



**EMPLOYEE HANDBOOK  
2020**



*"Caring which demonstrates we value one another."*

## **FOREWORD**

Whether you have joined our staff or have been employed with Heritage on the Marina for a while, we are confident that you will find our company a dynamic and rewarding place in which to work, and we look forward to a productive and successful work relationship. This Employee Handbook sets forth the terms and conditions of employment of all full and part-time employees, and supervisors. Some subjects described in this handbook are covered in detail in official policy documents. Your supervisor or manager will be happy to answer any questions you may have.

We consider the employees of Heritage on the Marina to be one of its most valuable resources. The key to our success is the character and quality of service given by the employees whom we select with the expectation that each will contribute to the success of Heritage on the Marina.

This handbook has been written to serve as the guide for the employer/employee relationship and is designed to familiarize you with our major policies.

Most importantly, Heritage on the Marina fosters a work environment that encourages communication, transparency, and focus on our company values and mindset. You will find these on the following page.

*Welcome to Heritage on the Marina!*





## ∞ Our Mission Statement ∞

The mission of The Society is to be an innovative, charitable model of serving the needs of seniors, and to utilize its resources and expertise to serve the San Francisco community.

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## ∞ Our Values ∞

- We treat each other - staff, residents, visitors -with *respect* and *kindness* at all times.
  - We act with integrity and as much *transparency* as the circumstances allow within the framework of relevant regulations and standards.
  - We embrace *innovation* and change as necessary to organizational and community evolution.
  - We build a *positive* team experience with our colleagues.
  - We pursue *excellence* and take *responsibility* for our job performance.
  - We pursue *creativity* and are open-minded.
  - We embrace a *fun* and enjoyable work environment.
  - We show *empathy* and provide a safe environment for residents to allow them full expression of who they are.
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## ∞ Our Mindset ∞

*"Caring which demonstrates we value one another."*

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## **CHAPTER 1. EMPLOYMENT POLICIES AND PRACTICES**

### **A. EQUAL EMPLOYMENT OPPORTUNITY**

Heritage on the Marina is an equal opportunity employer. Heritage on the Marina complies with applicable state and local laws governing nondiscrimination in employment in every location in which the company has facilities.

We make our employment decisions on the basis of merit. Heritage on the Marina policy expressly prohibits any form of unlawful discrimination and/or harassment based on race, color, religion (including religious dress and religious grooming practices), genetic information, sex (including pregnancy, childbirth, breastfeeding, and related medical conditions), marital status, registered domestic partner status, age, national origin, physical or mental disability, military or veteran status, medical condition, ancestry, sexual orientation, gender, gender expression, gender identity (including transgender identity and transitioning), sex stereotyping, family care or medical leave status, status as a victim of domestic violence, sexual assault, or stalking, enrollment in a public assistance program, engaging in protected communications regarding employee wages, requesting a reasonable accommodation on the basis of disability or bona fide religious belief, or any other consideration protected by federal, state or local laws. All such discrimination is unlawful and not tolerated. This policy applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfers, and leaves of absence, compensation and training. When necessary, Heritage on the Marina also makes reasonable accommodations for disabled employees and for pregnant employees who request an accommodation for pregnancy, childbirth, or related medical conditions.

This commitment applies to all persons involved in the operations of Heritage on the Marina and prohibits unlawful discrimination by any employee of Heritage on the Marina, including supervisors and co-workers.

### **B. NEW HIRES ~ NEW POSITION**

The first 3 months of continuous employment at Heritage on the Marina is considered an introductory period. During this time, your supervisor will closely monitor your performance. This time also provides you with an opportunity to clarify the performance expectations required of your job. In some cases, this introductory period may be extended by Heritage on the Marina. Upon completion of the introductory period, Heritage on the Marina will review your performance. If Heritage on the Marina finds your performance satisfactory and decides to continue your employment, your supervisor may provide coaching for any improvements expected from you.

Completion of the introductory period does not entitle you to remain employed by Heritage on the Marina for any definite period of time. Both you and Heritage on the Marina are free, at any time, with or without notice and with or without cause, to end the employment relationship and your compensation.

### **C. STATEMENT OF AT-WILL EMPLOYMENT STATUS**

Employment status at Heritage on the Marina is at-will, which means your employment may

be terminated with or without cause and with or without notice at any time by you, the employee, or Heritage on the Marina. Nothing in this Handbook or in any document or statement shall limit at-will employment status. No manager, supervisor or employee of Heritage on the Marina has any authority to enter into any agreement for employment for any specified period of time or to make any agreement for employment other than at-will. Only the CEO of Heritage on the Marina has the authority to make any such agreement and then only in writing.

#### **D. EMPLOYEE CLASSIFICATION CATEGORIES**

All employees are designated as either nonexempt or exempt under state and federal wage and hour laws. The following is intended to help employees understand employment classifications and employees' employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time.

**D.1** Non-exempt employees are employees who are not exempt from the Fair Labor Standards Act (FLSA) and the California wage statutes' requirements concerning minimum wage and overtime.

**D-2** Exempt employees are generally managers or professional, administrative or technical staff that are exempt from the minimum wage and overtime provisions of the FLSA and the California wage statutes. Exempt employees hold jobs that meet the standards and criteria established under the FLSA by the U.S. Department of Labor and applicable state law.

Heritage on the Marina has established the following categories for both nonexempt and exempt employees:

- Regular, full-time: Employees who are not in a temporary status and who are regularly scheduled to work a minimum 30 hours per week. Generally, these employees are eligible for the full benefits package, subject to the terms, conditions and limitations of each benefits program.
- On-call: Employees who work on an as-needed basis as determined by their supervisor. On-call employees are not eligible for employee benefits except where mandated by applicable law.
- Temporary: Employees who are hired as interim replacements to temporarily supplement the workforce for a limited duration or to assist in the completion of a specific project. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees are not eligible for employee benefits except where mandated by applicable law.

#### **E. JOB DUTIES**

During the introductory period, your supervisor will explain your job responsibilities and the performance standards expected of you. Be aware that your job responsibilities may change at any time during your employment. Your job description will include "other duties" as assigned. For example, you may be asked to work on special projects or to assist with other work necessary or important to the operation of your department or Heritage on the Marina.

Your cooperation and assistance in performing such additional work is expected.

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

## **F. WORK SCHEDULES**

Your supervisor will assign your individual work schedule. All employees are expected to be at their desks or work stations at the start of their scheduled shifts, ready to perform their work.

Exchanging work schedules with other employees is discouraged. However, if it is necessary to exchange schedules, notify your supervisor, who may authorize an exchange if possible. Work schedule exchanges will not be approved for mere convenience or if the exchange will result in disruption of or interference with normal operations or will result in excessive overtime.

## **G. MEAL AND REST PERIODS**

### **G.1 MEAL PERIODS**

Heritage on the Marina provides meal periods to nonexempt employees according to California labor law requirements. Most employees are considered off duty during their meal period, and the meal period is unpaid. Some employees are required to be on duty during their meal period and will be paid for this time period.

Non-exempt employees who work more than 5 hours per day, but no more than 10 hours per day are provided a half-hour, off-duty, uninterrupted meal period starting no later than the end of the fifth hour of work. If the employee does not work more than 6 hours, the meal period may be waived with mutual consent of the employee and his or her department manager.

A second 30-minute, uninterrupted meal period is provided if an employee works more than 10 hours, starting no later than the end of the tenth hour of work. The second meal period may be waived if the total hours worked in a day do not exceed 12 and the first meal period has been taken. An employee who works more than 12 hours in a day must take two meal periods.

Employees are entitled, encouraged, and expected to observe the half hour meal period policy. This is required by California labor code and is a condition of employment at Heritage on the Marina. Non-exempt employees (employees who use the time-clock) must clock out at the beginning of their off-duty meal period and clock in upon returning to work. Employees are relieved of all duty during meal periods and should not be working while they are off the clock. Heritage on the Marina will not exercise control over employees' activities during meal periods, and employees are not required to remain on premises or on call during meal periods.

The meal period should be taken within 5 hours of starting your shift. Employees may not skip the meal period in order to leave work early. Your supervisor or department manager will assign your meal period. You must observe the schedule.

Employees who feel their manager or supervisor prevents or discourages them from being able to take their meal period should report this to the Human Resources office.

## **G.2 REST PERIODS**

Heritage on the Marina authorizes and permits off-duty, uninterrupted, paid rest periods according to California labor law requirements. Rest periods are based on total hours worked daily, with a 10-minute off-duty, paid rest period during every 4 hours, or major fraction thereof, worked. This applies to all non-exempt employees who work at least 3½ hours during any workday. Employees who work more than six hours in a day may take a second off-duty, uninterrupted paid rest period. Employees who work more than ten hours in a day may take a third off-duty, uninterrupted paid rest period.

The authorized rest periods should be taken, when practicable, during the middle of each 4-hour work period. The authorized rest periods count as time worked. During rest periods, Heritage on the Marina will relieve employees of all duties and will not exercise control over employees' activities. Employees are not required to remain on premises or on call during rest periods.

Employees are expected to self-monitor their 10-minute rest periods; however, a Department Manager or Supervisor may assign rest periods as necessary for work flow. Rest periods may not be waived in order to leave work early, and they may not be combined or added to the meal period.

Employees who feel their manager or supervisor prevents or discourages them from being able to take their rest periods should report this or discuss this with the Human Resources Office.

## **H. TIMEKEEPING REQUIREMENTS**

The term "non-exempt" designates employees who are paid on an hourly basis. All non-exempt employees are required to record time worked on a time clock for payroll purposes. Employees must record their own time at the start and at the end of each work period, including before and after the lunch break. Employees also must record their time whenever they leave the building for any reason other than the Employer's business.

Salaried and exempt employees are required to record their workdays on either a timecard or a timesheet.

If you forget to punch in or out, your supervisor will give you a form to complete. Any errors on your timecard should be reported immediately to your supervisor, who will investigate and sign off on any necessary corrections.

## **I. OVERTIME**

As necessary, employees may be required to work overtime. For purposes of determining which hours constitute overtime upon authorization from your department head only actual hours worked in a given workday or workweek will be counted. All overtime work must be approved in advance. Heritage on the Marina provides compensation for all overtime hours worked by non-exempt employees in accordance with state and federal law. Please consult your supervisor for the determination of overtime hours in your department. A workday

begins at midnight and ends 24 hours later. **Heritage on the Marina workweek is Sunday through Saturday.**

All non-exempt employees who work more than eight (8) hours in one workday or more than forty (40) hours in one workweek will receive overtime pay computed as follows:

- Overtime at the rate of 1 1/2 times the employee's regular rate of pay for all hours worked in excess of forty in any one workweek;
- Overtime at the rate of 1 1/2 times the employee's regular rate of pay for all hours worked in excess of eight hours in any one workday up for twelve hours, and for the first eight hours worked on the seventh day of work in any one workweek;
- Overtime at the rate of double the employee's regular rate of pay for all hours worked in excess of twelve in one workday and for all hours worked in excess of eight on the seventh day of work in one workweek.

Exempt employees may have to work hours beyond their normal schedules, as work demands require. No overtime compensation will be paid to exempt employees.

#### **J. PAYMENT OF WAGES**

All employees of Heritage on the Marina are paid every other Friday for work performed during the previous two-week pay period. If a regular payday falls on a holiday, employees will be paid on the preceding workday.

#### **K. ADVANCES**

Heritage on the Marina does not permit advances against paychecks or against accrued vacation.

#### **L. EMPLOYEE RECORDS AND REFERENCES**

You or your representative have a right to inspect certain documents in your employee file, as provided by law, in the presence of a Heritage on the Marina representative at a mutually convenient time within 30 days of your written request to inspect the records. You may also request copies of those records. You may add your version of any disputed item to the file. You also have the right to inspect and copy certain payroll records regarding your compensation and deductions from compensation upon reasonable request.

Only the Human Resources Office is authorized to release information about current or former employees. Disclosure of your employee file is limited to authorized individuals within Heritage on the Marina.

All requests for information must be directed to the Human Resources Office. Disclosure of employee information to outside sources will be limited unless the employee provides written authorization for disclosure. Heritage on the Marina will, however, cooperate with subpoenas from authorized law enforcement or local, state or federal agencies conducting official investigations.

**M. PERFORMANCE EVALUATIONS**

Employees will receive periodic performance reviews, which will be conducted by your supervisor and discussed with you. Your first performance evaluation will be after completion of your introductory period. Thereafter, performance evaluations will be conducted annually, on or about the anniversary date of your employment with Heritage on the Marina. This review may be deferred at the discretion of your supervisor. The frequency of performance evaluations may vary depending upon length of service, job position, past performance, changes in job duties, or an ongoing or current performance improvement process.

The performance evaluation should help you become aware of your progress, areas for improvement and objectives or goals for future work performance. Positive performance evaluations do not guarantee increases in salary or promotions, which are solely within the discretion of Heritage on the Marina and depend upon many factors in addition to performance. After the review you will be required to sign the evaluation report simply to acknowledge that it has been presented to you and discussed with you by your supervisor, and that you are aware of its contents. You may add your comments to the performance review.

**CHAPTER 2. EMPLOYEE BENEFITS**

**A. HOLIDAYS**

Heritage on the Marina observes the following paid holidays: New Year's Day, Martin Luther King Jr.'s Day, Presidents Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. Eligible employees will receive a day off on each of the holidays listed.

Benefitted employees holiday pay is based on their "hours per week" status. On call/per diem employees who are required to work on a paid scheduled holiday will receive straight time pay plus holiday pay, capping at 8 hours.

Paid holidays are posted in the employee break rooms.

**B. VACATIONS AND FLOATING HOLIDAYS**

Eligible employees are regular benefitted employees scheduled for at least **30** hours per week.

Vacation pay is earned based on regularly scheduled hours per week and length of

<b>Years from Benefitted Date</b>	<b>Days Earned Annually</b>
1-4	10 pro-rated days per year
5-9	15 pro-rated days per year
10+	20 pro-rated days per year

employment per the following schedule:

- Vacation pay can accrue up to a maximum of 18 month's allocation. Once this cap is reached,

no further vacation will accrue until some vacation is used. When some vacation is used, vacation compensation will begin to accrue again. There is no retroactive grant of vacation compensation for the period of time the accrued vacation compensation was at the maximum allocated balance.

- Requests for unpaid vacation time will not be granted.
- Vacation schedules should be coordinated and cleared with your supervisor.
- An employee whose employment terminates will be paid for accrued unused vacation days.
- Two floating holidays are earned per year. Floating holidays are combined into the vacation balance. The two floating holidays are added to the accrued balance, and would be 12 days (1-4 years), 17 days (5-9 years), and 22 days (10+).

### **C. SICK LEAVE**

Heritage on the Marina complies with the San Francisco Paid Sick Leave Ordinance and California Paid Sick Leave law for all employees. According to the Ordinance, paid sick leave begins to accrue upon the start of employment. Paid sick leave can be taken if the employee has worked for Heritage on the Marina for 90 calendar days. Employees accrue one hour of paid leave for every 30 hours worked. There is a cap of 72 hours of accrued paid sick leave.

Sick leave does not accrue during leaves of absence.

Employees who reach the applicable cap of 72 hours ( 9 days) will cease to accrue further paid sick leave hours until paid sick leave is used, at which point the employee will continue to accrue additional sick leave up to the cap. Paid sick leave not used in a year carries over from year to year.

Heritage on the Marina does not provide pay in lieu of unused sick leave.

#### **Use of Paid Sick Leave**

- An employee may use paid sick leave not only when he or she is ill, injured, or for the purpose of receiving medical care (including preventative care), treatment, or diagnosis, but also to aid or care for a family member or designated person (discussed below) when they are ill, injured, or receiving medical care, treatment, or diagnosis. Employees who are the victim of domestic violence, sexual assault, or stalking also may use paid sick leave for treatment, assistance, and other purposes authorized by law.
- If the employee has no spouse or registered domestic partner, the employee may designate one person for whom the employee may use paid sick leave to provide aid or care. Employers must offer the opportunity to make a designation no later than 30 work hours after the date paid sick leave begins to accrue. The employee has 10 work days to make this designation. Thereafter, employers must offer the opportunity to make or change the designation on an annual basis, with a window of 10 work days for the employee to make the designation.

Paid sick days ordinarily are paid at the employee's normal rate of pay earned during regular work hours. Accrued, unused paid sick leave is not paid out upon termination or resignation. However, employees separating from employment who are rehired within one year from the date of separation will have their previously accrued and unused paid sick days reinstated. The employee will begin accruing paid sick leave upon re-hire (assuming the employee's bank is below the applicable cap).

If the need for paid sick leave is foreseeable (e.g., scheduled routine medical appointments), the employee must provide reasonable advance notice. If the leave is not foreseeable, the employee must provide notice of the leave as soon as practicable. In consideration of your job responsibilities, your co-workers and staffing needs of your department, we request that you provide as much advance notice as possible when you cannot come in to work.

You must directly notify your supervisor or the designated person in charge to inform him/her that you will be unable to report to work.

Employees intending to take time off for sick leave must complete the Time Off Request form located within their department. Employees using sick leave to care for a family member must fill out a time off form with a note of "Request for Sick Leave for Ill Family Member."

If you are absent due to illness for more than 5 days in a row, medical certification of the illness and/or medical certification of your fitness to return to work may be required. If there is reason to believe that sick leave has been misused, management reserves the right to conduct an investigation to determine the award of sick pay.

Heritage on the Marina strictly prohibits any form of retaliation or discrimination against an employee for attempting to use or using paid sick leave, and for any other reason prohibited by applicable law. Employees who believe they have been discriminated or retaliated against should report their concerns to Human Resources.

#### State Disability Insurance (SDI)

When an employee's illness is longer than 7 days, he or she should apply for State Disability Insurance. If the employee has a sick leave balance, Heritage on the Marina will coordinate payment of accrued sick time with SDI payments. At this time, employees may be placed on medical leave. Requirements and benefits of State and Federal family leave acts apply to eligible employees.

The California State Disability Insurance Program (SDI) provides Paid Family Leave (PFL).

#### Paid Family Leave

The California State Disability Insurance Program (SDI) provides Paid Family Leave (PFL) to eligible employees who cannot work, or who must reduce their work hours, to care for a seriously ill family member or to bond with a new minor child. This state program is administered by the Employment Development Department (EDD) and is intended to temporarily help offset wages when an employee must be off the job to care for a seriously ill family member.

To qualify for PFL insurance benefits, you must meet the following requirement:

- Supply medical information that supports your claim that the care recipient has a serious health condition and requires your care.
- According to EDD, cosmetic treatments, the common cold, influenza, earaches, upset stomach, minor ulcers, and headaches other than migraine are examples of conditions that do not meet the definition of a serious health condition for purposes of PFL benefits.
- Heritage on the Marina requires that employees use up to two weeks of any earned but unused vacation leave prior to the receipt of PFL benefits.

Also, EDD states that employees may not be eligible for PFL benefits if they:

- Receive State Disability Insurance, Unemployment Insurance or workers' compensation.
- Are not working or looking for work at the time they begin their family care leave.

- Are not suffering wage a loss of wages.
- Cannot provide certification by the treating physician or practitioner that they need for care.

Employees can obtain a claim from EDD by calling 1-877-238-4373.

#### San Francisco Paid Parental Leave Ordinance (SFPPLO) for New Child Bonding

San Francisco Paid Parental Leave Ordinance (SFPPLO) took effect on January 1, 2017. This ordinance applies to employees who are receiving Paid Family Leave (PFL) benefits through the State for the purpose of new child bonding, including the birth of a child or placement of child through adoption or foster care. Heritage on the Marina will make up any difference between the PFL benefits received by the employee and the employee's compensation as of the date the leave commences, up to the maximum. PFL benefits, currently covers 60 to 70% of weekly wages (up to a cap of \$1,216 maximum weekly benefit) for six weeks within one year of birth or adoption. To receive Supplemental Compensation and meet the employer's obligation under the SFPPLO, the employee must agree to apply up to two weeks accrued paid vacation time.

#### Eligibility Requirements:

- Start employment at Heritage of the Marina for at least 6 months (180 days), before requesting a leave.
- Worked at least 8 hours per week. Where an employee's weekly hours fluctuate from week to week, Heritage on the Marina will use the average of the employee's weekly hours during the six months immediately preceding the start of the leave.
- Receiving California Paid Family Leave benefits to bond with your new child

#### **D. INSURANCE BENEFITS**

**Insurance benefits are available to employees who are regular benefitted staff and work 30 or more hours.**

Medical Insurance: Heritage on the Marina provides medical insurance coverage for eligible employees and their dependents.

Vision Insurance: Heritage on the Marina provides vision coverage that is built into the medical insurance.

Dental insurance: Heritage on the Marina provides a dental insurance plan for eligible employees.

**The full cost of the dependent premiums is paid by the employee.**

Disability insurance: The employee contributes to the State of California to provide disability insurance pursuant to the California Unemployment Insurance Code. Disability insurance is payable when you cannot work because of illness or injury not caused by employment at Heritage on the Marina or when you are entitled to temporary workers' compensation at a rate less than the daily disability benefit amount.

Workers Compensation: At no cost to you, you are protected under Heritage on the Marina's workers' compensation insurance policy while employed by Heritage on the Marina. The policy covers you in case of occupational injury or illness.

## **Employee Assistance Program (EAP)**

Heritage on the Marina provides an employee benefit program that assists employees with personal problems and/or work-related problems that may impact their job performance, health, mental and emotional well-being. EAP is a free and confidential program for employees and their household members.

## **E. San Francisco Health Care Security Ordinance**

Heritage on the Marina complies with the San Francisco Health Care Security Ordinance. This Ordinance requires businesses with 20 or more employees (and nonprofit organizations with 50 or more employees) to spend a minimum amount for health care expenditures for employees who work an **average** of 8 or more hours per week and have been employed for more than 90 days. The expenditures are made to the City's health benefit program (City Option) for each eligible employee within 30 days following the end of each calendar quarter. The minimum health care dollar amounts and limits are adjusted every year.

For additional information please contact the City's Office of Labor Standards Enforcement (OLSE) at (415) 554-7892 or visit OLSE website at [www.sfgov.org/olse/hcso](http://www.sfgov.org/olse/hcso).

## **F. 401K PLAN**

**As an employee of Heritage on the Marina, you are eligible to participate in our 401 (k) plan once one of the following requirements is met:**

- You have been an active employee for at least 90 days, working an average of 30+ hours a week.
- You are an on-call or part-time employee who has completed 1000 hours of service.

Our 401 (k) plan consists of a Voluntary (Employee) Deduction, and a Contributory (Employer provided) contribution. After you become eligible you would be able to request entry in the plan by filling out the form requesting a Voluntary deduction. And, once you have completed one year in the contributory portion of the plan, an active employee will qualify for the Employer Contributory 4% of pay of the plan.

Once you become a plan participant, you will accrue benefits for each plan year (calendar).

## **G. LEAVES OF ABSENCE ~ GENERAL INFORMATION**

Heritage on the Marina complies with Federal, State and local family leave and California Pregnancy Disability Leave requirements. The requirements for eligibility, benefits, job rights and length of leave vary with the type of leave. Some types of leave run concurrently. The Human Resources Office will assist the employee in determining eligibility for the various types of leave and will advise the employee of his or her rights and obligations under State and Federal laws as well as Heritage on the Marina policies.

An employee seeking any type of leave of absence must initiate the process by completing "Request for Time Off" form and meet with the Human Resources Office. Other forms may be necessary to support the need for leave. The Human Resources Office will supply these forms.

When it is possible, employees should provide their supervisor with 30 days' advance notice of the need for a leave of absence. If 30 days' notice is not possible, the employee should

provide notice as soon as the need for a leave is known.

For medical or family leave, the following applies: when an employee's illness is longer than 7 days, the employee will be placed on medical leave of absence. Medical certification to support a request for leave because of pregnancy or the employee's health condition may be required. Heritage on the Marina may require second or third opinions (at our expense) as to the necessity for the leave. When an eligible employee requests leave to care for a qualified family member, certification by the family member's health care practitioner is required.

Employees on leave must stay in communication with the Human Resources Office on a regular basis. The frequency of this contact will vary according to the type of leave. Any change in the agreed-upon return to work date must be reported promptly to the Human Resources Office. A fitness for duty examination and report may also be required before permitting the employee to resume his or her duties as outlined in the employee's job description.

Failure to return to work as agreed, filing for unemployment, or taking another job during leave will be treated as abandonment of the job and will result in the termination of the employee's employment with Heritage on the Marina. Depending on the type of leave, Heritage on the Marina may require the employee who fails to return to work to reimburse Heritage on the Marina for insurance premiums and other costs paid on the employee's behalf by Heritage on the Marina.

If a leave of absence either paid or unpaid, extends beyond one week (7 days), the accrual of vacation, sick time, and floating holidays will cease. Employees will not be paid for Heritage on the Marina paid holidays that fall within the period of an approved leave.

Employees on medical leave for their own illness, other than pregnancy, are required to use accrued sick time, then vacation and floating holidays. For pregnancy leave, employees are required to use accrued sick time and have the option of using accrued vacation and floating holiday time. Eligible employees on leave for any other qualified reason, including family care or military family leave, are required to use any accrued vacation time, and may elect to use accrued paid sickleave.

#### **FEDERAL FAMILY AND MEDICAL LEAVE/CALIFORNIA FAMILY RIGHTS ACT**

State and federal family and medical leave laws provide up to 12 workweeks of unpaid family/medical leave within a 12-month period, under the following conditions:

- The employee has been employed with Heritage on the Marina for a total of at least 12 months prior to the commencement of leave. The 12 months of employment must have accumulated within the previous seven years (certain exceptions apply);
- The employee has worked at least 1,250 hours during the previous 12-month period before the need for leave; and
- The employee is employed at a work site where there are 50 or more employees within a 75 mile radius.

Leave may be taken for one or more of the following reasons:

- The birth of the employee's child, or placement of a child with the employee for adoption or foster

care (FMLA/CFRA);

- For incapacity due to pregnancy, prenatal medical care or child birth (FMLA only);
- To care for the employee's spouse, child, or parent who has a serious health condition (FMLA/CFRA);
- To care for the employee's registered domestic partner (CFRA only).
- Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies.
- Eligible employees may also take a special leave entitlement of up to 26 weeks of leave to care for a covered service member during a single 12-month period.

*Calculating the 12-month Period:* For purposes of calculating the 12-month period during which 12 weeks of FMLA or qualifying exigency leaves may be taken, Heritage on the Marina uses rolling year.

Under most circumstances, leave under federal and state law will run at the same time and the eligible employee will be entitled to a total of 12 weeks of family and medical leave in the designated 12-month period. For leave to care for a covered service member, the 12-month period begins on the first day of the leave, regardless of how the 12-month period is calculated for other leaves. Leave to care for a covered service member is for a maximum of 26 workweeks during a 12-month period.

*Pregnancy, Childbirth or Related Conditions:* Leave because of the employee's disability for pregnancy, childbirth or related medical condition is not counted as time used under California law (the California Family Rights Act). However, time off because of pregnancy disability, childbirth or related medical condition does count as family and medical leave under federal law (the Family and Medical Leave Act). Employees who take time off for pregnancy disability and who are eligible for family and medical leave will also be placed on family and medical leave that runs at the same time as their pregnancy disability leave. Once the pregnant employee is no longer disabled, or once the employee has exhausted PDL and has given birth she may apply for leave under the California Family Rights Act, for purposes of baby bonding.

Any leave taken for the birth, adoption, or foster care placement of a child does not have to be taken in one continuous period of time. California Family Rights Act leave taken for the birth or placement of a child will be granted in minimum amounts of two weeks. However, Heritage on the Marina will grant a request for a California Family Rights Act leave (for birth/placement of a child) of less than two weeks' duration on any two occasions. Heritage on the Marina may also grant additional requests for leave lasting less than two weeks at its discretion. Any leave taken must be concluded within one year of the birth or placement of the child with the employee.

*Leave Procedures:* The following procedures shall apply when an employee requests family medical leave:

Please contact Human Resources as soon as you realize the need for family/medical leave. If the leave is based on the expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or a family member, the employee must notify Heritage on the Marina at least 30 days before leave is to begin. The employee must consult with his or her supervisor regarding scheduling of any planned medical treatment or supervision in order to minimize disruption to the operations of Heritage on the Marina. Any such scheduling is subject to the approval of the health care provider of the employee or the health care provider of the employee's child, parent, or spouse.

If the employee cannot provide 30 days' notice, Heritage on the Marina must be informed as soon as is practical.

If the Family and Medical Leave Act/California Family Rights Act request is made because of the employee's own serious health condition, Heritage on the Marina may require, at its expense, a second opinion from a health care provider that Heritage on the Marina chooses. If the second opinion differs from the first opinion, Heritage on the Marina may require, at its expense, the employee to obtain the opinion of a third health care provider designated or approved jointly by the employer and the employee. The opinion of the third health care provider shall be considered final and binding on Heritage on the Marina and the employee.

*Certification:* Heritage on the Marina requires the employee to provide certification. You will have 15 calendar days from Heritage on the Marina's request for certification to provide it to Heritage on the Marina, unless it is not practicable to do so.

Heritage on the Marina may require recertification from the health care provider if the employee requests additional leave upon expiration of the time period in the original certification.

If the employee does not provide medical certification in a timely manner to substantiate the need for family and medical leave, Heritage on the Marina may delay approval of the leave, or continuation thereof, until certification is received. If certification is never received, the leave may not be considered family and medical leave.

If an employee is absent because of his/her own serious health condition, Heritage on the Marina will also require a medical release to return to work form or certification from the employee's health care provider that the employee is able to resume work. Failure to provide a release to return to work certificate from the employee's health care provider will result in denial of reinstatement for the employee until the certificate is obtained.

*Leave Related to Military Service:* A leave taken due to a "qualifying exigency" related to military service must be supported by a certification of its necessity. A leave taken due to the need to care for a service member shall be supported by a certification by the service member's health care provider or other certification allowed by law. Special certification requirements apply to leaves related to military service.

*Health and Benefit Plans:* An employee taking family medical leave will be allowed to continue participating in any health and welfare benefit plans in which he/she was enrolled before the first day of the leave (for a maximum of 12 workweeks, or 26 workweeks if the leave is to care for a covered service member) at the level and under the conditions of coverage as if the employee had continued in employment for the duration of such leave. Heritage on the Marina will continue to make the same premium contribution as if the employee had continued working. The continued participation in health benefits begins on the date leave first begins. In some instances, Heritage on the Marina may recover from an employee premiums paid to maintain health coverage if the employee fails to return to work following family/medical leave.

Employees on pregnancy disability leave will be allowed to continue to participate in group health coverage for up to a maximum of four months of pregnancy disability leave (if such insurance was provided before the leave was taken) on the same terms as if you had continued to work. The right to continued group health coverage during pregnancy disability leave is a separate and distinct entitlement from the CFRA entitlement.

Payment is due when it would be made by payroll deduction.

*Substitution of Paid Leave:* Generally, FMLA/CFRA leave is unpaid. Heritage on the Marina may require, or employees may choose, to use accrued paid leave while taking FMLA leave. For more information on those specific circumstances requiring or allowing the substitution of paid leave contact Human Resources.

*Reinstatement:* Under most circumstances, upon return from family/medical leave, an employee will be reinstated to his or her original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement than if he or she had been continuously employed rather than on leave.

Reinstatement after family/medical leave may be denied to certain salaried “key” employees under certain conditions.

Please contact Human Resources with any questions regarding accrual of other company provided paid leave benefits (such as vacation, PTO or sick leave) during unpaid FMLA/CFRA leave.

*Carryover:* Leave granted under any of the reasons provided by state and federal law will be counted as family/medical leave and will be considered as part of the 12-workweek entitlement (26-workweek entitlement if leave is to care for a service member) in any 12-month period. No carryover of unused leave from one 12-month period to the next 12-month period is permitted.

*Intermittent Leave:* Employees may take Family and Medical Leave Act/California Family Rights Act leave intermittently (in blocks of time, or by reducing their normal weekly or daily work schedule) if the leave is for the serious health condition of the employee or a qualifying family member, and the reduced leave schedule is medically necessary as determined by the health care provider of the person with the serious health condition. The smallest increment of time that can be used for such leave is one hour.

## **PREGNANCY DISABILITY LEAVE**

Any employee planning to take pregnancy disability leave should advise Human Resources as early as possible. The individual should make an appointment with Human Resources to discuss the following conditions:

Duration of pregnancy disability leave will be determined by the advice of the employee's physician, but employees disabled by pregnancy may take up to four months of leave per pregnancy (the working days you normally would work in one-third of a year or 17 1/3 weeks). Part-time employees are entitled to leave on a pro rata basis. The four months of leave includes any period of time for actual disability caused by the employee's pregnancy, childbirth or related medical condition. This includes leave for severe morning sickness and for prenatal care, doctor-ordered bed rest, as well as other reasons. Your healthcare provider determines how much time you need for your disability;

Heritage on the Marina will also reasonably accommodate medical needs related to pregnancy, childbirth, or related conditions or temporarily transfer you to a less strenuous or hazardous position (where one is available) or duties if medically needed because of your pregnancy.

Employees who need to take pregnancy disability must inform Heritage on the Marina when

a leave is expected to begin and how long it will likely last. If the need for a leave, reasonable accommodation or transfer is foreseeable (such as the expected birth of a child or a planned medical treatment for yourself), employees must provide at least 30 days advance notice before the pregnancy disability leave or transfer is to begin. Employees must consult with the personnel manager regarding the scheduling of any planned medical treatment or supervision in order to minimize disruption to the operations of Heritage on the Marina. Any such scheduling is subject to the approval of the employee's health care provider. For emergencies or events that are unforeseeable, we need you to notify Heritage on the Marina, at least verbally, as soon as practical after you learn of the need for the leave. Failure to comply with these notice requirements may result in delay of leave, reasonable accommodation, or transfer.

Pregnancy leave usually begins when ordered by the employee's physician. The employee must provide Heritage on the Marina with a written certification from a health care provider for need of PDL, reasonable accommodation or transfer. The certification must be returned no later than 15 calendar days after it is requested by Heritage on the Marina. Failure to do so may, in some circumstances, delay PDL leave, reasonable accommodation or transfer.

Leave returns will be allowed only when the employee's physician sends a release.

An employee will be required to use accrued sick time during a pregnancy disability leave. An employee will be allowed to use accrued vacation or personal time during a pregnancy disability leave.

Leave does not need to be taken in one continuous period of time and may be taken intermittently, as needed. Leave may be taken in increments of one hour.

If intermittent leave or leave on a reduced work schedule is medically advisable the employee may, in some instances, be required to transfer temporarily to an available alternative position that meets the employee's needs. The alternative position need not consist of equivalent duties, but must have the equivalent rate of pay and benefits. The employee must be qualified for the position. The position must better accommodate the employee's leave requirements than her regular job. Transfer to an alternative position can include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work schedule.

Upon submission of a medical certification that an employee is able to return to work from a pregnancy disability leave, an employee will be reinstated to her same position held at the time the leave began or, in certain instances, to a comparable position, if available. There are limited exceptions to this policy. An employee returning from a pregnancy disability leave has no greater right to reinstatement than if the employee had been continuously employed.

Employees on pregnancy disability leave will be allowed to continue to participate in group health insurance coverage for up to a maximum of four months of disability leave (if such insurance was provided before the leave was taken) at the level and under the conditions that coverage would have been provided if the employee had continued in employment continuously for the duration of the leave. In some instances, an employer can recover from an employee premiums paid to maintain health coverage if the employee fails to return

following pregnancy disability leave. PDL may impact other benefits or a seniority date. Please contact the personnel department for more information.

### **OTHER MEDICAL LEAVE OF ABSENCE**

A medical leave of absence may be granted to an employee who is ineligible for FMLA/ CFRA leave or who has exhausted FMLA/ CFRA leave. This leave requires certification by a health care practitioner and covers only the employee's non-work related medical disability.

The employee is required to use accrued sick pay, then accrued vacation and personal holiday time once sick pay is exhausted. Heritage on the Marina will coordinate the use of accrued sick time with State Disability Insurance payments.

Heritage on the Marina will pay one month of health insurance premium for each year of service, at the same level and under the same conditions as coverage would have been provided if the employee had been continuously working during the leave period. When employer paid health insurance coverage ceases you may continue coverage in conjunction with federal COBRA guidelines.

Leave begins on the first day the employee's doctor certifies him or her as unable to work. The leave ends when the doctor releases the employee to return to work. A fitness for duty examination and report will be required before permitting the employee to resume his or her duties as outlined in the employee's job description.

### **BEREAVEMENT LEAVE**

Eligible employees: Regularly scheduled employees who have completed their introductory period and have a benefited status of 30 hours or more a week are eligible for bereavement leave.

Paid leave for three consecutive work days per calendar year are available with prior approval by Heritage on the Marina.

Additional unpaid time that cannot be accommodated by the use of accrued vacation time may be available with the recommendation of your supervisor and Human Resources.

Bereavement leave is available for the death of the employee's child, parent, legal guardian, brother, sister, grandparent, grandchild, an in-law (mother, father, son, daughter, brother, sister), or current spouse, stepparents, stepsiblings, and stepchildren.

### **JURY AND WITNESS DUTY**

Employees selected for jury duty or called to serve as a witness in a court proceeding must provide their supervisor with a copy of the jury summons or documentation showing they are called to serve as a witness as soon as it is received, with a daily report as to their status as a juror or witness, and written verification of each day served and the length of service for each day.

Eligible employees: Regularly scheduled employees who have completed their introductory period and have a benefited status of 30 hours or more a week may receive full pay for up to 10 full days of jury or witness duty. Employees are expected to work any part of their regular schedule that does not conflict with the scheduled period of jury or witness duty.

## **ADDITIONAL LEAVES OF ABSENCE**

Eligible employees will also be granted leaves of absence for military leaves, appearances at school or child care provider activities, emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel, to vote in a statewide election, for leave related to domestic violence, crime victims leave, or leave for the donation of an organ or bone marrow. Unless otherwise required by law, these leaves will not be paid. Employees wishing to take one of these leaves should contact Human Resources.

## **H. ANNIVERSARIES AND RETIREMENT BONUSES**

Employees who reach milestones in their tenure at Heritage on the Marina are celebrated. Employees usually will be recognized with a sit-down lunch in Heritage on the Marina dining room, or another type of party if the employee prefers. Heritage on the Marina usually provides anniversary or retirement bonuses in accordance with the chart below. These bonuses are at the complete discretion of Heritage on the Marina and are not guaranteed.

If retirement occurs the same year or within a year of receiving one of the below anniversary gifts, then another monetary gift will not be given, but the retirement will be usually be recognized formally with a party or other appropriate event.

<b>Years of Employment</b>	<b>Anniversary</b>	<b>Retirement</b>
15 years	~	\$1000, lunch/party
20 and/or 25 years	\$1000, lunch/party	\$1500, lunch/party
30 and/or 35 years	\$1500, lunch/party	\$1500, lunch/party
40 years	\$1500, lunch/party	\$1500, lunch/party

Heritage on the Marina reserves the right to revise the procedures, practices, policies and benefits described above.

## **I. OTHER BENEFITS**

### **Professional Development/the Tony Lawrence Education Fund**

The work performance of an employee is a vital key to the success of our organization. Providing professional development to our employees is an investment in their careers and the organization's future.

The purpose of this reimbursement for professional development is to provide employees with professional development opportunities that increase their skills and enhance their contributions to the organization.

#### **Guidelines**

Full-time regular employees are eligible for reimbursement for education costs that are approved by the organization. It is the employee's responsibility to seek out the courses and other training mediums that will enhance his or her career development related to his/her job and are in line with the organization's mission.

#### **Eligibility Criteria**

1. All regular full-time employees who have worked at Heritage on the Marina for one year are eligible for professional development reimbursement. The employees must have satisfactory performance and attendance record.
2. Professional development can be obtained through attendance at seminars, educational courses and programs that once acquired will assist the employee in performing his or her essential job functions and increase the employee's contribution to the organization. The courses must be taken on employee's own time.
3. Employees must request permission from their immediate supervisor for review and pre-approval to attend and to receive reimbursement for desired training and/or resource. The request must include applicable course of study, purpose, job relevance, cost, dates, times of coursework and name of the institution or source of training.
4. Employees would then bring this approved material to HR for review and final approval.
5. Form(s) must be submitted 3 weeks before the course begins with the following information: Course description; school/institution brochure and course cost.
6. Upon satisfactory completion of the training and/or coursework, the employee must provide documentation to support completion and payment in order to receive reimbursement.
7. Reimbursement Requirements:
  - a. Employee must secure a passing grade of "C" or its equivalent or obtain a certification to receive any reimbursement. A copy of the final grade card or certification must be presented to show hours or certification received.
  - b. An "Incomplete" is not eligible for reimbursement.
8. Employees accepting the terms of this policy will be required to provide written authorization of the acceptance by CEO.
9. The maximum amount of assistance the fund provides is \$1000.

As a "congratulations" for educational accomplishments, employees who pass a class or obtain a certification within the above criteria will receive a one-time \$300 gross bonus.

### **The Tony Lawrence Benevolence Fund**

The Heritage on the Marina Benevolence Fund was established to help employees at the time of their hardship and their immediate families with emergency situations beyond their control, which has caused a financial hardship. An emergency is defined as an unforeseen circumstance that calls for immediate action and an urgent need for assistance or relief.

#### **Guidelines**

- Serious illness or injury to yourself or immediate family member, which has a significant impact on your financial situation.
- Loss of partial or total residence due to a disaster.
- Death of an employee or immediate family member which causes a financial hardship.
- Immediate family members are defined as legal spouse or child.

#### **Criteria**

- Notify HR and provide as much detail regarding your circumstance as possible.
- Supporting documentation is required and must be submitted with the application (examples of

documentation include eviction/foreclosure notifications, past due utilities, police/fire report, invoice of funeral expenses, doctor's note and other related documentation).

- Employees must have minimum of 90 days of service.
- Only one request for assistance per family, per rolling year, 12 month.
- Employees cannot apply for the same financial hardship more than once.

#### Financial Assistance

- Requests are reviewed by the Benevolence Committee. Employee will receive notification by HR.
- The maximum amount of assistance the fund provides is \$1000.
- Payments will be made directly to the provider of services, such as hospital, shelter, contractor, funeral home.

#### **Employee Referral Bonus Program**

Heritage on the Marina takes pride in its recruitment and selection process – a process which resulted in **you** joining our organization. We think that one of the best sources of candidates is through existing employees who know about our work environment, values and standards. Thus, as part of our recruitment and selection process, we are implementing an employee referral program. Employees of Heritage on the Marina are immediately eligible to refer candidates, who if hired, will result in you receiving a referral bonus in the net amount of \$200.

The following rules apply to the referral bonus program:

1. No referral bonuses are paid for referral of relatives of employees. Relatives as defined in the Employee Handbook are: husband, wife, domestic partner, father, mother, father-in-law, mother-in-law, grandfather, grandmother, son, son-in-law, daughter, daughter-in-law, uncle, aunt, nephew, niece, brother, sister, brother-in-law, sister-in-law, step relatives, cousins and domestic partner relatives.
2. Supervisors and managers to whom a candidate will report are excluded from receiving referral bonuses.
3. Once the referred candidate completes 90 days of service with satisfactory performance and attendance record and works at least 8 hours in a pay period, the employee will receive the referral bonus.
4. In the event that the same candidate is referred by more than one employee, the date of the earliest referral will govern.

We will regularly post the open positions in the employee lounges in the Health Center and in the Basement. They are also posted on our company website: [www.Heritagesf.org](http://www.Heritagesf.org)

### **CHAPTER 3. STANDARDS OF CONDUCT**

#### **A. ANTI-HARASSMENT POLICY**

Heritage on the Marina is committed to providing equal employment opportunities to all employees and applicants and providing a work environment that is free of unlawful harassment. In furtherance of this commitment, the company strictly prohibits all forms of unlawful harassment, including harassment on the basis of age, ancestry, color, religious creed (including religious dress and grooming practices), denial of family and medical care leave, disability (mental and physical), including HIV and AIDS, marital status, registered domestic partner status, medical condition, genetic information, military and veteran status, national origin race, sex (including pregnancy, child birth, breastfeeding and medical conditions related to pregnancy, child birth or breastfeeding), gender, gender identity

(including transgender identity and transitioning) and gender expression, sex stereotyping, sexual orientation, or any other protected status in accordance with all applicable federal, state and local laws.

“Gender identity” is identification as male, female, transgender or a gender different than the person’s sex at birth.

“Gender expression” refers to gender-related appearance or behavior regardless of whether it’s stereotypically associated with an individual’s sex at birth.

Similarly, the company is committed to complying with all laws protecting qualified individuals with disabilities, as well as employees’ religious beliefs and observances. This policy extends to all aspects of the company’s employment practices, including recruiting, hiring, discipline, termination, promotions, transfers, compensation, benefits, training, leaves of absence, and other terms and conditions of employment.

Heritage on the Marina will provide a reasonable accommodation for any known physical or mental disability of a qualified individual or for employees’ religious beliefs and observances, provided the requested accommodation does not create an undue hardship for the company and does not pose a direct threat to the health or safety of others in the workplace or to the individual. The company will not retaliate nor discriminate against a person for requesting an accommodation for disability, regardless of whether the accommodation was granted.

#### Eligibility

This policy prohibits unlawful discrimination and harassment in the workplace and applies to applicants and employees of the company, including supervisors and managers. The company prohibits managers, supervisors and employees from discriminating against or harassing co-workers as well as customers, vendors, suppliers, independent contractors and others doing business with the company. In addition, the company prohibits customers, vendors, suppliers, independent contractors and other doing business with the company from discriminating against or harassing the company’s employees.

#### Procedures

Sexual harassment includes a broad spectrum of conduct, including harassment based on sex, gender, gender identity or expression, and sexual orientation. Sexually harassing conduct can be by a person of either the same or opposite sex. Sexually harassing conduct need not be motivated by sexual desire to be violative of this policy.

#### *Examples of unlawful and unacceptable behavior include:*

1. Unwanted sexual advances.
2. Offering an employment benefit (such as a raise, promotion or career advancement) in exchange for sexual favors, or threatening an employment detriment (such as termination or demotion) for an employee’s failure to engage in sexual activity.
3. Visual conduct, such as leering, making sexual gestures and displaying or posting sexually suggestive objects or pictures, cartoons or posters.
4. Verbal sexual advances, propositions, requests or comments.
5. Sending or posting sexually related messages, videos or messages via text, instant messaging or social media.
6. Verbal abuse of a sexual nature, graphic verbal comments about an individual’s body, sexually degrading words used to describe an individual and suggestive or obscene letters, notes or invitations.

7. Physical conduct, such as touching, groping, assault or blocking movement.
8. Physical or verbal abuse concerning an individual's gender, gender identity or gender expression.
9. Verbal abuse concerning a person's characteristics such as pitch of voice, facial hair or the size or shape of a person's body, including remarks that a male is too feminine or a woman is too masculine.
10. Retaliation for having reported or threatened to report harassment.

➤➤ *Other examples of prohibited harassment or discrimination*

Heritage on the Marina's anti-harassment policy applies to all persons involved in the operations of the organization and strictly prohibits harassment by any employee of Heritage on the Marina, including supervisors and co-workers, as well as against any person doing business with or for Heritage on the Marina.

Such prohibited harassment includes, verbal, physical, and visual conduct that creates an intimidating, offensive, or hostile working environment or interferes with an employee's work performance. Such conduct constitutes harassment when (1) submission to the conduct is made either an explicit or implicit condition of employment; (2) submission or rejection of the conduct is used as the basis for an employment decision; (3) the harassment interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

Harassing conduct can take many forms and may include, but is not limited to, the following (when based upon an employee's protected status): slurs, jokes, statements, gestures, assault, impeding or blocking another's movement or otherwise physically interfering with normal work, pictures, drawings or cartoons, violating someone's "personal space," foul or obscene language, leering, stalking, staring, unwanted or offensive letters or poems, offensive email or voicemail messages.

Any such harassment will subject an employee to disciplinary action, up to and including termination. Employees who have any questions about what constitutes harassing or discriminatory conduct should contact their supervisor or manager **and** human resources department (415-202-0304).

*Reporting harassment of discrimination*

If an employee feels that he or she is being harassed or discriminated against in violation of this policy another employee, supervisor, manager or third party doing business with the company, the employee should immediately contact his/her supervisor or manager or the human resources manager (415-202-0304) or any other member of management. In addition, if an employee observes harassment or discrimination by another employee, supervisor, manager or non-employee, the employee should immediately report the incident to the individuals above. Appropriate action will also be taken in response to violation of this policy by any non-employee.

All supervisors/managers must immediately report complaints of misconduct under this policy to human resources manager so the company can investigate and try to resolve the claim internally.

All complaints of unlawful harassment or discrimination that are reported to management or to the persons identified above will be investigated thoroughly and promptly and corrective action will be taken where warranted. All complaints of unlawful harassment or discrimination that are reported to management or to the persons identified above will be treated with as much confidentiality as possible, consistent with the need to conduct a thorough investigation. Complaints will be investigated by impartial and qualified internal personnel unless external involvement is warranted. The process will be documented and tracked for reasonable progress, and all investigations will be completed in a timely manner.

If Heritage on the Marina determines that harassment, discrimination, retaliation or other prohibited conduct has occurred; appropriate and effective corrective and remedial action will be taken in accordance with the circumstances involved. Heritage on the Marina also will take appropriate action to deter future misconduct.

You should also be aware that the California Department of Fair Employment and Housing (DFEH) and the Federal Equal Employment Opportunity Commission (EEOC) also investigate and process complaints of harassment or discrimination. The toll-free number for the DFEH is (800) 884-1684. The phone number for the EEOC San Francisco District Office is 415-625-5600. If you think you have been harassed or discriminated against, or that you have been retaliated against, you may file a complaint with the appropriate agency.

Employees' notification to the company is essential to enforcing this policy. Employees may be assured that they will not be penalized in any way for reporting a harassment or discrimination problem. It is unlawful for an employer to retaliate against employees who oppose the practices prohibited by the California Fair Employment and Housing Act (FEHA), or who file complaints or otherwise participate in an investigation, proceeding or hearing conducted by Department of Fair Employment and Housing (DFEH), the Fair Employment and Housing Commission (FEHC) or the Federal Equal Employment Opportunity Commission (EEOC). Similarly, the company prohibits employees from hindering its internal investigations or its internal complaint procedure.

***Violations of this policy will result in discipline***

Violation of this policy will subject an employee to disciplinary action, up to and including immediate termination. In addition, under California law, employees may be held personally liable for harassing conduct that violated the FEHA.

***Retaliation is prohibited***

Heritage on the Marina prohibits retaliation against those who report, oppose, or participate in an investigation of alleged violations of this policy. The company strictly prohibits any adverse action or retaliation against an employee for participating in an investigation of alleged violation of this policy. If any employee feels that he or she is being retaliated against, the employee should immediately contact his/her supervisor or manager and human resources manager. In addition, if any employee observes retaliation by another employee, supervisor, manager or nonemployee, he or she should immediately report the incident to the individuals identified above.

Any employee determined to be responsible for violating this policy will be subject to appropriate disciplinary action, up to and including termination. Moreover, any employee, supervisor or manager who condones or ignores potential violations of this policy will be subject to appropriate disciplinary action, up to and including termination.

**B. ACCOMMODATION FOR PHYSICAL OR MENTAL DISABILITIES**

Heritage on the Marina abides by the Americans with Disabilities Act and similar state law, and will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual who is an applicant or an employee unless undue hardship would result.

Any applicant or employee with a disability who requires an accommodation in order to perform the essential functions of the job should contact a Heritage on the Marina Human Resources office with day-to-day personnel responsibilities and should identify the accommodation needed to perform the job. Human Resources will begin an interactive process where the individual will work with management to determine what, if any, accommodation the employee needs, and Heritage on the Marina can grant without creating an undue hardship.



## **C. WHISTLEBLOWER POLICY**

### **General**

It is the intent of Heritage on the Marina (San Francisco Ladies Protection and Relief Society) to adhere to all laws and regulations that apply to this organization. In addition, Heritage on the Marina requires employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees, we are representatives of Heritage on the Marina, and we must practice honesty and integrity in fulfilling our responsibilities, and comply with all applicable laws and regulations. The purpose of this policy is to support this organization's goals of legal compliance and high ethical standards; to explain how to report suspected violations; and to describe the protection provided those who report.

### **Reporting Responsibility**

With the intent of ensuring legal compliance and high ethical standards, it is the responsibility of all employees to report suspected violations of law, suspected fraud, or questionable accounting or auditing matters, in accordance with this Whistleblower Policy.

### **Reporting Suspected Violations**

Heritage on the Marina has an open-door policy and suggests that employees share their questions, concerns, suggestions or complaints. In most cases, an employee's manager is in the best position to address an area of concern. For suspected fraud or violations of law, employees should first talk to their Department Manager. If an employee is not comfortable speaking with his or her manager, or is not satisfied with the manager's response, the employee is encouraged to speak with someone in Human Resources or with any other manager with whom the employee is comfortable speaking.

Heritage on the Marina Managers and Human Resources Office staff are required to report suspected fraud, questionable accounting or auditing matters, or violations of the law to the Corporate Compliance Officer (see below) who is responsible for investigation of any and all alleged fraud or ethics violations.

If the employee with something to report is not satisfied or comfortable with the above policy, he or she should contact the Compliance Officer directly.

If the Compliance Officer is suspected of fraud or legal violations, then the Manager or Human Resources representatives go directly to the Chair or Vice Chair of the Board of Directors.

### **Compliance Officer**

The CEO is the Compliance Officer for Heritage on the Marina. The Compliance Officer is responsible for investigating and resolving all reported complaints and allegations concerning violations and, at his/her discretion, shall advise the Board Chairman and/or the Audit Committee of investigation and outcomes. The Compliance Officer has direct access to the Audit Committee of the Board of Directors and is required to report at least annually on compliance activity.

### **Accounting and Auditing Matters**

The Audit Committee of the Board of Directors shall address all reported concerns or complaints regarding corporate accounting practices, internal controls or auditing. The

Compliance Officer shall immediately notify the audit committee of any such complaint and work with the committee until the matter is resolved.

#### **Acting in Good Faith**

Anyone filing a complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

#### **Confidentiality**

Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

#### **Handling of Reported Violations**

In all cases, except for anonymous reports, The Compliance Officer will notify the sender and acknowledge receipt of the reported violation or suspected violation. All reports will be promptly investigated. Appropriate corrective action will be taken, if necessary, and findings will be communicated to the reporting person and his or her manager, if appropriate. Some matters may warrant investigation by independent persons such as auditors and/ or attorneys.

#### **Whistleblower Protection**

This Whistleblower Policy is intended to encourage and enable employees to raise serious concerns within Heritage on the Marina, prior to seeking resolution outside Heritage on the Marina. Heritage on the Marina will use its best efforts to protect whistleblowers against retaliation. The organization will handle complaints with discretion and confidentiality to the extent allowed by the circumstances and the law. Complaints will be shared with those who have a need to know so that Heritage on the Marina can conduct an effective investigation and determine what action to take. No employee who in good faith reports an ethics violation shall suffer harassment, retaliation or adverse employment consequence. An employee or Board Member who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment or from Board participation. Whistleblowers who believe that they have been retaliated against may file a written complaint with the CEO. The complaint will be promptly investigated and appropriate corrective measures taken if allegations of retaliation are substantiated. This protection, however, is not intended to prohibit supervisors or managers from taking action within the usual scope of duties and based on valid performance-related factors.

#### **D. UNACCEPTABLE CONDUCT**

The following conduct does not follow our values, is prohibited by Heritage on the Marina, and may result in disciplinary action up to and including termination of employment. This list of prohibited conduct is illustrative only; other types of conduct injurious to security, personal safety, employee welfare and Heritage on the Marina's operations also may result in disciplinary action.

1. Falsification of employment records, employment information or other Heritage on the Marina records.
2. Allowing falsifications of any time card and/or security log sign-in, either you're own or another employee's.
3. Theft, deliberate or careless damage of any Heritage on the Marina property or the property of any employee or resident.
4. Deliberate destruction of any Heritage on the Marina property or the property of any employee or resident.
5. Removing or borrowing Heritage on the Marina property without prior authorization. Borrowing or using items belonging to residents; protecting employees who are stealing.
6. Carrying firearms or any other dangerous weapons on Heritage on the Marina's premises at any time.
7. Conviction of a felony or conviction of a misdemeanor which is job-related and/or would adversely affect Heritage on the Marina, Insubordination, including refusal to obey the lawful orders or instructions of a supervisor or member of management.
8. Failure to observe working schedules, including rest and lunch periods; failure to notify a supervisor when unable to report to work; failure to obtain permission to leave work for any reason during normal working hours.
9. Abuse of paid sick leave, including use for an absence unrelated to medical care, illness or injury.
10. Use of cell phones and other personal electronic equipment while on duty, unless authorized by your Department Manager.
11. Taking photos of residents or visitors unless assigned to do so and with appropriate authorization.
12. Working overtime without authorization or refusing to work assigned overtime.
13. Violation of any safety, health, security or Heritage on the Marina policies, rules or procedures.
14. Dishonesty.
15. Accepting gratuities from residents or vendors.
16. Conducting non-Heritage on the Marina business with employees or residents on company property.
17. Working privately for, or providing preferential services, for individual residents, whether on or off duty.
18. Unsatisfactory performance.
19. Misconduct constituting unlawful harassment, discrimination or retaliation.
20. Workplace bullying behavior that harms, intimidates, offends, degrades and/or intimidates an employee and/or resident.

#### **E. SMOKING POLICY**

**Smoking (and Vaping) is prohibited anywhere on company property.**

Heritage on the Marina no smoking policy is intended to comply with the San Francisco Smoke Free Ordinance [San Francisco Health Code Article 19F] and also motivated by our desire to promote a healthy and safe work environment for all employees. According to the Ordinance, "smoking is

prohibited in buildings and enclosed structures, and certain unenclosed areas without exception.” The Ordinance also states that if you’re going to smoke outside on the sidewalk, you cannot smoke within 15 feet from exits, entrances, windows and vents.

It is the policy of Heritage on the Marina to prohibit smoking on all company premises. The Smoke-Free and Vaping policy also applies to:

- All vehicles owned or leased by Heritage on the Marina
- All visitors on company premises
- All contractors and consultants and/or their employees working on company premises

#### **F. ABUSE PREVENTION AND REPORTING**

Heritage on the Marina has zero tolerance for Resident abuse, which includes, but is not limited to verbal, physical, sexual, and mental abuse, neglect, involuntary seclusion of a resident, and misappropriation of a resident's money and property. Employees will receive in-service training in preventing, recognizing and reporting abuse.

An employee who suspects a resident is being abused or who witnesses abuse or mistreatment of a resident is required to report the incident or situation to his or her supervisor, Department Head, Charge Nurse, or the Executive Director. All identified suspicious events will be investigated. The individual making the report will take part in the investigation. Retaliation directed at the abuse reporter is prohibited. The person who is accused of abuse will be not be permitted contact with residents during the investigation. In order to maintain workplace safety and the integrity of its investigation, Heritage on the Marina may remove employees suspected of resident abuse from the schedule either with or without pay, pending investigation.

Following the investigation, any necessary corrective action will be taken. Legal authorities and state agencies will be notified as needed. The person who reported the incident will be advised of the results of the investigation.

In addition to the above Heritage on the Marina policies and procedures, the State of California requires all employees of long-term facilities to participate in a specific adult and elder abuse reporting training program. This training is required to take place within the first 60 days of employment. Training will be documented, and failure to complete the training will result in a suspended work schedule.

#### **G. SECOND JOBS**

Heritage on the Marina recognizes that some employees may want to engage in outside employment and other activities, including second jobs. To protect Heritage on the Marina's confidential information, trade secrets, and other business interests while employees are engaged in outside employment, Heritage on the Marina has adopted the following rules and guidelines relating to outside employment by employees:

- Before beginning outside employment, employees must give advance written notice of the outside employment to Human Resources.
- Outside employment must not interfere with the employee's work performance or

work schedule.

- Employees may not use Heritage on the Marina's property, facilities, equipment, supplies, IT systems (such as computers, networks, email, telephones, or voicemail), time, trademark, brand, or reputation in connection with any outside employment.
- Employees engaging in outside employment must comply with Heritage on the Marina's policies on conflicts of interest and confidentiality.

If you are considering outside employment but are not sure if it complies with the rules and guidelines set out in this policy, you should speak with Human Resources, who will help you determine whether the outside employment complies with this policy.

#### **H. DRUG AND ALCOHOL ABUSE**

Heritage on the Marina is concerned about the use of alcohol, illegal drugs or controlled substances as it affects the workplace. Use of these substances whether on or off the job can adversely affect an employee's work performance, efficiency, safety and health and therefore seriously impair the employee's value to Heritage on the Marina. In addition, the use or possession of these substances on the job constitutes a potential danger to the welfare and safety of other employees and/or residents and exposes Heritage on the Marina to the risks of property loss or damage, or injury to other persons.

Furthermore, the use of prescription drugs and/or over the counter drugs also may impair an employee's judgment and job performance.

##### **Reasonable Suspicion**

We reserve the right to test employees based on, but not limited to, observations of apparent workplace use and/or possession of drugs/alcohol impairment. HR and/or Director of Operations should be consulted before requiring that an employee be tested. Those making the decision must document specific observations and behaviors that create a reasonable suspicion that a person is under the influence of illegal drugs and/or alcohol. HR and manager/supervisor should inform the employee with the documentation. Under no circumstances will the employee be allowed to drive themselves to the testing facility. The supervisor and/or another manager must escort the employee, and the supervisor/manager will make arrangements for the employee to be transported home.

The following rules and standards of conduct apply to all employees either on company property or during the work day (including meals and rest periods). The following are strictly prohibited by Heritage on the Marina:

- A. Possession of alcohol, or use of alcohol, or being under the influence of alcohol while on the job, except with express permission from the CEO given in connection with a specific company-sponsored event.
- B. Driving a Heritage on the Marina vehicle while under the influence of alcohol or drugs.
- C. Possession or use of an illegal, or controlled substance or being under the influence of an illegal or controlled substance while on the job.
- D. Distribution, sale, consumption, or purchase of an illegal or controlled substance while on the job.

Violation of the above rules and standards of conduct will not be tolerated and may result in immediate termination of employment. Heritage on the Marina also may bring the matter to the attention of appropriate law enforcement authorities.

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

An employee who is convicted based on any criminal drug statute for a violation occurring in the workplace must notify Human Resources no later than 5 days after the conviction.

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

Heritage on the Marina encourages employees with chemical dependencies (alcohol or drug) to seek treatment and/or rehabilitation, treatment or medical leave. Employees should contact the group Employer Assistant Program (EAP) to seek assistance. Chemical dependency treatment may be covered under the group medical plan. Please check with your benefits plan administrator to verify coverage. Any rehabilitation not covered under the group medical or EAP plan is paid for at the employee's own expense. Employees who wish to voluntarily enter and participate in an approved alcohol or during rehabilitation program are encouraged to contact Human Resources which will determine whether the employee can be accommodated with an unpaid leave of absence.

Rehabilitation is an option for an employee who acknowledges a chemical dependency and voluntarily seeks treatment to end that dependency and is not intended to affect the right of Heritage on the Marina to discipline employees who violate Heritage on the Marina's drug and alcohol policies.

Heritage on the Marina is not obligated to continue to employ any person whose job performance is impaired because of drug or alcohol use, nor is Heritage on the Marina obligated to re-employ any person who has participated in treatment and/or rehabilitation if that person's job performance remains impaired as a result of dependency. Additionally, employees who are given the opportunity to seek treatment and/or rehabilitation, but fail to successfully overcome their dependency or problem, will not be given a second opportunity to seek treatment and/or rehabilitation. This policy on treatment and rehabilitation is not intended to affect Heritage on the Marina's treatment of employees who violate the regulations described above.

## **I. PUNCTUALITY AND ATTENDANCE**

As an employee of Heritage on the Marina, you are expected to be punctual and regular in attendance.

Employees are expected to report to work as scheduled, on time and prepared to start work. Employees also are expected to remain at work for their entire work schedule, except for meal or rest periods or when required to leave on authorized Heritage on the Marina business.

If you are unable to report for work on any particular day, you must call your supervisor, or

designated scheduling person for your department. In consideration of your job responsibilities and your co-workers, as a Heritage on the Marina employee it is your responsibility to provide as much advance notice as possible when your absence is unavoidable. Each department has its own requirement for absence notification, and you will be informed of the policy for your department during your orientation or training period. When a requirement for absence notification changes, you will be requested to acknowledge receipt of the information and observe the new policy.

Excessive tardiness, absenteeism (other than approved absences), or disregard for advance absence notification may be grounds for discipline up to and including termination of employment. Each situation of excessive absenteeism, tardiness, or absence notification shall be evaluated on a case by case basis.

If you fail to report for work without notification to your supervisor and your absence continues for a period of three days, Heritage on the Marina will consider that you have abandoned your position and have voluntarily terminated your employment.

#### **J. PERSONAL STANDARDS**

Employees are expected to arrive at work clean and well-groomed and wearing clothing appropriate for the nature of our business and the type of work performed. Clothing which may create a safety hazard should be avoided. Department Heads may issue more specific guidelines.

Name badges are required and should be worn at all times when on duty.

#### **K. RESIDENT RELATIONS**

Employees are expected to act in a manner consistent with our company values. Should a situation arise for which the employee does not feel comfortable or capable of handling, the Department Head should be contacted immediately.

#### **L. EMPLOYMENT OF HERITAGE ON THE MARINA STAFF BY RESIDENTS**

Heritage on the Marina employees are responsible for providing services and care to all Heritage on the Marina residents. Private employment of staff by residents may lead to the expectation of special attention or consideration. To help prevent preferential treatment relationships, Heritage on the Marina employees are not to be involved in private employment situations with Heritage on the Marina residents.

#### **M. EMPLOYMENT OF RELATIVES AND PERSONAL RELATIONSHIPS**

Heritage on the Marina wants to ensure that corporate practices do not create situations such as conflict of interest or favoritism. This extends to practices that involve employee hiring, promotion and transfer. Close relatives, partners, those in a dating relationship or members of the same household are not permitted to be in positions that have a reporting responsibility to each other. Close relatives are defined as husband, wife, domestic partner, father, mother, father-in-law, mother-in-law, grandfather, grandmother, son, son-in-law, daughter, daughter-in-law, uncle, aunt, nephew, niece, brother, sister, brother-in-law, sister-in-law, step relatives, cousins and domestic partner relatives.

If employees begin a dating relationship or become relatives, partners or members of the same household, and if one party is in a supervisory position, that person is required to inform the Human Resources of the relationship.

Heritage on the Marina reserves the right to apply this policy to situations where there is conflict or the potential for conflict because of the relationship between employees, even if there is no direct-reporting relationship or authority involved.

#### **N. CONFIDENTIALITY**

In the course of your work, you may have access to confidential information regarding Heritage on the Marina, its suppliers or other employees. Confidential information means all information, not generally known, belonging to or otherwise relating to the business of Heritage on the Marina or its residents, customers, suppliers, affiliates or partners, regardless of the media or manner in which it is stored or conveyed, that Heritage on the Marina has taken reasonable steps to protect from unauthorized use or disclosure. Confidential information includes but is not limited to trade secrets as well as other proprietary knowledge, information, and know-how; non-public intellectual property rights, including business plans and strategies; formulae; processes; designs; discoveries; improvements; ideas; conceptions; compilations of data; and developments, whether or not patentable and whether or not copyrightable. Given the nature of Heritage on the Marina's business, protecting confidential information is of vital concern to Heritage on the Marina.

Each employee is responsible for safeguarding confidential information obtained in connection with his or her employment. Failure to take reasonable measures to protect Heritage on the Marina's confidential information may jeopardize its status as a trade secret. While employed by Heritage on the Marina, employees must not use or disclose any confidential information that they produce or obtain during employment with Heritage on the Marina except to the extent such use or disclosure is required in connection with performing their jobs. Employees must not use or disclose any confidential information for any reason after their employment relationship with Heritage on the Marina ends.

In addition, the HIPAA (The Health Insurance Portability and Accountability Act of 1996) privacy rules state that all employees of Heritage on the Marina must take reasonable safeguards to protect the confidential information of residents of Heritage on the Marina. HIPAA regulations state that confidential information includes, but is not limited to, "protected health information such as past, present, or future physical or medical information, the provision of health care given, and payment for health care services."

Employees will receive in-service training on the HIPAA privacy rules, the types of information that are considered confidential, and ways to protect confidential information.

Heritage on the Marina has zero tolerance for any breach in this confidentiality policy and will take appropriate action towards any employee who violates this policy.

#### **O. EMPLOYEE USE OF CELL PHONES AND PERSONAL ELECTRONIC EQUIPMENT**

Use of cell phones and other personal electronic devices can be very distracting to residents and other employees, creates a safety hazard, and interferes with an employee's ability to

perform his or her job. Using a cell phone or similar electronic equipment while providing resident care is potentially a violation of residents' rights, and taking photos of residents could be considered a violation of privacy rights or even an abuse issue.

For these reasons, Heritage on the Marina employees are not permitted to carry or use these items while on duty, unless your position requires you to do so.

If you are assigned a Heritage on the Marina cell phone, it is for the purpose of conducting Heritage on the Marina business. Overage charges, long distance, and roaming charges, if not related to company business, will be the responsibility of the employee.

Employees are permitted to use their cell phones while on break and away from the work areas. If there are family members who may need to reach you because of emergency, please provide these family members with the direct number of your Department Manager or the Front Desk, 415-202-0300.

Cell phones and driving: Employees must refrain from using cell phones or PDAs while driving. If you must respond to calls while driving for company business, you should use a hands-free device and keep the call short. Do not respond to calls when driving in bad weather and heavy traffic. Preferably you should pull over to the side of the road if you must take a call. You should never initiate a call while driving. Employees are not to use text devices to type or review text messages for work purposes while operating a motor vehicle or for personal purposes while driving during work hours or on company business. Employees should never put themselves and passengers at risk to fulfill business needs. If an employee is charged with a traffic violation resulting from cell phone or PDA use while driving, it is the employee's responsibility for all costs resulting from the violation.

#### **P. GIFTS OR GRATUITIES**

No employee may accept a gift or gratuity from any resident, vendor, supplier or other person doing business with Heritage on the Marina as it may give the appearance of influence regarding their business decision, transaction or service.

A resident wishing to give an employee a gift may do so by giving to the Employee Appreciation Fund to be distributed amongst all employees.

#### **Q. THEFT AND LOSS PREVENTION**

Employees must recognize the significance of personal possessions to Residents' emotional and physical well-being.

It is the policy of Heritage on the Marina to make reasonable efforts set forth to safeguard resident property. It is also Heritage on the Marina's policy to allow residents to retain and use their personal clothing and possessions as space permits, unless to do so would infringe upon rights of other resident or be medically contraindicated (as documented by their physician in the medical record).

Staff is trained in theft and loss prevention and theft and loss investigation. Policies and procedures are posted on the Health Center Bulletin Board. A copy of these policies and procedures is also available upon request.

Staff is prohibited from:

1. Protecting another employee who is stealing. Reporting the incident to your supervisor is required.
2. Borrowing or use of any items belonging to residents.
3. Accepting gifts and gratuities from residents.

## **R. SOCIAL MEDIA**

Social media includes all means of communicating or posting information or content of any sort on the Internet (such as Facebook, Twitter, Instagram), including to an employee's or someone else's web page or blog, journal or diary, personal web site, social networking site, or a chat room, whether or not associated or affiliated with Heritage on the Marina, as well as any other form of electronic communication. The same principles and guidelines found in Heritage on the Marina's policy that prohibits harassment applies to an employee's activities online.

### **Confidentiality**

Employees have a right to discuss and disclose wages, hours and working conditions with other employees and with third parties. Employees may express their personal opinions and communicate those opinions to fellow employees, the news media and other third parties. However, there is certain information, noted below, that is confidential and should not be posted or otherwise disclosed.

If an employee has any questions about whether information is confidential, he or she should ask a supervisor.

**Resident Information:** Heritage on the Marina's mission and legal obligation is to care for its residents. During an employee's time at Heritage on the Marina, an employee may become aware of confidential information about Heritage on the Marina's residents. Employees must not post, or otherwise disclose, any information regarding Heritage on the Marina's families and residents. Disclosing confidential resident information includes, but is not limited to, medical and personnel information and taking and posting photographs, videos and audio recordings of residents.

**Heritage on the Marina Information:** Employees must maintain the confidentiality of, and not disclose, Heritage on the Marina's trade secrets and private or confidential information. Such information may include information regarding families of residents and residents, non-public information regarding marketing strategies, customer lists, and non-public information (such as, but not limited to, medical leaves of absences, illnesses, contact information) regarding its employees that an employee may learn in the course of his or her employment at Heritage on the Marina.

### **Heritage on the Marina Policies and Work Environment**

All employees have a right to criticize or protest their work environment or any Heritage on the Marina policy. If you post complaints or criticisms about Heritage on the Marina, avoid using statements, photographs, videos or audio that reasonably could be viewed as malicious, obscene, pornographic, threatening or intimidating, or that unlawfully disparages co-workers, families of residents, or residents, or that might constitute unlawful harassment or bullying.

## Unlawful Harassment and Other Unlawful Conduct Towards Co-Workers, Employees, Residents and Family Members

Employees should never post any material that unlawfully harasses families, residents or people who work on behalf of Heritage on the Marina. Do not post messages that threaten violence, are discriminatory, abusive or demeaning to co-workers or residents and posts that could contribute to a hostile work environment for any employee on the basis of race, sex, disability, religion, age, ancestry color, family and medical care leave, marital status, military and veteran status, genetic information, national origin, sexual orientation or any other status protected by state, federal or local law.

### Be Accurate In Any Communications

Employees are not prohibited from speaking to the media or other third parties about their employment. However, employees should not speak to the media on Heritage on the Marina's behalf. Employees should never represent themselves as a spokesperson for Heritage on the Marina. If Heritage on the Marina is a subject of the content you are creating, be clear that you are an employee and make it clear that your views do not represent those of Heritage on the Marina. If you do publish a blog or post online related to the work you do with Heritage on the Marina, make it clear that you are not speaking on behalf of Heritage on the Marina. 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 Heritage on the Marina."

Never post any information or rumors that you know to be maliciously false about Heritage on the Marina, co-workers, families of residents, residents, or people working on behalf of Heritage on the Marina.

### Right of Privacy and Prohibition of Abuse

Due to the potential for issues such as invasions of privacy (whether employees or residents) and harassment, and the potential for abuse, employees may not take, distribute or post pictures of residents without specific permission. Videos and audio recordings of residents and the distributing and or posting of such recordings are also prohibited. A resident's right to privacy includes that resident's belongings, schedule, care, visits, treatment and other day to day activities. Nothing in this section prohibits any Heritage on the Marina employee from documenting and reporting suspected abuse to their supervisors or the appropriate governmental agency.

### Heritage on the Marina Copyrighted Materials

Employees may not violate copyright and trademark laws by posting or distributing, or using the name, trademark, logos, or the copyrighted intellectual property of Heritage on the Marina for any business or commercial purpose.

### Retaliation is prohibited

Heritage on the Marina prohibits taking negative action against any employee for reporting a possible violation of this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible violation or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

Heritage on the Marina also prevents retaliation against any employee for that employee's

lawful use of social media. An employee who believes he or she is being retaliated against for his or her lawful use of social media should report such suspected retaliation to Human Resources.

## National Labor Relations Act Protection

This Policy does not apply to any postings that federal and state law protects such as lawful information posted to encourage employees to engage in concerted activity, lawful information posted regarding wages, employment and working conditions, lawful complaints about working conditions and information that is not related to Heritage on the Marina and its employees and residents.

If you wish to ask questions about this Policy, please contact Human Resources. Nothing in this Policy is meant to prohibit Heritage on the Marina employees from engaging in discussions and communications and disclosing information regarding their wages, hours, and working conditions; nor prohibits the reporting of suspected abuse to their supervisors or appropriate governmental agencies.

### **Media Contacts**

Employees should not speak to the media on Heritage on the Marina's behalf. All media inquiries should be directed to the Marketing Department. If you have questions or need further guidance, please contact the Human Resources office.

## **CHAPTER 4. OPERATIONAL CONSIDERATIONS**

### **A. EMPLOYER PROPERTY**

Lockers, desks, supplies, tools, computers and equipment are Heritage on the Marina property and must be maintained according to company rules and regulations. They must be kept clean and are to be used only for work related purposes. Food is not to be kept in lockers.

To insure compliance with its policies, Heritage on the Marina reserves the right to conduct a routine inspection at any time for Heritage on the Marina property, including inspection of lockers, computers, and desks, without notice to the employee and in the employee's absence. Because even routine inspections might result in a discovery of an employee's personal possessions, employees are encouraged to refrain from bringing into the workplace any item of personal property that they do not wish to reveal to the company.

### **B. EMPLOYEE PROPERTY**

While in the building, employees should store their personal belongings in a secure manner. Purses, backpacks, etc. containing personal valuables should be stored in locking desks, cabinets, lockers, or closets. If your manager sees personal valuables which are not locked, he or she may move the items to a secure place. Heritage on the Marina will not be responsible if unsecured personal items are stolen.

An employee's personal property, including but not limited to packages, purses and backpacks, may be inspected upon reasonable suspicion of unauthorized possession of company property or suspicion of bringing weapons or illegal items into the building.

### **C. OFF DUTY USE OF FACILITIES**

Employees are prohibited from the unauthorized use of Heritage on the Marina facilities, property or equipment.

#### **D. VISITS TO THE BUILDING WHILE OFF-DUTY**

Employees who are not scheduled for duty should not be in the building except for special events, all-employee or department meetings, or to conduct business with your supervisor or Administration. If you are off work and need to visit a co-worker, or have Heritage on the Marina business to carry out, you should come during regular office hours on weekdays. Any other visits must be approved by a manager or supervisor, and cleared with building security.

#### **E. SECURITY AND VIOLENCE PREVENTION**

Heritage on the Marina does not tolerate violence or threats of violence, and is dedicated to maintaining a safe work environment. Security of the facilities as well as the welfare of our residents as well as our employees requires that every individual be constantly aware of potential security risk.

Employees are expected to refrain from conduct that may be dangerous to others. Conduct that threatens intimidates or coerces another employee, customer, vendor or business employee will not be tolerated.

Indirect or direct threats of violence, incidents of actual violence and suspicious individuals or activities should be reported as soon as possible to a supervisor, security personnel, Human Resources, or member of Heritage on the Marina's management team.

#### **Our Security Measures**

- You may be required to enter and exit Heritage on the Marina as designated by your supervisor.
- Do not let strangers into the building. If someone is entering with you, and you do not recognize him or her, send him to the Security entrance or main entrance on Laguna Street. If a former employee or co-worker arrives at the building at a time you would not expect to see him or her, and asks you to let him in, send this person to the Security entrance.
- You should immediately notify your supervisor when persons are acting in a suspicious manner in or around the facility. Inform your supervisor when keys or identification badges are lost, misplaced or stolen.
- Notify your supervisor, Human Resources, or Heritage on the Marina Security immediately, if anyone commits or makes threats of violent behavior. If you feel that a personal situation poses a threat, to you or co-workers' safety, report that to your supervisor.
- Employees should promptly inform the Human Resource Office of any protective or restraining order.
- Employees are encouraged to report safety concerns with regard to intimate partner violence. Heritage of the Marina will reasonable accommodate victims of domestic violence, sexual assault, or stalking. Heritage on the Marina will not discriminate or retaliate against employees because of their status as a victim of domestic violence, sexual harassment or stalking. Heritage on the Marina is committed to supporting victims of intimate partner violence by providing referrals to Heritage on the Marina's employee assistance program (EAP) and community resources.

Heritage on the Marina will promptly and thoroughly investigate all reports of threats of violence or incidents of actual violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as possible. Heritage on the Marina will not retaliate against employees making good-faith reports of violence, threats or suspicious individuals or activities. In order to maintain workplace safety and the integrity of its investigation, Heritage on the Marina may suspend employees suspected of workplace violence or threats of violence, either with (or without) pay, pending investigation.

Anyone found to be responsible for threats of or actual violence or other conduct that is in violation of these guidelines will be subject to disciplinary action up to and including termination of employment.

Heritage on the Marina encourages employees to bring their disputes to the attention of their supervisors or Human Resources before the situation escalates. Heritage on the Marina will not discipline employees for raising such concerns.

#### **F. HEALTH AND SAFETY**

To achieve our goal of maintaining a safe workplace, every employee is responsible for their own safety as well as the safety of others in the workplace. Working safely is a requirement of every job. Follow all work safety guidelines and Heritage safety policies. Report hazards or unsafe situations to your supervisor. All employees will attend periodic safety and emergency preparedness meetings and training programs.

In compliance with California law, and to promote the concept of a safe workplace, Heritage on the Marina maintains an Injury and Illness Prevention Program and a facility Disaster Plan that are required reading for all new employees. Heritage on the Marina also follows California and/or federal ergonomics requirements and wants to reduce exposure to ergonomic hazards.

Employees who are injured on the job are required to immediately report to the Health Center and notify their supervisors. In the event the supervisor is off-site, supervisor phone numbers are included in the injury packets the First Responder nurse will provide. The First Responder Nurse will assess and notate the employee injury, provide first-aid, and refer the employee for further medical attention if necessary.

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

Smoking is not allowed within the facility.

**Flu Season** Heritage on the Marina is in compliance with the Department of Public Health's mandate to require employees to obtain flu shots during flu season, or wear a mask as appropriate. In addition, up-to-date annual physicals with TB exams are required for employment.

#### **G. SOLICITATION AND DISTRIBUTION OF LITERATURE**

In order to ensure efficient operation of the facility and to prevent annoyance to employees, Heritage

on the Marina has established rules to control solicitations, and distribution of literature on company property. The policy applies to employees and non-employees. Any employee who is in doubt concerning the application of these rules should consult with his or her manager or Human Resources immediately.

No employee shall solicit or promote support for any cause, business or organization during his or her working time or during working time of employees to whom such activity is directed.

No employee shall distribute or circulate any written or printed material in work areas at any time, or during his or her working time or during the working time of the employee or employees at whom such activity is directed.

Under no circumstances will non-employees be permitted to solicit or distribute written material for any purpose on Heritage on the Marina property.

## **CHAPTER 5. ORGANIZATIONAL CONSIDERATIONS**

### **A. REDUCTIONS IN FORCE**

Under some circumstances, Heritage on the Marina may need to restructure or reduce its workforce. In this event, and when possible, Heritage on the Marina will attempt to provide advance notice, if possible, so as to minimize the impact on those affected. If possible, employees subject to layoff will be informed of the nature of the layoff and the foreseeable duration of the layoff, whether short term or indefinite.

In determining which employees will be subject to layoff, Heritage on the Marina will take into account, among other things, operation and requirements of Heritage on the Marina, the skill, productivity, ability and past performance of those involved and also, where feasible, the employee's length of service.

### **B. INVOLUNTARY TERMINATIONS AND PROGRESSIVE DISCIPLINE**

Violation of Heritage on the Marina policies and rules may warrant disciplinary action. Heritage on the Marina has established a system of progressive discipline. Heritage on the Marina may, in its sole discretion, utilize whatever form of discipline is deemed appropriate under the circumstances, up to and including termination of employment. Heritage on the Marina's policy of progressive discipline in no way limits or alters the at will employment relationship.

### **C. SEPARATION OF EMPLOYMENT**

An employee who voluntarily resigns or an employee who fails to report to work for 3 consecutively scheduled workdays without notice to, or approval by his/her supervisor, will be considered to have voluntarily terminated his/her employment with Heritage on the Marina. All Heritage on the Marina owned property (vehicles, keys, locks, uniforms, identification badges, credit cards, parking permits etc.) must be returned immediately upon termination or on the last day of employment.

1. An employee is requested to give proper notice of his/her resignation.

- a. A minimum of two (2) weeks' notice is requested, but not required, for all hourly employees.

- b. A minimum of four (4) weeks' notice is requested, but not required, for Exempt employees.
2. The last day an employee works shall be considered as the final date of employment. Any payment of accrued benefits is not considered additional employment time.

**D. INTEGRATION CLAUSE AND THE RIGHT TO REVISE**

This Handbook contains the employment policies and practices of Heritage on the Marina in effect at the time of publication. All previously issued handbooks and any inconsistent policy statements or memoranda are superseded.

Heritage on the Marina reserves the right to revise, modify, delete or add to any and all policies, procedures, work rules or benefits stated in the Handbook or in any other document, except for the policy of at will employment. However, any such changes must be in writing and must be signed by the CEO of Heritage on the Marina. No oral statements or representations can in any way change or alter the provisions of this Handbook. This Handbook contains all Heritage on the Marina policies regarding duration of employment and the circumstances under which employment may be terminated. Nothing in this Handbook, or any other personnel document, including benefit plan descriptions, creates or is intended to create a promise or representation of continued employment for any employee.

**E. CLOSE**

This handbook contains only general information and guidelines. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described. For that reason, if you have any questions concerning eligibility for a particular benefit or the applicability of a policy or practice to you, you should address your specific questions to the Human Resource department.

The procedures, practices, policies and benefits described here may be modified or discontinued from time to time. We will try to inform you of any changes as they occur.





RETIREMENT LIVING SAN FRANCISCO STYLE

**F. ACKNOWLEDGMENT OF RECEIPT**

I have received my copy of Heritage on the Marina's Employee Handbook. I understand and agree that it is my responsibility to read and to know the policies and procedures contained in the Handbook, including the Anti-Harassment Policy.

I understand that except for employment at will status, any and all policies or practices can be changed at any time by Heritage on the Marina. Heritage on the Marina reserves the right to change my hours, wages and working conditions at any time. I understand and agree, that other than the CEO of Heritage on the Marina, no manager, supervisor or representative of Heritage on the Marina has authority to enter into any agreement, express or implied, for employment for any specific period of time, or to make any agreement for employment other than at will; only the CEO has the authority to make any such agreement and then only in writing signed by the CEO.

I understand and agree that nothing in the Handbook creates or is intended to create a promise or representation of continued employment and that employment at Heritage on the Marina is employment at will that may be terminated at the will of either Heritage on the Marina or me. My signature below certifies that I understand that this acknowledgment contains a full and complete statement of the agreements and understandings that it recites, that no one has made any promises to me that are contrary to the foregoing, and that this acknowledgment supersedes all previous agreements, whether written or oral, express or implied, relating to the subjects covered in this acknowledgment.

Employee Signature	Date
Employee Name (Printed)	