; however, a non-exempt employee may use their vacation leave or personal leave to be paid for these breaks. FRI will also make a reasonable effort to provide the employee with the use of a room or other location in close proximity to the employee's work area, for the employee to express milk in private. Employees will not be required to use a bathroom for purposes of a lactation break.

Employees should notify the Human Resources Department to request time to express breast milk under this policy. Subject to applicable law, FRI reserves the right to deny an employee's request for a lactation break, if the additional break time will seriously disrupt operations. No provision of this policy applies or is enforced, if it conflicts with or is superseded by any requirement or prohibition contained in a Federal, state, or local law or regulation.

#### **4.11 COMPENSATORY TIME OFF**

1. Exempt Employees - Exempt employees [executive, administrative (i.e., managerial), or professional employees] are paid a fixed salary that is intended to cover all of the compensation to which such employees are entitled. Because they are exempt, such employees are not entitled to additional compensation for extra hours of work or time off in lieu of additional compensation. Generally speaking, notions of "coming early," "working late," or overtime do not apply to exempt positions. Neither extra compensation nor compensatory time off will, under any circumstances, be owed or payable to an exempt employee upon separation from the Institute's employment for any reason.
2. Non-Exempt Employees - Under no circumstances will non-exempt employees be permitted to take compensatory time off in lieu of overtime pay.

#### **4.12 TIMECARDS**

All employees are responsible for recording their hours worked. An employee must record hours of actual work on their timecard, and, if an employee is a non-exempt employee, wages will be based on those hours. All employees must complete and approve a timecard in FRI's Time and Attendance system to document hours worked and leave taken for every biweekly pay period. Non-Exempt employees are required to clock in at the beginning of each work shift and clock out at the end of each work shift. In addition, non-exempt employees must also clock in and out for their meal break. If an employee works solely from an FRI office and does not work in the field, they are required to clock in and out on their work computer and not the ADP mobile app.

Employees can view their leave balances on their electronic pay statements at <https://workforcenow.adp.com>. An

**employee's timecard must be completed, approved by the employee, and approved by a supervisor in order for a paycheck to be issued.**

#### **4.13 ADVANCES ON PAY**

An advance on pay may be authorized only if an employee has a financial hardship situation. The employee must contact the Human Resources Department to explain the situation. The Human Resources Department will determine if it qualifies as a financial hardship and if the request will be approved or denied. Advances on pay requests will be granted no more than 2 times per year.

## **V. LEAVE FROM WORK POLICIES**

---

**FRI employees located in federal/state facilities may need to follow federal/state leave guidelines in lieu of and/or in addition to FRI leave policies.**

### **5.1 PAID HOLIDAYS**

All full-time FRI employees are entitled to the following paid holidays: New Year's Eve, New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the Friday after Thanksgiving Day, Christmas Eve, and Christmas Day. When a holiday falls on a Saturday, the Friday before will be considered the holiday. When a holiday falls on a Sunday, the Monday following is observed as the holiday. If a holiday falls on a full-time employee's scheduled "off day," the employee is entitled to 8 hours of paid holiday time, which must be taken within 30 days of the scheduled holiday. If an employee works on a paid holiday, they are entitled to take time off for the number of hours worked on that paid holiday at a later date. The hours must be taken within 30 days of the scheduled holiday. The employee will receive regular pay (not holiday pay) for working on a holiday.

An employee working less than 40 hours per week is entitled to a paid holiday, if the holiday falls on the employee's regular scheduled workday.

### **5.2 SICK LEAVE**

Full-time employees (i.e., employees regularly scheduled to work 40 hours or more per week) accrue paid sick leave at a rate of 3.08 hours per 2-week pay period, up to a maximum of 80 hours per employee anniversary year. Part-time employees who work more than 20 but fewer than 40 hours per week earn a lesser amount of sick leave, calculated in proportionate to the rate of full-time employees. An employee regularly scheduled to work less than 20 hours per week and/or temporary employees will accrue paid sick leave at the rate of 1 hour for every 30 hours worked. Employees will be allowed to use earned accrued sick leave from their date of hire.

Sick leave may be used for: 1) the employee's own medical needs, including the diagnosis, care, or treatment of health conditions, and/or preventive care; 2) the medical needs (including those referenced above) of the employee's family member; or 3) to obtain legal relief, medical attention, or other services if the employee is a victim of domestic violence, sexual assault, or stalking.

"Family members" are: 1) biological, adopted, or foster children, stepchildren, legal wards, and children for whom employees stand in loco parentis; 2) the employee's, or their spouse's, or their registered domestic partner's biological, adoptive, or foster parents, stepparents, and legal guardians; 3) people who stood in loco parentis for employees when the employee was a minor; 4) spouses or registered domestic partners; and 5) grandparents, grandchildren, and siblings.

Sick leave can be taken in minimum increments of 15 minutes. Although FLSA "exempt" employees will typically only use sick leave in full-day increments, FRI

reserves the right, to the fullest extent allowed by law, to charge sick leave in hourly increments in the event that FRI determines in its sole business discretion that an FLSA “exempt” employee is missing excessive time from work.

Full-time employees working 40 hours per week may accumulate up to a total of 520 hours or 13 weeks of sick leave. Part-time employees (employees working 20-39 hours per week) may accumulate up to their prorated amount based on 520 hours. Employees working less than 20 hours per week and/or temporary employees may accrue up to 48 hours or 6 days per year, but are limited to using 24 hours or 3 days per year. Under no circumstances will employees be compensated for accrued, unused sick leave, including, but not limited to, at the termination of their employment with FRI.

If an employee permanently reduces their work schedule and the number of hours worked per week and has accumulated hours over the accrual cap based on their new reduced schedule, the hours over the new cap will not be lost; however, an employee will not accrue additional sick leave until such time as their sick leave falls below their respective cap for the new work schedule.

Supervisors must be notified at the earliest possible time of an employee's intended absence and before the employee's scheduled start time. Where allowed by applicable law, FRI may require a statement from an attending physician when an employee is absent from work for more than 3 consecutive days (i.e., the fourth day) due to illness or to care for a family member (as defined above). Payment of sick leave benefits will not be approved unless this procedure is followed. If an employee is absent from work due to sickness for more than 5 consecutive days, they must contact the Human Resources Department to be placed on FRI-FMLA if applicable.

Employees can view their leave balances on their electronic pay statements at <https://workforcenow.adp.com>. **Advances on sick leave are not allowed.**

Employees rehired within one year from their date of separation will be entitled to all previously accrued and unused paid sick leave, and will be permitted to use such leave immediately upon their return.

### **5.3 VACATION LEAVE**

FRI employees begin accumulating vacation leave from their initial date of employment, otherwise known as their anniversary date. Employees may begin to use their accumulated vacation leave after completion of 90 days of employment. Requests for vacation leave should be submitted in writing and approved by the employee's immediate supervisor at least 2 weeks prior to the requested time off. In general, requests for vacation leave over 2 weeks are not granted due to presenting hardships to FRI. In the event that a request for vacation leave over 2 weeks is requested, the request must be presented to your immediate supervisor and the Human Resources Department.

FRI calculates vacation leave based on the employee's anniversary date. An employee working 20 hours or more per week accumulates a certain number of hours of vacation

per pay period in accordance with the chart shown below, up to a maximum cap based on the number of hours worked per week. An employee regularly scheduled to work less than 20 hours per week does not accrue vacation leave. The cap for accrual is 5 times the number of hours worked per week (e.g., a 40 hour per week employee caps at 200 hours, a 30 hour per week employee caps at 150 hours, a 20 hour per week employee will caps at 100 hours). An employee will stop accruing vacation leave any time the accrued and unused vacation hours total their respective cap, and such an employee will not begin to accrue any additional vacation leave until such time as their accrued vacation hours total less than their respective cap.

If an employee permanently reduces their work schedule and the number of hours worked per week and has accumulated hours over the accrual cap based on their new reduced schedule, the hours over the new cap will not be lost; however, an employee will not accrue additional vacation leave until such time as their vacation leave falls below their respective cap for the new work schedule.

<b>YEARS OF SERVICE</b>	<b>PERCENTAGE OF TIME WORKED</b>	<b>HOURS ACCRUED PER PAY PERIOD</b>
1-5 years (2 weeks/year)	<b>100%</b>	<b>3.08</b>
	75%	2.31
	50%	1.54
6-10 years (3 weeks/year)	<b>100%</b>	<b>4.62</b>
	75%	3.47
	50%	2.31
11-20 years (4 weeks/year)	<b>100%</b>	<b>6.15</b>
	75%	4.61
	50%	3.08
21-30 years (5 weeks/year)	<b>100%</b>	<b>7.69</b>
	75%	5.77
	50%	3.85
31+ years (6 weeks/year)	<b>100%</b>	<b>9.23</b>
	75%	6.92
	50%	4.62

Employees who work a different percentage of time than those listed above or those employees who work varying hours per pay period should calculate their accrual leave by the hour according to the chart below. For example, if an employee has been with FRI for 4 years and works 64 hours per pay period, the vacation time accrued for that pay period would be 64 hours x .038500, which equals 2.46 hours. If an employee

needs assistance in calculating what they accrue per pay period, they should contact the Payroll Department.

<b>Years of Service</b>	<b>Time Accrued per Hour</b>
1-5 years	.038500
6-10 years	.057750
11-20 years	.076875
21-30 years	.096125
31+ years	.115375

Vacation leave can be taken in minimum increments of 15 minutes. Although FLSA “exempt” employees will typically only use vacation leave in full-day increments, FRI reserves the right, to the fullest extent allowed by law, to charge vacation leave in hourly increments in the event that FRI determines in its sole business discretion that an FLSA “exempt” employee is missing excessive time from work.

Upon termination of employment, an employee will be paid for any accrued, unused vacation leave.

Employees can view their leave balances on their electronic pay statements at <https://workforcenow.adp.com>. **Advances on vacation leave are not allowed.**

#### **5.4 PERSONAL LEAVE**

Full-time employees (i.e., employees regularly scheduled to work 40 hours or more per week) accrue personal leave at a rate of 1.54 hours per 2-week pay period, up to the maximum of 40 hours per employee anniversary year. Part-time employees who work more than 20 but fewer than 40 hours per week earn a lesser amount of personal leave, calculated in proportionate to the rate of full-time employees. An employee regularly scheduled to work less than 20 hours per week does not accrue personal leave. Employees may begin to use their accumulated personal leave after completion of 90 days of employment.

An employee will stop accruing personal leave any time the accrued, unused personal hours total the maximum limit of 40 hours based on a 40-hour workweek. The maximum limit of personal leave hours for employees working between 20 and 39 hours will be based on the percentage of time worked. For example, an employee who regularly works 30 hours per week would have a maximum limit of 30 hours. Additional personal leave will not be accrued until unused personal leave totals less than the maximum number of hours allowed.

If an employee permanently reduces their work schedule and the number of hours worked per week and has accumulated hours over the accrual cap based on their new reduced schedule, the hours over the new cap will not be lost; however, an employee will not accrue additional personal leave until such time as their personal leave falls below their respective cap for the new work schedule.

Permission to use personal leave must be obtained from the employee’s immediate supervisor. However, permission may not be denied if personal leave is requested for

observance of a religious holiday.

Personal leave can be taken in minimum increments of 15 minutes. Although FLSA “exempt” employees will typically only use personal leave in full-day increments, FRI reserves the right, to the fullest extent allowed by law, to charge personal leave in hourly increments in the event that FRI determines in its sole business discretion that an FLSA “exempt” employee is missing excessive time from work.

Upon termination of employment, an employee will be paid for any accrued, unused personal leave.

Employees can view their leave balances on their electronic pay statements at <https://workforcenow.adp.com>. **Advances on personal leave are not allowed.**

## **5.5 FRI'S FAMILY AND MEDICAL LEAVE ACT (“FRI-FMLA”) POLICY**

FRI complies fully with the federal Family and Medical Leave Act of 1993, as amended (“FMLA”). FMLA leave is unpaid leave, although certain paid leaves may be available to provide pay to an employee on FMLA leave. Subject to applicable law and regulations, the Institute reserves the right to interpret this Family and Medical Leave Policy in accordance with its sole business judgment.

### **5.5.1 Eligibility**

To qualify to take family or medical leave under this Policy, the employee must meet all of the following conditions:

1. The employee must have worked for the Institute for at least 12 months or 52 weeks on the date of the commencement of the leave. The 12 months or 52 weeks need not have been consecutive. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.
2. The employee must have worked at least 1,250 hours for the Institute during the twelve-month period immediately before the date when the leave is requested to commence. (The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.)
3. The employee must work in an office or worksite where 50 or more employees are employed by the Institute within 75 miles of that office or worksite. The distance is to be calculated by using available transportation by the most direct route. FRI's California offices have less than 50 employees in a 75-mile radius. FRI will extend to these employees benefits that are otherwise consistent with those offered under

FMLA, provided that the employee seeking leave satisfies the qualifications set forth in the preceding two paragraphs.

4. Although FRI is a covered employer under FMLA (because it has more than 50 employees), as of November 2019, the Institute does not have any employees who are eligible for FMLA leave (because they do not meet the eligibility requirement of having 49 other employees within 75 miles of that employee's office or worksite.) Although FRI is not in a position to offer statutory FMLA leave to its employees, it nevertheless intends to offer family and medical leave to its employees as set forth below in this Section 5.5. (Family and medical leave offered by FRI to its employees shall be referred to in this Policy as FRI-FMLA. It is the intent of FRI to comply fully with all applicable law in its implementation of its FRI-FMLA policy. In the event that an employee should ever become eligible for statutory FMLA leave, then FRI-FMLA and FMLA will run concurrently.)

#### **5.5.2 Type of Leave Covered**

To qualify as FRI-FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

1. For incapacity due to pregnancy, prenatal medical care or childbirth;
2. To care for the employee's child after birth, or placement for adoption or foster care;
3. To care for the employee's spouse, son, daughter, or parent, who has a Serious Health Condition;
4. Because of the employee's own Serious Health Condition that renders the employee unable to perform the functions of their position;
5. Because of any Qualifying Exigency arising out of the fact that the employee's spouse, son, daughter or parent (the military member) is on Covered Active Duty or call to covered active duty status (or has been notified of an impending call or order to Covered Active Duty); or
6. To care for a Covered Servicemember with a Serious Injury or Illness if the employee is the spouse, son, daughter, parent, or next of kin of the Covered Servicemember.

#### **5.5.3 Definitions**

1. **Serious Health Condition:** An illness, injury, impairment or physical or mental condition that makes the employee unable to perform the functions of the employee's position and involves Inpatient Care (i.e., an overnight stay) at a hospital, hospice, or residential medical care facility or Continuing Treatment by a Health Care Provider.
2. **Inpatient Care:** An overnight stay in a hospital, hospice, or residential medical care facility, including any Period of Incapacity (defined as an

inability to work, attend school, or perform other regular daily activities) or any subsequent treatment in connection with such Inpatient Care.

3. **Continuing Treatment:** A Serious Health Condition involving continuing treatment by a Health Care Provider includes any Period of Incapacity of more than three (3) consecutive calendar days, and any subsequent treatment or Period of Incapacity relating to the same condition that also involves:
  - a. **Inc incapacity and Treatment:** Treatment two (2) or more times within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a Health Care Provider; or treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider, or
  - b. **Pregnancy:** Any period of incapacity due to pregnancy; or
  - c. **Chronic Conditions:** Continuing treatment by a health care provider of a chronic serious health condition which require periodic visits (at least twice per year) for treatment by a health care provider; continues over an extended period of time; and may cause episodic rather than continuing Period of Incapacity; or
  - d. **Permanent or Long-Term Conditions:** A Period of Incapacity which is permanent or long-term due to a condition for which treatment may not be effective; or
  - e. **Condition Requiring Multiple Treatments:** Any period of absence to receive multiple treatments by a health care provider, including any period of recovery therefrom.
4. **Health Care Provider:** A medical doctor or osteopathic physician who is authorized to practice medicine or surgery by the State in which the doctor practices; or any other person determined by the Secretary of Labor to be capable of providing health care services.
5. **Serious Health Condition of Eligible Dependent:** An injury, illness, impairment, or physical condition that involves inpatient care in a hospital, hospice, residential medical care facility, or controlled treatment by a healthcare provider.
6. **Qualifying Exigency:** Qualifying exigencies for which an employee may take leave include:
  - a. short-notice deployment;
  - b. military events and related activities;
  - c. childcare and school activities;
  - d. financial and legal arrangements;

- e. counseling;
- f. rest and recuperation;
- g. post-deployment activities;
- h. parental care leave for a parent who is incapable of self-care; and
- i. additional activities as defined by the regulations.

7. Covered Active Duty: Means –

- a. in the case of a member of the Regular Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and
- b. in the case of a member of a Reserve components of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of an applicable contingency operation.

8. Covered Servicemember: Means –

- a. a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in Outpatient Status, or is otherwise on the temporary disability retired list, for a Serious Injury or Illness; or
  - b. a veteran who is undergoing medical treatment, recuperation, or therapy, for a Serious Injury or Illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.
9. Son or Daughter: A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FRI-FMLA leave is to commence.
10. Son or Daughter of Covered Servicemember: A Covered Servicemember's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age.
11. Parent of Covered Servicemember: A covered servicemember's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents "in law."
12. Next of Kin of Covered Servicemember: The nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter.

13. Outpatient Status: Status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient, or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.
14. Serious Illness or Injury of Covered Servicemember: Means –
  - a. In the case of a current member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating; and
  - b. In the case of a covered veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period described in Paragraph 8(b), *above*, means a qualifying injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran, and is:
    - (i) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or
    - (ii) a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
    - (iii) a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
    - (iv) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive assistance for Family Caregivers.
15. Equivalent Job: A position with the same salary, benefits, shift, etc.
16. Eligible Dependent: Spouse, child, or parent with a serious health condition.

17. Twelve (12) Month Period: A rolling twelve (12) month period beginning with the first day of the leave and looking back twelve (12) months.

#### **5.5.4 Serious Health Conditions**

1. Employees with questions about what illnesses are covered under this FRI-FMLA policy or under the Institute's sick leave policy are encouraged to consult with their Human Resources Department.
2. The Institute will require an employee to provide a doctor's certification of the Serious Health Condition. See "Certification" section below for additional information regarding the Institute's FRI-FMLA certification process.
3. If an employee takes paid sick leave for a condition that progresses into a Serious Health Condition and the employee requests unpaid leave as provided under this Policy, the Institute may designate all or some portion of related leave taken as FRI-FMLA under this policy, to the extent that the earlier leave meets the necessary qualifications under this Policy.

#### **5.5.5 Servicemember and Qualifying Exigency Leave**

1. Covered Servicemembers: Eligible employees may take up to 26 weeks of FRI-FMLA leave to care for a Covered Servicemember. This leave is available only during a single 12-month period and is combined with all other FRI-FMLA leaves in that period, resulting in a maximum total leave entitlement of 26 weeks. As with all FRI-FMLA leaves, the time off is unpaid. However, as with all FRI-FMLA leaves, employees will be required to use all accrued paid time off during this leave.
2. Eligible employees may take up to 12 weeks of FRI-FMLA leave in a 12-month period to deal with any Qualifying Exigency that arises from a spouse's, son or daughter's, or parent's Covered Active Duty in the Armed Forces, including an order or call to duty. This leave is not confined to a single 12-month period. The 12 weeks is reduced by leave for any other qualifying FRI-FMLA event during the 12-month period.

#### **5.5.6 Leave Duration**

1. FRI-FMLA leave for all covered FRI-FMLA events other than Covered Servicemember Leave is limited to 12 work weeks in any Twelve (12) Month Period. Any FRI-FMLA leave taken will count against the employee's FRI-FMLA leave entitlement.
2. Covered Servicemember Leave: Employees may take leave for up to 26 workweeks during a single 12-month period where the employee is caring for a Covered Servicemember, if the employee is the spouse, son, daughter, parent, or next of kin of the Covered Servicemember.
3. Concurrent Leave: FRI-FMLA leave for Covered Servicemembers runs concurrently with other FRI-FMLA-related events.

4. If married employees both work for the Institute, and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a Serious Health Condition, the married spouses may only take a combined total of 12 weeks of leave for such leave.
5. If married employees both work for the Institute, and each wishes to take Covered Servicemember leave, the married spouses may only take a combined total of 26 weeks of leave during the single 12-month period in which they are caring for a Covered Servicemember with a serious health condition.

#### ***5.5.7 Intermittent Leave and Reduced Schedule Leave***

1. Leave due to a Serious Health Condition (if medically necessary) or a Qualifying Exigency (under limited circumstances) may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced leave schedule (reducing the usual number of hours the employee works per workweek or workday) and may not exceed a total of twelve (12) weeks over a Twelve (12) Month Period.
2. Leave due to a Serious Health Condition of a Covered Servicemember may be taken intermittently or on a reduced schedule leave and may not exceed a total of 26 weeks over a 12-month period that begins on the first day the eligible employee takes FRI-FMLA leave to care for a Covered Servicemember and ends 12 months after that date.
3. Intermittent leave and/or reduced schedule leave is not guaranteed for the birth of a child and or the placement of a child for adoption and/or foster care. Requests for such leave will be considered by the Institute on a "case-by-case" basis.
4. Employees seeking intermittent leave or leave on a reduced schedule must attempt to schedule their leave so as not to disrupt the Institute's operations. The Institute has the right to assign the Employee seeking intermittent leave or leave on a reduced leave schedule (based on planned medical treatment that is foreseeable) to an alternative equivalent pay/benefits position that better accommodates the employee's requested leave schedule or transfer the employee to a part-time job with the same rate of pay and proportionately reduced benefits.
5. When taking leave on an intermittent or reduced leave schedule basis, the Institute accounts for the leave using an increment no greater than the shortest period of time that the Institute uses to account for use of other forms of leave. Employees will not be required to take more leave than is necessary to address the circumstances that precipitated the need for the leave. However, where it is physically impossible for an employee to start or end work mid-way through a shift, the entire period the employee is forced to be absent is counted against the employee's FRI-FMLA leave entitlement.

### **5.5.8 Certification**

The Institute will ask for certification of an employee's request for a leave of absence for a Serious Health Condition, Qualifying Exigency leave, or Military Caregiver leave. Completion of this certification will be required before the leave can be approved officially.

The employee should try to complete applicable certification forms within 15 days of the Institute's request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Certification should be provided by the employee using the certification form(s) provided by the Institute in response to the employee's request for leave under this Policy.

If the employee plans to take intermittent leave or work a reduced schedule, the certification must also include dates and the duration of treatment as well as a statement of necessity for taking intermittent leave or working a reduced schedule.

Where allowed by applicable statute and/or regulation, the Institute reserves the right to have an employee or covered family member examined by a health care provider of its choice for a second opinion at any time at its discretion. Any such second opinion examination shall be paid for by the Institute. In the event a conflict exists between the medical opinion of the employee's or covered family member's health care provider and that of the Institute in the second opinion examination, a third examination will be required to be performed by a health care provider mutually agreed upon by the employee and the Institute, and paid for by the Institute. In such instances, the opinion of the third health care provider shall be final and binding on the Institute and the employee.

### **5.5.9 Employee Status and Benefits During FRI-FMLA Leave**

An FRI employee receiving FRI-provided health care benefits will continue to receive such benefits while on FRI-FMLA leave, provided that they continue to meet the eligibility requirements of the Institute's health care plan and continue to pay their share of the cost of coverage in accordance with procedures established by FRI. In the event that such an employee on FRI-FMLA leave ceases to be eligible to participate in the Institute's health care plan (e.g., because that employee is no longer working the requisite number of hours to remain on FRI's health care plan), then FRI will advise the employee in writing of any rights they may have to continue to participate in the Institute's health care plan under COBRA. Although employees normally are required to personally cover the cost of COBRA continuation coverage, for employees on FRI-FMLA leave, the Institute will continue to contribute towards the cost of the employee's health insurance premium at the same level as the contributions that would be made by FRI if the employee was working the hours necessary to remain covered by the Institute's health care plan. In order for an employee to be eligible for COBRA continuation coverage benefits, they must timely complete and return the COBRA paperwork that will be provided by the Institute, and any other insurance participation documents submitted by FRI.

If the employee chooses not to return to work for reasons other than a continued Serious Health Condition of the employee or the employee's family member or a circumstance beyond the employee's control, the Institute will require the employee to

reimburse the Institute the amount it paid for the employee's health insurance premium during the FRI-FMLA leave period.

Under current Institute policy, employees may pay a portion of the health care premium based on their employment status and level of health care coverage. While on paid leave, the Institute will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail.

Benefits that operate on an accrual basis (e.g., vacation, personal, and sick leave) will not accrue during any period of unpaid leave under this Policy, nor will an employee accrue seniority or service time during any period of unpaid leave in connection with the employee's eligibility for a performance review, salary review, and/or adjustment or bonus.

An employee's eligibility for qualified benefits (e.g., 401(k)) will be governed according to the terms of each respective benefit plan. For retirement plan purposes, any period of unpaid FRI-FMLA leave shall not be treated as, or counted toward, a break in service for purposes of vesting and eligibility to participate. In addition, if the plan requires an employee to be employed on a specific date in order to be credited with a year of service for vesting, contributions or participation purposes, an employee on unpaid FRI-FMLA leave on that date shall be deemed to have been employed on that date. However, unpaid FRI-FMLA leave periods need not be treated as credited service for purposes of benefit accrual, vesting and eligibility to participate.

If the employee contributes to a life insurance or disability plan, the Institute will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits, and pay their portion of the premiums; or the Institute may elect to maintain such benefits during the leave and pay the employee's share of the premium payments. If the employee does not continue these payments, the Institute may discontinue coverage during the leave. If the Institute maintains coverage, the Institute may recover the costs incurred for paying the employee's share of any premiums whether or not the employee returns to work.

#### **5.5.10 Use of Paid and Unpaid Leave**

If the employee has accrued or earned paid leave available at any time during FRI-FMLA leave, the employee must use paid leave first and take the remainder of the FRI-FMLA leave as unpaid leave. The Institute will notify the employee within two business days in writing or orally (to be confirmed in writing by no later than the employee's next regular payday) whether or not the leave will be designated as FRI-FMLA leave.

An employee who is taking leave because of the employee's own Serious Health Condition or the Serious Health Condition of a family member must use all paid vacation or, where applicable, sick and personal leave, prior to being eligible for unpaid leave. (Sick leave may be substituted for unpaid FRI-FMLA leave if the reason for the FRI-FMLA leave is covered by the established sick leave policy.)

Disability leave for the birth of the child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FRI-FMLA leave and will run concurrently with FRI-FMLA leave. For example, if the Institute provides 6 weeks of pregnancy disability leave, the 6 weeks will be designated as FRI-FMLA leave and counted toward the employee's 12-week entitlement. The employee will then be required to substitute accrued (or earned) paid leave as appropriate before being eligible for unpaid leave for what remains of the 12-week entitlement.

An employee who is taking leave for the adoption or foster care of a child must use all paid leave prior to being eligible for unpaid leave.

#### ***5.5.11 Reinstatement After Leave***

1. Eligible employees taking leave under this Policy, who return to work with the Institute immediately after the end of a FRI-FMLA leave generally, will be reinstated to their former position or to an equivalent position with equivalent benefits and other terms and conditions of employment. However, no employee is entitled under this policy to any right, benefit, or position other than that to which the employee would have been entitled had they not taken leave. Thus, for example, if a layoff or some other extenuating circumstance or business condition arises that affects the employee's position, reinstatement may not be possible.
2. The Institute also reserves the right to deny reinstatement to certain "key employees," where such denial is necessary to prevent substantial and grievous economic injury to the Institute's operations.
3. Key employees will be notified of the Institute's intention in this regard as soon as a determination is made that such condition would occur.
4. In the event such notice is given to a key employee already on leave, the employee will be offered the opportunity to terminate their leave and immediately return to work.
5. Key employees notified while on leave who decide not to return to work will remain on leave for the balance of the leave period and then be terminated.
6. Key employees are defined as the highest paid 10 percent of the employees employed by the Institute within 75 miles of the facility at which the employee is employed.

#### ***5.5.12 Procedure for Requesting Leave***

All employees requesting leave under this policy must provide verbal notice with an explanation of the reason(s) for the needed leave to their immediate supervisor and the Human Resources Department. If the leave is foreseeable, the immediate supervisor may require the employee to provide a written request for leave and reason(s) with a copy to the Human Resources Department. Failure of the employee to provide a written request for leave cannot be grounds to deny or delay the taking of FRI-FMLA leave.

The Institute will provide individual notice of rights and obligations to each employee requesting leave within five (5) business days or as soon as practicable. For employees on intermittent or recurring leave for the same incident this notice will be provided every six months.

When an employee plans to take leave under this Policy, the employee must give the Institute 30 days' notice. If it is not possible to give 30 days' notice, the employee must give as much notice as is practicable. An employee who is to undergo planned medical treatment is required to make a reasonable effort to schedule the treatment in order to minimize disruptions to the Institute's operations.

If an employee fails to provide 30 days' notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least 30 days from the date the Institute receives notice. While on leave, employees are requested to report periodically to the Institute regarding the status of the medical condition and their intent to return to work.

#### **5.5.13 Return to Work Examinations**

Before being permitted to return to work from a leave for the employee's own Serious Health Condition, the employee will be required to provide certification from their Health Care Provider that they are able to return to work and perform all essential functions of the job, with or without reasonable accommodation.

#### **5.5.14 Periodic Notification During Leave**

Employees will be required at least every 30 days while on leave to contact their supervisor to report on their status and intentions with respect to returning to work at the end of their leave period.

#### **5.5.15 Outside Employment**

While on FRI-FMLA leave, employees are not permitted to engage in outside or supplemental employment within or outside the Institute during hours they would normally work for the Institute. Doing so will result in the loss of both FRI-FMLA's job restoration and maintenance of insurance benefit provisions.

#### **5.5.16 Enforcement**

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. FRI-FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

#### **5.5.17 Americans with Disabilities Act**

The Institute complies fully with the Americans with Disabilities Act ("ADA") and the ADA Amendments Act ("ADAAA") and will provide reasonable accommodations to qualified individuals with a disability in accordance with the terms and conditions of the ADA and ADAAA.

### **5.6 WAGE REPLACEMENT FOR FRI-FMLA LEAVE**

Employees may be provided up to 6 weeks of partial wage replacement benefits under the California Family Temporary Disability Insurance Program. Such paid leave shall run concurrently with FRI-FMLA leave or other leave permitted by state law.

## **5.7 COURT LEAVE**

FRI abides by all applicable laws governing leaves of absence associated with court-related leave.

### **Crime Victim & Court Witness Leave**

Employees may take unpaid leave to appear as witnesses in court proceedings or to obtain injunctions or other process to ensure their safety or the safety of their family members. Employees who are victims of violent or serious felonies (including felony theft and embezzlement) are entitled to take leave to attend judicial proceedings related to the crime or that concern a right of the victim. They can also take leave to attend proceedings involving an immediate family member (including a spouse, child, stepchild, sibling, step-sibling, parent, or step-parent), a registered domestic partner, or a child of a registered domestic partner who is the victim of a felony. If possible, employees must provide reasonable notice that they are required to appear in court or to use crime victim leave. Employees who have to make emergency or unscheduled court appearances must provide evidence of their attendance in court or other evidence of their need for crime victim leave upon their return to work (for example, a police report, protective order, or documentation from a medical professional or domestic violence counselor). Employees may substitute any available vacation or personal leave for unpaid court attendance or witness duty leave.

### **Victims of Domestic Violence**

Employees who are victims of domestic violence, sexual assault or stalking can take leave to obtain any relief, including a temporary restraining order or an injunction, to help ensure their own or their children's health, safety, or welfare. Employees may take unpaid leave for the purpose of: 1) seeking medical attention for injuries caused by domestic violence/sexual assault; 2) obtaining services from a domestic violence shelter or program, or a rape crisis center as a result of domestic violence or sexual assault; 3) obtaining psychological counseling related to an employee's experience of domestic violence or sexual assault; 4) participating in safety planning or otherwise taking actions to increase safety from future domestic violence or sexual assault. To the greatest extent possible, employees must provide reasonable advance notice of the need to take leave. An employee who takes emergency domestic violence leave must provide their supervisor with evidence of their attendance in court or other evidence of their need for domestic violence leave upon return to work. It is FRI's policy to reasonably accommodate victims of domestic violence should an accommodation be necessary to ensure workplace safety. Please contact the Human Resources Department to request such an accommodation. Employees may substitute any available vacation or personal leave for unpaid victims of domestic violence leave.

### **Witness, Plaintiff, & Defendant**

Employees will be paid their regular earnings when an employee is subpoenaed as a witness in a case in which the employee has no personal or financial interest, or in a matter in which the employee was a victim of a crime. Paid leave is not granted for an

employee's appearance in court as a plaintiff or defendant. In such cases, an employee may use their accrued, unused vacation or personal leave.

### **Jury Duty**

Employees called to jury duty will be paid regular earnings for the time they serve for a period of up to 10 business days. Should leave under this Jury Duty policy extend beyond the 10 days' leave that is paid by FRI, employees are permitted to substitute any available paid leave for unpaid jury duty leave.

Employees summoned to jury duty should present a validated jury summons document to their supervisor who will forward a copy to the Payroll Department. If an employee is excused from jury duty early in the day, they must notify their supervisor and may be required to complete their regular work schedule upon request.

### **5.8 LEAVE WITHOUT PAY**

Unless otherwise specifically required by federal, state, or local law or otherwise allowed by a specific FRI policy, FRI does not provide its employees leave without pay. Accordingly, all employee absences must comply with the applicable guidelines and limitations set forth by FRI with respect to paid leave. Violation of this policy may result in disciplinary action up to and including termination of employment.

The following exceptions to this policy will be made: 1) when an employee returns from FRI-FMLA leave, having exhausted all of their leave, but needs to take time off for illness, they will be allowed up to 3 days of leave without pay during the 4 weeks following the employee's return from FRI-FMLA leave, 2) during an employee's first 90 days of employment where they have exhausted all of their sick leave but need to take time off for illness, they will be allowed up to 3 days of leave without pay, or 3) when an employee has exhausted all leave but must request time off to observe a religious holiday. In scenarios 1 and 2 above a doctor's note may be requested, where allowable by applicable law. An employee exceeding 3 days off without pay, specific to these scenarios, will result in disciplinary action up to and including termination of employment.

### **5.9 MILITARY LEAVE**

FRI complies fully with all federal and state laws governing military leave. In the event that an employee is called to active military duty, they should contact the Human Resources Department for an explanation of their rights under the Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA) and any other applicable Federal or state laws.

### **5.10 ORGAN/BONE MARROW LEAVE**

FRI will provide employees with a leave of absence of up to 30 business days in any consecutive 12-month period for the purpose of donating an organ. Employees may take a leave of absence of up to 5 business days in any consecutive 12-month period for the purpose of donating bone marrow. Employees will be required to use up to 5

days (if applicable) of accrued but unused sick, vacation, or personal leave for time off for bone marrow leave and up to 2 weeks (if applicable) of accrued but unused sick, vacation, or personal leave for time off for organ donation leave. Employees must provide written verification that there is a medical necessity for the donation of the organ or bone marrow.

## **5.11 SCHOOL ACTIVITIES LEAVE**

Employees who are custodial parents, stepparents, foster parents, guardians, grandparents, or a person who stands in loco parentis to any child enrolled in a licensed day-care facility or a school (from kindergarten through grade 12) are eligible to take school activities leave. Employees may take school activities leave to participate in the activities of their child's school or day care facility. Leave may be taken to: 1) find a school or licensed child-care provider for their child; 2) enroll or re-enroll their child in a school or with a licensed child-care provider; 3) participate in the activities of their child's school or licensed child-care provider; or 4) address their child's school or child-care provider emergency. Emergency means that the child cannot remain at school or with a child-care provider due to: 1) the school or provider requesting that the child be picked up; 2) the school or provider having an attendance policy, excluding planned holidays, that prohibits the child from attending or requires the child to be picked up; 3) behavioral or discipline problems; 4) the closure or unexpected unavailability of the school or provider, excluding planned holidays; or 5) a natural disaster such as fire, earthquake, or flood.

School Activities Leave is limited to 40 hours per year, with no more than eight hours in a single month. Employees taking School Activities Leave must substitute their accrued vacation or personal leave. In the event that the employee does not have any accrued vacation or personal leave, then School Activities Leave will be unpaid. Employees must give reasonable notice of their need to take leave for school activities and must provide documentation from the school verifying participation in a specific activity on a particular date and time.

FRI will also provide employees who are custodial parents or legal guardians of school children through grade 12 leave relating to a student's suspension, whenever the school requests the parent's attendance. There is no limit on the amount of leave that may be taken relating to a student's suspension. Employees must give reasonable notice of their need to take leave related to a student's suspension and must provide documentation from the school verifying their attendance. Employees may substitute accrued but unused vacation or personal leave in lieu of unpaid leave.

## **5.12 DOMESTIC LEAVE POLICY**

FRI recognizes that some of its employees may be in long-term, committed relationships with domestic partners to whom they are not lawfully wedded. FRI respects these relationships, and, accordingly, wishes to grant its FRI-FMLA eligible employees the right to tend to the needs of a domestic partner that are comparable to the rights extended to FRI-FMLA eligible employees to tend to the needs of a spouse. To that end, and to the fullest extent practicable and allowed by law, FRI will grant the same leave of absence opportunities and reinstatement rights to FRI-FMLA eligible employees

arising out of domestic partner-related leave as it extends to FRI-FMLA eligible employees with respect to spouse-related leave under FRI-FMLA.

FRI's FRI-FMLA policy provides certain leave of absence rights to eligible employees, including (but not limited to) the right to take a leave of absence under the following circumstances:

1. To care for an employee's spouse who has a Serious Health Condition;
2. Because of any Qualifying Exigency arising out of the fact that the employee's spouse is on Covered Active Duty or call to covered active duty status (or has been notified of an impending call or order to Covered Active Duty); and/or
3. To care for a Covered Servicemember with a Serious Injury or Illness if the employee is the spouse, son, daughter, parent, or next of kin of the Covered Servicemember.

For purposes of this policy, a "domestic partner" relationship is established when the employee and their partner files a Declaration of Domestic Partnership as defined in California Family Code section 297. Employees who wish to take leave to care for the Serious Health Condition of a domestic partner should contact the Human Resources Department for further information about their rights under this Domestic Leave Policy. FRI reserves the right to interpret and administer this policy in accordance with its sole business discretion.

### **5.13 DRUG REHABILITATION LEAVE**

Upon request, FRI will provide a reasonable accommodation for an employee who voluntarily enters and participates in an alcohol or drug rehabilitation program, unless the accommodation would impose an undue hardship on FRI's operations. An employee who is entering a drug rehabilitation program may use any accrued but unused sick, vacation, or personal leave for that purpose. Notwithstanding the foregoing, FRI reserves the right to discharge any employee who, because of their current use of alcohol or drugs, is unable to perform their job duties without endangering their own or others' safety.

### **5.14 EMERGENCY RESPONSE LEAVE**

FRI will provide employees who are volunteer firefighters, reserve peace officers, or emergency rescue personnel with reasonable, unpaid leave to perform emergency duties, and up to 14 days per calendar year for training for such emergency responder duties. For the purposes of this provision, "emergency rescue personnel" is defined as any person who is an officer, employee, or member of a fire department or fire protection or firefighting agency of the Federal government, the state or its political subdivisions, or of a sheriff's department, police department, or a private fire department, whether that person is a volunteer or partly paid or fully paid, while they are actually engaged in providing emergency services as defined by § 1799.107(e) of the California Health and Safety Code.

## **5.15 CIVIL AIR PATROL LEAVE**

Employees who perform services for the California Wing of the Civil Air Patrol will be provided 10 days of unpaid leave per calendar year for emergency operational missions. At no time will any single absence under this policy be permitted to exceed 3 days, unless an extension for the particular mission has been granted by the appropriate government entities and approved by FRI. FRI reserves the right to require certification from the employee of their status in the California Wing of the Civil Air Patrol. Employees taking leave pursuant to this policy will be reinstated to their position or, if applicable, to another position of equivalent seniority, benefits, pay and other terms and conditions of employment, and will not be retaliated or discriminated against for their use of such leave.

## **5.16 BEREAVEMENT LEAVE**

In the unfortunate event of a death in an employee's immediate family (spouse, domestic partner, child, stepchild, parent, parents-in-law, parents of domestic partner, siblings, grandparent, grandchild, niece, nephew), the employee will be granted up to 3 days bereavement leave with pay. Bereavement leave may be arranged with the employee's immediate supervisor for deaths involving someone other than an immediate family member. In this latter instance, leave may be charged against an employee's vacation leave or personal leave, or may be treated as leave without pay.

## **5.17 VOTING LEAVE**

Employees whose work schedules do not allow sufficient time to vote in a statewide election may take up to two hours of paid working time at the beginning or end of their regular shift to vote. If an employee knows that time off from work will be required in order to have sufficient time to vote, the employee must notify their supervisor at least two working days in advance of election day regarding their intent to take leave to vote.

## **5.18 PAID FAMILY LEAVE (PFL)**

Paid Family Leave (PFL) is available to all employees covered by State Disability Insurance. The PFL program does not itself entitle employees to any amount of leave, but provides a partial wage replacement to employees who already are eligible for leave under another law, such as the Family and Medical Leave Act, or under an employer-provided leave program. An employee may agree, but is not required, to use FRI-provided paid leave (e.g., vacation, personal, or sick leave) to supplement their PFL benefits.

Taking a family care or pregnancy disability leave may impact certain employee benefits and seniority date. If an employee wants more information regarding their eligibility for a leave and/or the impact of the leave on their seniority and benefits, please contact the Human Resources Department.

## **5.19 INCLEMENT WEATHER POLICY**

If employees are not informed of a closing due to inclement weather, employees must assume that the FRI site where they are assigned to work is open for business. A decision of whether to close or open late/close early will be determined by the Corporate Office. For those employees who may face substantial difficulty in getting to work because of severe inclement weather, or with family situations related to the inclement weather that prohibit leaving home at their regular time, time off will be charged to accrued vacation leave or accrued personal leave. If an employee does not have any accrued vacation or personal leave remaining, the employee's paycheck will be adjusted accordingly. This same policy exists for any type of natural disaster (flood, earthquake, snowstorm, etc.).

## **VI. COMMUNICATIONS POLICY**

---

### **6.1 INTERNET, EMAIL, AND COMPUTER USAGE POLICY**

#### **Multi-Factor Authentication (MFA) & Password Security**

To maintain the security of FRI's email and network, employees must use a multi-factor authentication (MFA) when logging into FRI's email via the internet and FRI's network. Employees have the option of using a token, work cell phone, if applicable, or a personal cell phone for MFA purposes. If an employee voluntarily chooses to use their personal cell phone for MFA purposes, the employee understands that they are doing so voluntarily, of their own choosing, and not based on an FRI requirement. FRI will not pay for any costs, which may be incurred, related to the receipt of the passcode on an employee's personal cell phone for MFA purposes.

Access to FRI's network and FRI's email via the internet will require employees to enter a password of specific criteria that will be shared with the employee upon hire.

#### **Internet & Email Usage**

FRI provides its employees with access to the internet and/or email. FRI-provided internet service is a business tool provided to employees at a significant cost. That means that **FRI expects its employees to use their internet and email access for business-related purposes only** (i.e., to communicate with collaborators, customers, research participants, and clients, to research relevant topics, and to obtain useful business-related information). With respect to Electronic Health Records, communication pertaining to specific client information is only permitted through the protected internet site established for that purpose.

Employees are prohibited from forwarding their FRI email account to any other personal or business email account.

FRI requires its employees to conduct themselves honestly and appropriately on the internet and respect the copyrights, software licensing rules, property rights, privacy, and prerogatives of others, just as they would do in any other business dealings. To be absolutely clear on this point, FRI policies related to property protection, privacy, misuse of Institute resources, equal employment opportunity, discriminatory harassment, sexual harassment, information and data security, and confidentiality apply to all employee conduct on the internet.

Unnecessary or unauthorized internet usage causes network and server congestion. It slows other users, takes away from work time, consumes supplies, and ties up printers and other shared resources. Therefore, employees are not permitted to access the FRI network/internet with personal devices including laptops, smartphones, tablets, etc. unless it is for work-related purposes, and only then, when it is approved by the employee's supervisor. Remotely logging into FRI's network from a personal computer at home to perform work is permitted. Unlawful internet usage may also garner negative publicity for the Institute and expose FRI to significant legal liabilities.

While FRI's direct connection to the internet offers many potential benefits, it can also open the door to some significant risks to FRI's data and systems if employees do not follow appropriate security discipline. Security is to be every employee's first concern. An employee will be held accountable for any breaches of security or confidentiality. FRI reserves the right to inspect any and all files stored in all areas of FRI's network as well as hard drives of individual work computers in order to assure compliance with this policy.

Employees are prohibited from accessing social network sites (i.e., Facebook, Twitter, Instagram, Pinterest, etc.) during work hours and on Institute computers unless this type of interaction is necessary for the project the employee is working on and only, then, when approved by a supervisor. Employees accessing the internet or email on the Institute's premises or during working hours are prohibited from using it for the receipt or transmission of sexually explicit or other inappropriate material, unless this type of interaction is necessary for the project the employee is working on and only, then, when approved by a supervisor. This ban includes, but is not limited to:

- Downloading, displaying, accessing, or transmitting sexually explicit images, messages, cartoons, etc.;
- Downloading, displaying, accessing, or transmitting communications that contain ethnic slurs, racial epithets, or anything that may be construed as unlawful harassment of others based on any category covered by applicable law;
- Downloading and/or duplicating copyrighted documents without written permission from the publisher (may be subject to severe legal consequences); or
- Using FRI's internet services and computing resources to knowingly violate the laws and regulations of the United States or any other nation, or the laws and regulations of any state, city, province, or other local jurisdiction is strictly prohibited. Use of any FRI resources for illegal activity is grounds for immediate termination of employment, and FRI will cooperate with any legitimate law enforcement activity.

**Non-project related interaction with clients or research participants on social networking sites is not permitted at any time.** Interacting would include initiating or accepting friend requests, messaging, etc.

All contacts with the internet contain FRI's electronic address and are traceable. **Accordingly, this means that an employee should have no expectation of privacy with respect to their internet or email usage while on FRI's property, or accessed through FRI's internet accounts or network.** FRI reserves the right to review an employee's internet and/or email usage and computer files at any time to ensure that the system is being used properly and legally. Violation of this policy may result in disciplinary action up to and including termination of employment.

## **Computer Usage**

Applications either downloaded or derived from another source must not be used for the purposes of entertainment or personal information purposes. Music streaming services, chat software, weather alerts, etc. fall into this category. The installation of any application, downloaded or not supplied by the employer, must first be approved by a supervisor. Software designed for non-business purposes shall not be installed on office machines for any reason. These applications may include print programs, screen savers, and programs designed for media viewing or listening.

Any documents, images, software or files downloaded via the internet or produced on an FRI computer or network become the property of FRI. Any such files or software may be used only in ways that are consistent with their licenses or copyrights.

In addition to the proper use of email services, employees should also be aware of the dangers of opening email attachments from parties not known or trusted. The launching of these attachments that include jokes, pictures, animations, sounds, and other audio or multimedia can cause unnecessary processing power of the computer, open the computer to the risk of virus infection, and create a means for ill-behaved applications to be automatically installed on computers designed solely for non-business or entertainment purposes. All attachments should be processed by anti-virus measures installed on the employees' computers. If an employee is not familiar with these measures, they should contact their supervisor for further instruction.

No employee may use FRI's internet service to knowingly propagate any virus, worm, Trojan horse, or trap-door program. No employee may use FRI's internet service knowingly to disable or overload any computer system or network or to circumvent any system to protect the privacy or security of another user.

With the costs associated with computer consulting and support, it has been recommended that office computers follow a standardized protocol. Although the Windows operating system offers many opportunities to modify the appearance and experience of the user interface, these practices must be limited to prevent unnecessary service calls and repair. Impermissible modifications to the Windows operating system and installed applications include, but are not limited to, sounds associated with tasks, Microsoft Plus-type "themes," Explorer applets, and plug-ins outside of the software that is provided by FRI.

## **6.2 PORTABLE DATA DEVICE SECURITY POLICY**

All FRI employees who utilize laptop computers, smartphones, tablets, USB drives, or other similar devices, known collectively as "Portable Data Devices" (PDDs), are responsible for the security of FRI data received, stored, processed and/or transmitted via that device. **This pertains to both business and personal devices.**

Every FRI employee who is a user of a laptop computer, smartphone, tablet, USB drive, or other PDD must use reasonable care to protect confidential data, through a combination of technical protections and physical security (e.g., password protection).

Prior to the use of confidential information, FRI employees are required to contact their supervisor to obtain appropriate protections or to verify that such protections are already in place. The use of unprotected equipment or devices to access, store, or transmit FRI confidential data is prohibited, regardless of whether the equipment is owned or controlled by FRI.

For those employees that send and receive email and/or text messages via portable data devices pertaining to FRI business, the preview feature for both email and text messages must be disabled for confidentiality purposes.

To obtain a complete copy of the Portable Data Device Security Policy, please contact the Human Resources Department.

### **6.3 SOCIAL MEDIA POLICY**

FRI understands that social media can be a fun and rewarding way to share an employee's life and opinions with family, friends, and coworkers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist an employee in making responsible decisions about their use of social media, FRI has established these guidelines for appropriate use of social media. This policy applies to all employees who work for FRI. Managers and supervisors should consult with the Human Resources Department for additional guidance in administering the policy.

#### **Guidelines**

In the rapidly expanding world of electronic communication, *social media* can mean many things. *Social media* includes all means of communicating or posting information or content of any sort on the internet, including to an employee's own or someone else's web log or blog, journal or diary, personal website, social networking or affinity website, web bulletin board or a chat room, whether or not associated or affiliated with FRI, as well as any other form of electronic communication.

The same principles and guidelines found in FRI policies apply to an employee's activities online. Ultimately, an employee is solely responsible for what they post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of an employee's conduct that adversely affects their job performance, the performance of fellow employees or otherwise adversely affects members, customers, suppliers, people who work on behalf of FRI and/or FRI's legitimate business interests may result in disciplinary action up to and including termination of employment.

#### **Know and Follow the Rules**

Carefully read the following guidelines and ensure that postings are consistent with these policies as well: FRI's Standards of Business Conduct & Ethical Practice, FRI's Equal Employment Opportunity, FRI's Harassment Prevention Policy, and FRI's Sexual Harassment Prevention Policy. Inappropriate postings that may include content and/or discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject an employee to disciplinary action up to and including termination of employment.

### **Be Respectful**

Always be fair and courteous to fellow employees, customers, members, suppliers, or people who work on behalf of FRI. Also, keep in mind that an employee is more likely to resolve work-related complaints by speaking directly with their coworkers or supervisor rather than by posting complaints to a social media outlet. Nevertheless, if an employee decides to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage customers, employees, or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race (including traits historically associated with race, such as a protective hairstyle), religion, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status, domestic partnership status, sex (including pregnancy, childbirth, breastfeeding, and related medical conditions), gender, gender identity or expression, age, sexual orientation, military or veteran status, personal appearance, familial status, family responsibilities, medical condition, political opinion, source of income, occupation, or any other category protected by law or Institute policy.

### **Be Honest and Accurate**

An employee should make sure they are always honest and accurate when posting information or news, and if they make a mistake, correct it quickly. An employee should be open about any previous posts they have altered. Remember that the internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that an employee knows to be false about FRI, fellow employees, customers, suppliers, people working on behalf of FRI, or competitors.

### **Post Only Appropriate Content**

- Maintain the confidentiality of FRI trade secrets and private or confidential information. Trade secrets may include information regarding the development of systems, processes, products, pricing, know-how, and technology. Do not post internal reports, policies, procedures, customers' financial information, or other internal business-related confidential communications.
- Do not create a link from your blog, website, or other social networking site to an FRI website.
- An employee should express only their personal opinions and never represent themselves as a spokesperson for FRI. If FRI is a subject of the content an employee is creating, be clear and open about the fact that the employee is an employee and make it clear that views do not represent those of FRI, fellow employees, members, customers, suppliers and/or people working on behalf of FRI. If an employee publishes a blog or post online related to the work they do or subjects associated with FRI, the employee should make it clear that they are not speaking on behalf of FRI. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of FRI."

### **Using Social Media at Work**

Refrain from using social media while on work time or on equipment FRI provides, unless it is work-related as authorized by an employee's supervisor. Do not use FRI email addresses to register on social networks, blogs, and/or other online tools utilized for personal use.

### **Retaliation is Prohibited**

FRI prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action up to and including termination of employment.

## **6.4 RECORDING CONVERSATIONS POLICY**

It is unlawful in the state of California and Maryland to intercept or eavesdrop upon any confidential communication, including a telephone call or wire communication, without the consent of all parties involved in that conversation. Accordingly, FRI prohibits its employees from using a tape recorder or other recording device (including a cell phone or any electronic device) to record conversations in the workplace and/or workplace related conversations unless all individuals participating in that conversation consent to the recording of the conversation. Not only does this policy ensure that FRI's employees are in compliance with the law, it also promotes spontaneous and honest dialogues in the workplace, especially when sensitive or confidential matters are being discussed. Employees who violate this policy will be subject to disciplinary action up to and including termination of employment.

## **6.5 TELEPHONE POLICY**

In business, telephone etiquette is extremely important. Accordingly, telephone calls must be answered promptly and in a professional manner.

Employee personal calls, both incoming and outgoing, must be kept to a minimum and, when they are necessary, must be short in duration. An employee may not make personal long distance calls, without the permission of their supervisor, except in absolute emergencies. Work cell phones are intended for business use only. Employees will be required to reimburse FRI for additional telephone charges incurred due to personal calls. Any excessive use of a personal cell phone during work hours including, but not limited to, texting, emailing, internet usage, and personal calls is considered inappropriate. Violation of this policy may result in disciplinary action up to and including termination of employment.

## **VII. WORKPLACE SAFETY AND SECURITY**

---

### **7.1 SAFETY AND HEALTH POLICY**

FRI expects employees to help make the workplace safe and secure. Accordingly, employees must observe all safety rules and regulations. Any accident, no matter how slight, is to be reported immediately to the employee's supervisor and the Human Resources Department.

Any employee is authorized to call for emergency help when an emergency situation exists.

### **7.2 DISASTER AND SAFETY POLICY**

It is the policy of FRI to protect its employees, clients, research participants, visitors, and property in the event of an emergency or disaster through an active and organized system of practicing and analyzing the organization's safety drills and procedures. The safety drills and procedures outline specific guidelines for addressing emergency situations that may affect the health and safety of employees, clients, research participants, and visitors. Emergency drills for evacuation and shelter in place will be conducted on an annual basis at all FRI worksites.

All employees are responsible for maintaining a working knowledge of emergency procedures through simulated emergency drills. All employees will review the full Disaster and Safety Policy and evacuation procedures within the first week of employment. A complete copy of FRI's Disaster & Safety Policy and Procedures is distributed to all new employees and is available through the Human Resources Department.

### **7.3 WORKPLACE VIOLENCE POLICY**

FRI is committed to preventing workplace violence and to maintaining a safe work environment. The Institute has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

All employees, including supervisors, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited on the premises of FRI.

Any conduct that threatens, intimidates, or coerces another employee, a customer, a vendor, or a member of the public at any time, including off-duty periods, will not be tolerated. All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to the Human Resources Department and followed up with a critical

incident report to the Human Resources Department. This includes threats by employees, as well as threats by clients, research participants, vendors, solicitors, or other members of the public.

All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your workstation that you believe poses a danger to you or others, you should immediately contact 911 and request assistance.

FRI will promptly and thoroughly investigate all reports of threats of (or actual) violence and suspicious individuals or activities. Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines may be subject to disciplinary action up to and including termination of employment.

**7.3.1 *Violence Prevention Plan*.** FRI has a comprehensive Violence Prevention Plan, which will be distributed annually to each employee in the workforce. To obtain a complete copy of the Violence Prevention Plan, please contact the Human Resources Department.

## **7.4 SMOKING POLICY**

The Institute prohibits employees from smoking, including, but not limited to, electronic cigarettes, indoors at FRI worksites. Outdoor smoking is limited to designated smoking areas.

## **7.5 SUBSTANCE ABUSE POLICY**

### **Background**

FRI has always been committed to a work environment free from the problems of substance abuse and dependency. This Substance Abuse Policy applies to all California employees.

FRI's Substance Abuse Policy prohibits illegal use, manufacture, possession, or distribution of controlled substances by Institute employees in the workplace. The Substance Abuse Policy applies to all premises of and functions sponsored by FRI.

### **Policy**

The Institute strives to maintain its worksites free from the illegal use, possession, or distribution of alcohol or of controlled substances, as defined in schedules I through V of the Controlled Substances Act, 21 United States Code Section 812, and by regulation at 21 Code of Federal Regulations Section 1308. Unlawful manufacture, distribution, dispensing, possession, use, or sale of alcohol or of controlled substances by Institute employees in the workplace, on Institute premises, at official Institute functions, or on Institute business is prohibited. In addition, employees shall not use illegal substances or abuse legal substances in a manner that impairs work performance.

Employees found to be in violation of this Policy may be subject to disciplinary action up to and including termination of employment.

FRI recognizes dependency on alcohol and other drugs as a treatable condition. Employees are encouraged to seek assistance, as appropriate, from qualified counseling or psychological services. Information obtained regarding an employee during

participation in such programs or services will be treated as confidential, in accordance with Federal and State laws.

### **Special requirements for employees engaged on Federal or State contracts and grants**

The Federal Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D) and the State Drug-Free Workplace Act of 1990 require that Institute employees directly engaged in the performance of work on a Federal or State contract or grant shall abide by this Policy as a condition of employment.

Employees working on Federal contracts and grants shall notify the Institute within five calendar days if they are convicted of any criminal drug statute violation occurring in the workplace or while on Institute business. FRI is required to notify the Federal contracting or granting agency within ten calendar days of receiving notice of such conviction and to take appropriate corrective action or to require the employee to participate satisfactorily in available counseling, treatment, and approved substance-abuse assistance or rehabilitation programs within thirty days of having received notice of such conviction.

### **Definitions**

#### **1. Confidential Information**

Confidential information as used in this policy is defined as medical and counseling/psychological records pertaining to the diagnosis of alcohol and/or drug abuse and/or the treatment of such alcohol and/or drug abuse and/or the participation of an individual in an alcohol or drug abuse program subject to protection under the Confidentiality of Alcohol and Drug Abuse Patient Records (42 CFR, pt. 2), and the California Health and Safety Code section 56-56.16, and may not be disclosed further without specific authorization by the employee, or where authorized or required pursuant to Federal or State laws and regulations.

#### **2. Conviction**

For purposes of reporting convictions under the special requirements section, a conviction is a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of any criminal drug statutes.

#### **3. Employee**

For purposes of this policy, an employee is any person who provides employment services to FRI.

#### **4. Substance Abuse Assistance or Rehabilitation Programs**

Substance abuse assistance or rehabilitation programs referred to in this policy are community or private programs providing drug and/or alcohol counseling, family

counseling, treatment, rehabilitation, and assistance in re-entry.

## 5. Substances

### i. Controlled substances

Controlled substances are those substances defined in schedules I through V of the Controlled Substances Act, 21 U.S.C. Section 812 and by regulation at 21 C.F.R. Section 1308. Employees may obtain a list of controlled substances from the Human Resources Department.

### ii. Illegal substances

Illegal substances are controlled substances which are obtained illegally and are listed in the Controlled Substances Act. Employees may obtain a list of controlled substances from the Human Resources Department.

### iii. Legal substances

Legal substances are: 1) controlled substances that are prescribed or administered by a licensed physician or health care professional; 2) over-the-counter drugs; and 3) alcoholic beverages.

## **Substance Abuse Awareness Program**

FRI is committed to a workplace that is free from the problems of substance abuse and dependency. To increase awareness of the problems associated with substance abuse, to outline the official FRI policy, to describe resources available for assistance, and to discuss each individual's responsibility for work performance, the Institute program includes annual distribution of information regarding the following:

1. FRI's Policy on Substance Abuse;
2. The dangers of substance abuse in the workplace, and a description of the health risks associated with substance abuse;
3. Penalties and disciplinary sanctions that may be imposed upon employees for substance abuse in the workplace, on Institute premises, at official Institute functions, or on Institute business; and
4. Legal sanctions under local, State, and Federal law for the unlawful possession or distribution of illicit drugs and alcohol.

## **Procedures**

### 1. **Annual Notice**

All employees will receive official notice annually of FRI's Substance Abuse

Policy.

**2. Permanent Notices**

Supervisors are to ensure that a copy of FRI's Substance Abuse Policy appears on bulletin boards specifically devoted to the retention of permanent notices.

**3. New Employees**

All newly-hired employees will receive a copy of FRI's Substance Abuse Policy.

**4. Contracts and Grants**

Upon receipt of a new or continuation award, FRI will remind the Principal Investigator that employees paid from the contract or grant must be notified that adherence to this policy and its reporting requirements is a term and condition of their employment. Principal Investigators should be mindful that this applies to all indirect charge employees who perform support or overhead functions related to the Federal contract or grant and for which the Federal government pays its share of expenses, unless the employee's impact or involvement is insignificant to the performance of the contract or grant.

**5. Continuing Employees**

Upon the receipt of notification of a new or renewed federal or state contract or grant, departments will distribute a copy of FRI's Substance Abuse Policy to any employee involved in that federal or state contract or grant.

**Disciplinary Action**

Employees found to be in violation of FRI's Substance Abuse Policy may be subject to disciplinary action up to and including termination of employment.

In addition to, or in lieu of disciplinary action, employees may, at the discretion of the Institute and as a condition of employment, be required to participate satisfactorily in a drug treatment program. If the employee continues to perform any job duties during the time of this participation, the employee will be expected to conform to the standards for satisfactory work performance.

Employees found to have engaged in other kinds of misconduct (per FRI's personnel policies) will be disciplined or discharged under the applicable personnel policies.

**Counseling and Treatment Resources**

A variety of counseling services and treatment centers are available throughout the State for anyone experiencing problems related to substance abuse. Although most counseling and treatment centers charge for their services, some programs are free of charge. Employees should avail themselves of the following referral sources to identify the services or programs which most closely meet their specific needs.

In addition, employees may obtain a list of available alcohol and other drug counseling services and treatment centers from the Human Resources Department.

## **Alcohol and Other Drug Abuse Treatment Services Available**

The California Substance Use Disorder (“SUD”) Services maintains a comprehensive collection of alcohol, tobacco, and other drug prevention and treatment information. This information is provided to all California residents at no cost through a Clearinghouse, Lending Services, internet communication links, and a telephone information and referral system. These services can be accessed by letter, fax, internet, e-mail, telephone, or in person during the business hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding state holidays.

SUD provides non-emergency information only and does not operate a crisis line. The Department of Alcohol and Drug Programs (ADP) and SUD maintain two toll-free statewide telephone numbers for California residents needing alcohol, tobacco, and other drug prevention and treatment information, publications, or lending services.

<b>Location:</b>	California Department of Alcohol and Drug Programs 1700 K Street, 1st Floor Sacramento, CA 95811-4037
<b>Websites:</b>	<a href="https://www.ca2c.org/california-department-of-alcohol-and-drug-programs/">https://www.ca2c.org/california-department-of-alcohol-and-drug-programs/</a>
1-800-879-2772	Statewide toll-free. Available 24 hours a day. Answered by ADP staff 8:00 a.m. – 4:30 p.m. and answered by voice mail after hours.
916-327-3728	Available outside of California. Available 24 hours a day. Answered by ADP staff 8:00 a.m. – 4:30 p.m. and answered by voice mail after hours.
1-800-662-4357	Nationwide toll-free. Substance Abuse and Mental Health Services Administration. Available 24 hours a day.

### *Treatment*

One of the key strategic goals of the Department of Alcohol and Drug Programs is to develop and maintain a comprehensive, integrated statewide prevention, treatment and

recovery system. FRI's efforts are focused on making treatment and recovery services accessible and available for all Californians in need of treatment, and to improve the core life domains of alcohol and other drug (AOD) clients.

#### *Find Treatment Help*

If you or someone you know has a problem with alcohol or drugs, there are treatment services available throughout California to help you get on the road to recovery.

#### *Youth Services*

There are critical differences between youth and adult AOD-related problems that require additional safety precautions, unique strategies, enhanced services, and distinctive staff expertise. Over the last five years, California has worked intensely to establish an appropriate system of care for substance using youth, including outreach, early intervention, low and high intensive outpatient treatment, residential treatment (in group home settings and juvenile detention facilities), and continuing care.

#### *Women's Programs*

In California, over 300 public-funded perinatal alcohol and drug treatment programs annually serve the needs of over 38,000 pregnant and parenting women. FRI's vision is that all women should have access to participant/client-centered, comprehensive, gender-responsive alcohol and other drug services.

#### *Driving Under the Influence*

ADP currently licenses 472 Driving Under the Influence (DUI) programs designed to enable participants to consider attitudes and behavior, support positive lifestyle changes, reduce or eliminate the use of alcohol and/or drugs, and prevent repeat DUI offenses.

#### *California Access to Recovery Effort (CARE)*

The California Access to Recovery Effort (CARE) currently provides vouchers in Los Angeles and various other counties for youth (ages 12 through 20) in need of alcohol and drug treatment and recovery support services. These vouchers were funded by a 2010 federal award of approximately \$2.6 Million per year for 4 years.

#### *Co-occurring Disorders*

The Departments of Alcohol and Drug Programs and Mental Health are working together to eliminate barriers between the substance abuse and mental health treatment systems at both the state and local levels on behalf of persons with dual diagnoses of serious mental illness and substance use disorders, now called Co-Occurring Disorders (COD).

#### *Drug Addiction Alcohol Abuse Rehab Treatment Programs in California*

Please contact the Human Resources Department if you would like a list of Treatment Programs available in the greater Los Angeles area.

## **7.6 MEDICAL MARIJUANA POLICY**

FRI will not discriminate against any employee on the basis of their status as a registered marijuana patient. However, employees are strictly prohibited from working while under the influence of marijuana, and FRI otherwise reserves the right to enforce its policies regarding drug testing and drug-free workplaces.

## **7.7 TUBERCULOSIS (TB) TESTING POLICY**

At time of hire, after the position has been offered and accepted, and on an annual basis thereafter, all FRI employees who perform work at a medical facility, correctional institution, homeless shelter, drug treatment facility, or have direct client contact with an at-risk population, as determined by a contract or grant, will be required to undergo a TB skin test. The cost of the testing will be paid for or reimbursed by FRI.

## **7.8 EMPLOYEE ASSISTANCE PROGRAM**

FRI has contracted with an Employee Assistance Program (EAP) through Mutual of Omaha, which offers counseling, referrals, and interventions for a variety of personal and work-related problems that impact the lives of employees. All contacts with the EAP are strictly confidential and are available to employees and their eligible dependents. Employees can talk to a professional by phone or obtain a referral. The Mutual of Omaha EAP can be reached at 1-800-316-2796. Information may also be obtained through the website: [www.mutualofomaha.com/eap](http://www.mutualofomaha.com/eap). Initial contact and initial services are paid for by FRI.

## **7.9 PRIVACY POLICY**

Employees are advised that management and coworkers have the right to inspect all FRI areas for work-related materials or property, and, as a result, the privacy of your personal belongings cannot be guaranteed. FRI premises are provided and maintained for FRI business and not for personal matters. FRI management will presume that mail sent to you at work as well as papers kept in your office, desk, file cabinets, etc., relate to FRI business.

If you have private, personal or confidential material that you do not want seen by other employees who may need to look in your office, desk files, computer, etc., for legitimate FRI business, leave the material at home. While unwarranted snooping is not condoned, there is business to be conducted on all FRI premises and the privacy or security of personal belongings or papers is not ensured.

## **VIII. TERMINATION OF EMPLOYMENT**

---

### **8.1 TERMINATION OF EMPLOYMENT**

FRI employees are employed on an at-will basis. Accordingly, FRI employees are free to terminate their employment with the Institute at any time and for any reason, and the Institute retains the similar right to discharge employees at any time for any reason. However, in order to resign in good standing, an employee must resign in writing and provide at least 2 weeks' notice to their immediate supervisor. Failure to provide such notice will most likely result in the offending employee being ineligible for rehire.

FRI employees who work as managers should be prepared to provide at least 30 days' notice to their immediate supervisor. Failure to provide such notice will most likely result in the offending employee being ineligible for rehire.

FRI employees who engage in direct clinical services to clients are expected to adhere to relevant ethical standards regarding the termination of these relationships. In order to provide sufficient time to notify clients and arrange for their referral to a new provider, employees who provide clinical services should be prepared to provide at least 30 days' notice to their immediate supervisor. Failure to provide such notice will most likely result in the offending employee being ineligible for rehire.

Upon an employee's resignation or termination of employment, it will be the employee's responsibility to return all property belonging to FRI including, but not limited to, keys, cell phones, laptops, files, etc. FRI does not provide severance pay to its employees who for any reason end their employment relationship with FRI.

### **8.2 EMPLOYMENT REFERENCES**

It is the policy of FRI to provide only neutral employment references. Inquiries from outside interests (e.g., credit checks, verification of employment, etc.) shall be answered by the Payroll Department who shall confirm only position and dates of employment. Salary confirmation may be obtained by written request only. Should an employee wish FRI to provide additional information, the employee may sign a Release of Information Form obtainable from the Human Resources Department and the FRI website.

## **IX. ADDITIONAL EMPLOYEE BENEFITS**

---

In addition to the regular paycheck employees receive for working at FRI, the Institute provides additional benefits to its eligible employees. Employees are notified of their eligibility for these benefits at time of hire; however, if an employee ever has any questions concerning employee benefits, they should contact the Human Resources Department.

To the fullest extent allowed by law, FRI reserves the right to change or eliminate, at any time, any and all employee benefit plans and/or programs, in accordance with FRI's exclusive business judgment. Moreover, the policies contained in this Handbook may be changed or eliminated at FRI's sole discretion, at any time, for any reason, with or without prior notice. The interpretation of all policies remains at all times with FRI.