**PRINTING INDUSTRIES OF CALIFORNIA**

**Company Policies and Procedures**

2020

Editor’s Notes

The **Editor’s Notes** reference the page number, subject matter, and the rationale/guidance regarding policy presented in the 2020 Sample Employee Handbook..

**Page 3– SUBJECT: LANGUAGE REQUIREMENT**

**Editor’s Note:** If more than 5% of your workforce has as its first language, a language other than English, you should have the handbook translated into that language(s). Even if you do not have 5%, if you do not have the handbook translated, an employee may argue he/she did not understand it and it may not be enforceable as to that employee. Thus, not having it translated will be at your own risk. If choose not to have it translated, at a minimum, this section itself should be translated into the appropriate language for the employee at issue.

**Page 8- STARTING THE EMPLOYMENT RELATIONSHIP**

**Page 8- Employment Applications** **(Optional Policy) [Editor’s Note, Suggested Language]** The Company relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented and gathered during the employment process. Any misrepresentation, falsification or material omission may result in the Company’s exclusion of the applicant from further consideration for employment, or, if the person has been hired, termination of employment.

**Page 8- Reference Checks** **(Optional Policy) [Editor’s Note, Suggested Language]** To ensure that individuals joining the Company are qualified and have the potential to be productive and successful, the Company will check the employment references of all applicants. Every offer of employment is contingent upon the appropriate completion of a reference check.

No references will be given concerning any present or past employee of the Company unless the Company has received a written request for such a reference. Only **(*\_\_\_\_\_\_\_\_\_\_\_\_\_*\_\_)** may respond to a request for a reference. Such response will only confirm the dates of employment and position held, and will be in writing. If an employee has given written authorization, the Company will also provide information on the amount of salary or wages earned by the employee.

**Page 8- Background Checks and Consumer Reports** **(Optional Policy) [Editor’s Note, Suggested Language]** The Company may require your consent to obtain a background check and consumer report on you in connection with your initial application for employment, your application for a new position in the Company, or an investigation into possible wrongful conduct by you. A consumer report may contain information regarding your character, general reputation, personal characteristics, or mode of living. The Company will use this information for employment purposes only. The Company may also obtain a consumer credit report for managerial positions, or where the job sought has regular access to personal information, where the employee is a signatory on a bank account, or where the employee has access to trade secret information or handles more than $10,000 in cash.

**Page 8 - Employee Classifications**

**Page 8- Non-Exempt Employees (Optional Policy) [Editor’s Note, Suggested Language]** Those employees who are subject to the provisions of federal and state law requiring the payment of overtime are considered to be non-exempt*.*

**Page 8- Exempt Employees (Optional Policy) [Editor’s Note, Suggested Language]** Those employees who are not subject to the provisions of federal and state law requiring the payment of overtime are considered exempt. Although several exemptions exist, exempt employees, in our industry, normally include executive, administrative and certain outside sales personnel

**Page 8- Independent Contractors (Optional Policy)** **[Editor’s Note, Suggested Language]** An independent contractor is any person who is classified by the Company as such*,* as evidenced by the Company’s lack of withholding taxes from their compensation. Independent contractors are not employees of the Company. Even if the person is later reclassified by an action of a court or administrative agency as an employee of the Company, he or she is not eligible for any retroactive Company sponsored benefits.

**Page 8– DISCRIMINATION, HARASSMENT, VIOLATION OF THE LAW**

**Page 8- Non-Harassment Policy (Required of Companies with 5 or More Employees)**

**[Editor’s Note] SB 396** requires that employers with five or more employees post not only the standard DFEH harassment/discrimination poster but also a new poster developed by DFEH on transgender rights which new poster can be found at the following link: <https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2017/08/DFEH_TransgenderRightsWorkplace_ENG.pdf> .

**[Editor’s Note, page12]** Effective in October, 2019, SB 778, which amends section 12950.1 of the Government Code, took effect immediately and extends the original compliance deadline associated with SB 1343 (passed in 2018), which requires all employers with five or more employees to provide two hours of sexual harassment training to supervisory staff and one hour of such training to nonsupervisory staff within six months of hire or promotion into a supervisory role, and every two years after that, from January 1, 2020 to January 1, 2021. In addition, the new law clarifies that an employer who provided sexual harassment training in 2019 need not provide such training again until 2021 (and then every two years thereafter). SB 778 does not change the training timeline for seasonal and temporary workers, which must be provided to such workers within 30 days or 100 hours of employment beginning January 1, 2020. However, a separate bill, SB 530, has also pushed the beginning of this training requirement for seasonal and temporary workers to January 1, 2021. SB 630 extends the deadline for mandatory sexual harassment training for seasonal temporary or other employees hired to work less than six months, to January 1, 2021. Make sure to comply with all required sexual harassment training deadlines.

**Page 11-** **REASONABLE ACCOMMODATION**

**Page 11- Service Animals (Optional Policy) [Editor’s Note, Suggested Language]**

Because we are open to the general public, federal and state laws require that our disabled patrons be able to make use of a service animal to assist them in using our facilities. According to recent changes in the law, a service animal may only be a dog or, under very limited circumstances, a specially trained miniature horse. However, these service animals need NOT have a yellow or other distinguishing vest identifying them as a service animal; they may appear like any other animal. To be a service animal, the patron need only identify the dog as a service animal. You should not question the patron about the legitimacy of the service animal or how the animal is of use to the patron; it is sufficient that the patron calls the animal a service animal. Based on that alone, you should allow the patron access with the dog.

If you have a concern about the animal, or if the animal becomes disruptive in any way or causes a problem with any other guests, alert your manager immediately.

**Page 13- CONFIDENTIALITY AND CONFLICT OF INTEREST**

**Page 13-Non-Fraternization- (Optional Policy) [Editor’s Note****, Suggested Language]** Not every company wants to ban relationships among employees – you can allow them and require the couple inform HR in writing. If so, the following statement can be inserted under this title: “Accordingly, employees are prohibited from fraternizing or becoming romantically involved with each other when their personal relationships create an actual conflict of interest, cause disruption, create a negative or unprofessional work environment, present problems regarding supervision, work performance, attitude, safety, security or morale, or cause other work-related problems.”

**Page 13-Employment of Relatives- (Optional Policy) [Editor’s Note, Suggested Language]** Our Company permits employment of relatives. However, the employment of relatives in the same department can create a conflict of interest. Therefore, immediate family members (see definition below) will not work in the same department for the same supervisor, or for a supervisor who is an immediate family member. Working in the same department for a different supervisor is permitted. Immediate family members for purposes of this policy include spouse, in-laws, step relatives, domestic partner, parent, child or stepchild, sister or brother, grandparent or grandchild.

**Page 13- Personal Involvement**- **(Optional Policy) [Editor’s Note, Suggested Language]** Personal or romantic involvement with a competitor, customer, vendor or supplier may impair an employee’s ability to exercise good judgment on behalf of the Company. An employee should immediately disclose any relationship of this type to his or her supervisor. The Company will determine if any actual conflict of interest exists. If a conflict is determined to exist; the Company will take whatever corrective action it deems to be appropriate.

**Page 14-** **PERFORMANCE EVALUATION WITH THE COMPANY**

**Page 14- Periodic Performance Evaluations- (Optional Policy) [Editor’s Note, Suggested Language]** Such evaluations may be made to determine your individual progress, training needs, and potential pay increases. Pay increases are not automatic and depend on factors such as the employee's demonstrated job proficiency, the Company's ability to pay, and other business-related factors as determined solely by the Company. The Company will, however, comply with equal pay provisions and laws and will not pay any of its employees at wage rates less than the rates paid to employees of the opposite sex, or of a different race or ethnicity, for substantially similar work, when viewed as a composite of skill, effort and responsibility, and performed under similar working conditions, except when based upon law-permitted exceptions. To the extent required by law, the Company will not base a wage differential on an applicant’s/employee’s prior salary. **[Editor’s Note]**

**Page 14- HOURS OF WORK/WORKING CONDITIONS**

**Page 14- 2nd shift** **(Optional Policy) [Editor’s Note, Suggested Language]** 2nd shift hours are generally from **(\_\_\_\_)** p.m. to **(\_\_\_\_)** p.m., Monday through Friday, regularly scheduled **(\_\_\_\_)** hours per shift, **(\_\_\_\_)** hours per week, with at least a one-half hour duty-free meal period and duty-free rest periods required by law, as set forth in the meal and rest period policies in this handbook.

**Page 18-** **Personal Loans or Advancements (Optional Policy) [Editor’s Note, Suggested Language]** The Company will not make personal loans or advances against future earnings or vacation.

**Page 18-** **Expense Reimbursement**- **(Optional Policy) [Editor’s Note****, Suggested Language].** The use of an employee’s personal cell phone or automobile for business purposes is not required and employees should not use personal cell phones or automobiles for business purposes. In the unusual case where the employee believes he or she must do so, the employee must have advance approval from his or her supervisor, must have proof of the use, and must see [**option:** accounting, human resources] with regard to reimbursement procedures. In addition, in all cases, nonexempt employees may not use their personal devices for business purposes outside of their normal work purposes should not expect any privacy in that device and, to the maximum extent permitted by law, the Employer has the right, at any time, to monitor, access, and inspect those devices and, if applicable, to preserve any communications on the device.

**Page 20 BENEFITS**

**Page 20- Company Health Insurance/Life Insurance** **(Optional Policy) [Editor’s Note].** The type and extent of benefits is up to each company. Please amend accordingly.

**Page 21 Sick Leave Pay/Kin Care**-

**(Optional Policy) [Editor’s Note, Suggested Language]** New employees are entitled to use accrued paid sick days after completing (90) days of employment. Paid sick leave will carry over to the following year of employment.

 (Option 3: All current employees, as of July 1, 2015, will accrue paid sick days at the rate of one hour for every 30 hours worked for the Company. Paid sick leave will carry over to the following July 1st) Employees total accrual of paid sick leave will not exceed 6 days or 48 hours and thus, carry over is limited to 6 days or 48 hours. Regardless of carryover and accrual, employees are limited in their use of paid sick days to 24 hours or three (3) days in each year of employment (Option: or for current employees the following July 1st) and no accrued, but unused sick leave will be paid out at termination of employment. **[Editor’s Note]**

Verification of the employee’s illness*,* or need to attend to an immediate family member or domestic partner who is ill, may be required by the Company in order for payment to be made.

**Page 22- Family Friendly Flexible Work Place Ordinance- <****Required Policy only For San Francisco employers with 20 or more employees >** Those employees who are employed within San Francisco, who have been employed for six months or more, and who work at least eight hours per week, may request flexible work arrangements to assist with caregiving responsibilities. The employee may request the flexible or predictable working arrangement to assist with care for a child or children under the age of eighteen, a person or persons with a serious health condition in a family relationship with the employee, or a parent (age 65 or older) of the employee. The Company will consider an employee’s requests for such arrangements, but accommodation is not guaranteed. Please contact Human Resources (**Option:** designate another appropriate individual if no HR) with any questions.

**Page 22- PAID LEAVES OF ABSENCE**

**Page 22- Organ and Bone Marrow Donor Leave-** **(Optional Policy) [Editor’s Note, Suggested Language** An employee will be granted a leave of absence due to their donation of an organ or bone marrow to another person.

Request for Leave-No employee shall be granted an organ or bone marrow leave unless they submit a written request for leave stating that they are an organ or bone marrow donor and showing a medical necessity for the donation of the organ or bone marrow. Failure to provide the above information is grounds for denial of this leave of absence.

Length of Leave-Leave time due to organ donation may not exceed thirty (30) days off in any 12-month period, commencing with the first day on which any such leave is taken.

Leave time due to bone marrow donation may not exceed five (5) days off in any 12-month period, commencing with the first day on which any such leave is taken.

Compensation and Benefits-Organ and bone marrow donor leave is with pay. As such, employees will be paid their usual and customary salary/daily rate while on such leave.

Time spent on an organ or bone marrow donor leave will not constitute a break in service for any reason. To the extent an employee receives benefits under a group health plan benefits, the Company will continue to pay the premium for the employee's health insurance that the Company would have paid but for the employee's leave.

**Page 24 UNPAID LEAVE OF ABSENCE**

**Personal (Non-Industrial) Medical Leave of Absence** **[Editor’s Note]**

This policy statement only applies to companies with **fewer than 50 employees** and should only be included in a handbook for such companies. Companies with **50 or more employees** must instead use the written policy covering the “Federal Family and Medical Care Leave” and California Family Rights Act.)

**Request/Eligibility for Leave**- **[Editor’s Note]** The Company can elect to have or not have a waiting period for new employees.

**Length of Leave**- **[Editor’s Note] Y**ou can make this statement in the handbook regarding a maximum, but, please evaluate each case on its own individual basis in terms of whether extending a leave would be a reasonable

**Compensation and Benefits- [Editor’s Note]** Companies with less than 50 employees can choose how much time, if any, they wish to pay the Company’s portion of the insurance premium.

accommodation under California or federal law and engage in the interactive process (federal law only applies if greater than 15 employees and California law applies to 5 or more employees although harassment based on disability applies if only one employee)

**Return from Leave [Editor’s Note] Y**ou can make this statement in the handbook regarding no guarantee of reinstatement, but, please evaluate each case on its own individual basis in terms of whether such a leave was a reasonable accommodation under California or federal law and, if so, then reinstatement is guaranteed.

**Page 25-Industrial Medical Leave of Absence**

**Page 25 Compensation- [Editor’s Note]** Companies with less than 50 employees can elect how much time, if any, they wish to pay the Company’s portion of the insurance premium. It is strongly recommended the amount of time elected to pay the insurance premium under the same terms and conditions as if actively employed for an Industrial Leave be equal to the maximum for the Company’s Personal (Non-Industrial) Medical Leave or Pregnancy Childbirth Leave of Absence whichever is greater)

**Page 28- Other Leaves of Absence [Editor’s Note]** There is a wide variety of other unpaid leaves of absences that may be required by state and/or federal law. Eligibility and conditions of these leaves vary considerably, generally dictated by the number of employees in a company, including document **Family and Medical Care Leave of Absence (FMLA)/California Family Rights Act (CFRA)** (employers of 50 or more employees), **Leave Of Absence For Emergency Service for Fire, Law Enforcement, or Emergency Rescue Training** (employers of 50 or more employees), **Domestic Violence, Sexual Assault, or Stalking** (employees of 25 or more employees), **School Activities** (employees of 25 or more employees), **Literacy Education Time Off** (employees of 25 or more employees), **Alcohol and/or Drug Rehabilitation Leave of Absence** (employees of 25 or more employees), **Military Spouse Leave** (employees of 25 or more employees).

**Page 29- COMPANY WORK RULES AND STANDARDS OF CONDUCT**

**Page 29- Investigations**- (Optional Policy) **[Editor’s Note**, **Suggested Language]** From time to time the Company may conduct investigations and interview employees to gather information. Employees are required, as a condition of employment, to cooperate and participate in interviews.

**Page 37- Right to Observe Employees**-

**Editor’s Not**e: You must list here in this policy all locations in which you will post an electronic device. Also, you should post a notice at the physical locations where the cameras are located that the area is being monitored by video surveillance. Please note that legally you may not record audio, but only video.

**Editor’s Note: (Option):** Cameras may also be placed in “private” offices without employee’s knowledge and without employee’s permission. Therefore, employees should have no anticipation of privacy in the workplace, with the exception of restrooms and changing rooms.

This second option is only permissible where you have evidence leading to an investigation of misconduct.Therefore, employees should have no anticipation of privacy in the workplace, with the exception of restrooms and changing rooms.

**Editor’s Note:** Under AB 1732, commencing on March 1, 2017, all single-user toilet facilities in any business establishment, place of public accommodation, or government agency must be identified as all-gender toilet facilities.

**Page 38- Safe Operation of Vehicles**

**Page 38 [Editor’s Note]** Consider having employees name the Company as an additional insured under their own policy. Note that you cannot require them to carry insurance above state basic minimums – if you do, then the DLSE argues you have to reimburse employees for the cost of that extra insurance which is arguably not part of the IRS rate calculation.

**Page 38- Cell Phone Safety and Electronic Communication When Driving**-Under AB 1875, the existing hands-free law related to cell phones is expanded by making it illegal to simply even hold and operate a cell phone while driving. If an individual has a cell phone holder attached to a car, he or she can legally swipe at the phone while driving. However, launching apps and surfing the web will now be clearly outlawed.

**Option 1:** The Company expects employees whose job responsibilities include regular or occasional driving to refrain from using a cell phone while driving. Safety must come before all other concerns. This includes using, sending, reading or review of text messages or e-mails while driving. If employees choose to use a cell phone for placing or accepting calls, they must use a hands-free option such as a headset, blue-tooth or speaker phone, and safely pull over to a safe location. Under no circumstances are employees to place themselves or others at risk. Employees who are charged with traffic violations resulting from the use of a cell phone while driving will be solely responsible for all liabilities that result from such actions. Violations of this policy will be subject to disciplinary actions, up to and including termination of employment.

**Option 2:** Employees whose job responsibilities include regular or occasional driving may not use a cell phone while driving for any reason. This includes using, sending or reading or review of text messages or e-mails. Employees who are charged with traffic violations resulting from the use of a cell phone while driving will be solely responsible for all liabilities that result from such actions. Violations of this policy will be subject to disciplinary actions, up to and including termination of employment.

**Page 41- Bloodborne Pathogens**- **(Optional Policy) [Editor’s Note**, **Suggested Language]** As part of its continuing commitment to employee safety and health, the Company has adopted a comprehensive policy for dealing with possible employee exposure to blood borne pathogens. While possible employee exposure to blood borne pathogens may have serious consequences, these measures are primarily intended to be precautionary.

An employee who renders first aid assistance in any situation involving the presence of blood or other potentially infectious materials will immediately be offered Hepatitis B vaccination. The Company will pay for this vaccination.

If rendering first aid results in an eye, mouth, or non-intact skin contact with blood or other potentially infectious materials, the Company will take the following actions. It will document the circumstances of the exposure. The Company will identify the person from whom the potentially infectious material came. It will inform the first aid provider about the symptoms that might develop from exposure, collect and test the first aid provider’s blood (with the employee’s consent and the Company’s cost) for Hepatitis B and HIV serum status, provide post exposure treatment (if necessary), and provide employee counseling.

**Page 41- EMPLOYEE HANDBOOK REVISIONS**

Page 41 **[Editor’s Note]** We recommend that it be only the President of the company who is able to sign such a document deviating from at will employment.