

# **SUMMARY OF LEAVE AND PAY PRACTICES**

## **CALIFORNIA**

Since most Phoenix House California full-time employees work an eight (8) hour day, the examples in this Summary assume that if an employee takes a full day of vacation, sick leave or personal leave, the appropriate leave balance will be charged for eight hours. If an employee works an alternative schedule (such as 4 days a week – 10 hours a day), and the employee takes a full day of vacation, sick leave, or personal leave, the appropriate leave balance will be charged the number of hours the employee normally works (i.e., 10 hours for a 4 – 10 schedule).

Phoenix House reserves the right to change the leave and pay practices, or any components thereof, at its discretion at any time, with or without notice. Nothing contained herein implies or infers that Phoenix House has any contractual obligations as it relates to employment with Phoenix House. This Summary of Leave and Pay Practices, coupled with the Summary of Employee Benefits, provides an overview of key national policies and procedures. In addition to the policies and procedures contained within this document and the Summary of Employee Benefits, there may be other policies and procedures that are communicated individually and/or policies and procedures that apply on a regional/facility basis. Employees, stipends, interns and volunteers are expected to comply with all communicated and applicable policies and procedures. Failure to adhere to all communicated policies and procedures, whether contained in this document or whether communicated verbally or in writing, can result in disciplinary action, up to and including termination of employment.

The contents of this Summary supersede any prior handbook or other policy manual. No one other than the President, Senior Vice President of Human Resources, and the Vice President of Legal are authorized to change or modify these policies and procedures. It is Phoenix House's policy to comply with all applicable law, including laws concerning discrimination and sexual harassment. This Guide is not intended to provide any contractual remedy to Phoenix House's employees.

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## SICK LEAVE

Paid sick leave is accrued at a rate of 4.67 hours per month. The first accrual begins on the last pay period of the month following 30 days of service. Subsequent accruals occur on the last pay period of each month. An employee will not receive an accrual addition for any month where the employee is on an unpaid leave for the entire last pay period of the month. The maximum number of sick leave hours that can be accrued is 960 hours and once an employee reaches the maximum, no additional accruals are added to the bank until such time as the accrued sick leave bank falls below the maximum. Paid sick leave can be accrued and carried forward from year to year up to a maximum of 960 hours. When paid sick leave is taken, the hours taken as sick leave are deducted from the accrual bank when the sick leave is recorded on the e-timecard. Employees are not eligible to take paid sick leave if they do not have the equivalent number of accrued hours in their sick leave bank.

Sick leave is granted at the discretion of the supervisor to employees who are unable to work due to their own personal illness or injury or the illness or injury of an immediate family member. Accrued, but unused, sick leave is **NOT** paid out at the time of termination.

An employee must notify a supervisor directly by no later than **one (1) hour** before the start of the workday that he/she needs to take sick leave. If the employee cannot reach a supervisor directly, the employee must contact another senior staff member to inform her/him of the absence due to illness. In cases of excessive sick leave, a supervisor may require a physician's note and may take disciplinary actions if the employee does not supply appropriate documentation.

If an employee is absent due to illness or injury the working day before or after a holiday or the working day before or after a vacation day, the employee will only be eligible for paid sick leave if the employee submits a physician's verification of illness. Upon submitting a resignation, the employee will only be eligible for paid sick leave between the date the resignation notice is given and the last day worked if the employee is hospitalized and/or submits a physician's verification of illness.

## PERSONAL LEAVE

Paid personal leave is accrued at a rate of 2.67 hours per month. The first accrual begins on the last pay period of the month following 90 days of service. Subsequent accruals occur on the last pay period of each month. An employee will not receive an accrual addition for any month where the employee is on an unpaid leave for the entire last pay period of the month. The maximum number of personal leave hours that can be accrued is 32 hours and once an employee reaches the maximum, no additional accruals are added to the personal leave bank until such time as the accrued personal leave bank falls below the maximum. Paid personal leave can be accrued and carried forward from year to year up to a maximum of 32 hours. When paid personal leave is taken, the hours taken as personal leave are deducted from the accrual bank when the personal leave is recorded on the e-timecard. Employees are not eligible to take paid personal leave if they do not have the equivalent number of accrued hours in their personal leave bank.

Employees can utilize accrued personal leave at any time during the calendar year but all leave must be scheduled with the employee's supervisor. An employee is expected to provide sufficient advance notice (usually one week), to allow the supervisor to arrange for continuity of coverage. Requests for Personal Leave should be submitted through Ceridian Source Self-Service. However, in case of an emergency, the employee must notify a supervisor by no later than **one (1) hour** before the start of the workday that they wish to take personal leave.

An employee cannot receive pay in lieu of taking personal leave. Accrued, but unused, personal leave is paid out at the time of termination.

## BEREAVEMENT LEAVE

Upon employment, time off with pay, not to exceed four workdays, will be granted to employees in the event of a death in the immediate family which is defined as spouse, child, parent, sibling, unmarried partner, in-laws (parent or sibling), grandparent, grandchild or guardian.

## VACATION LEAVE

Vacation accrual varies based upon the employee's length of service and FLSA level as follows:

Months of Service	Non-Exempt Employees		Exempt Employees		VP & Senior Director	
	Monthly Accrual Rate	Annual Accrual Maximum	Monthly Accrual Rate	Annual Accrual Maximum	Monthly Accrual Rate	Annual Accrual Maximum
4 through 24 months	6.67 hours	80 hours	10 hours	120 hours	13.33 hours	160 hours
25 through 48 months	10 hours	120 hours	13.33 hours	160 hours	13.33 hours	160 hours
49 months & beyond	13.33 hours	160 hours	13.33 hours	160 hours	13.33 hours	160 hours

The first accrual begins on the last pay period of the month following 90 days of service. Subsequent accruals occur on the last pay period of each month. An employee will not receive an accrual addition for any month where the employee is on an unpaid leave for the entire last pay period of the month. When vacation leave is taken, the hours taken as vacation leave are deducted from the accrual bank when the vacation leave is recorded on the e-timecard. Employees are not eligible to take vacation leave if they do not have the equivalent number of accrued hours in their vacation leave bank.

For the purpose of calculating the vacation accrual rate, the rate will change as employees move between the nonexempt, exempt, and executive/senior management levels. In addition, employees who are rehired by Phoenix House will, for vacation accrual purposes, start at zero years of service if the employee was paid out for all accrued, but unused, vacation at the end of the employee's previous employment with Phoenix House.

An employee cannot receive pay in lieu of taking vacation. If a holiday occurs during vacation leave, the holiday will not be deducted from the vacation leave accrual.

On December 31, 2007, the maximum number of vacation hours employees can carry in their vacation bank was reduced to 160 hours. Once an employee reaches the maximum, no additional accruals are added to the vacation leave bank until such time as the accrued vacation leave bank falls below the maximum. Employees who exceed the 2008 maximum of 160 hours as of December 31, 2007 did not forfeit any accrued time; however, employees will not accrue any additional vacation leave until such time as they fall below the maximum balance of 160 hours. For any employee hired after December 31, 2007, the maximum accrual is 160 hours and the maximum number of hours that can be carried forward from year-to-year is 160 hours.

Once an employee reaches the maximum accrual, no additional accruals are added to the vacation bank until such time as the accrued vacation leave bank falls below the maximum.

Accrued, but unused, vacation leave is paid out at the time of termination up to the maximum accrual amount in effect for that year.

**It is critically important that employees schedule their vacation time with their supervisor as early as possible. Requests for vacation should be submitted through Ceridian Source Self-Service. It is the employee's responsibility to work with the employee's supervisor to identify the times when vacation will be taken.** The scheduling of vacation time will be on a first come, first served basis. When more than one employee requests the same vacation period at the same time, and the number of employees requesting time off is more than can be accommodated by the work load (a decision made by the facility/department manager), those with seniority get first choice. However, once a vacation request has been received and approved by the supervisor, an employee with more seniority cannot "bump" that employee by submitting a request at a later date. Thus, it may be necessary for employees to accept alternative dates for their vacation, especially if requests for vacation are not submitted early. At a minimum, vacation should be scheduled with the supervisor at least four (4) weeks in advance of the date(s) to be taken. Exceptions to the accrual maximums will not be made because an employee waited too late to schedule vacation; the employee wanted a period of time that could not be accommodated; and/or, the employee felt that their workload precluded taking time off.

## HOLIDAY LEAVE

Phoenix House provides employees with 8 paid holidays per year. For 2009, the holidays are as follows:

	2009
New Year's Day	Thursday, January 1
Dr. Martin Luther King, Jr. Day	Monday, January 19
President's Day	Monday, February 16
Memorial Day	Monday, May 25
Independence Day	Friday, July 3
Labor Day	Monday, September 7
Thanksgiving Day	Thursday, November 26
Christmas Day	Friday, December 25

When a non-exempt employee works a holiday, the employee can either:

- Be paid eight (8) hours for the holiday at straight time plus be paid for any hours work
- Bank the holiday for future use plus receive pay for any hour worked. The maximum number of holiday hours that can be banked at any one time is eight (8). A Banked holiday must be taken in a whole day (8 hour) increment and the day must be scheduled, in advance, with the employee's supervisor.

For non-exempt employees, any hours actually worked during a holiday are counted as hours worked for the purpose of computing weekly overtime pay. However, any holiday hours paid, but not worked, are not counted for the purpose of computing overtime pay. For example, if a non-exempt employee works five days of 8.0 hours each and there is a holiday during the week other than the days the employee worked, the employee will be paid 40 regular hours plus 8 regular hours for the holiday for a total of 48 hours at straight time. No overtime at time-and-a-half is due since the employee only worked 40 hours.

If a non-exempt employee is working a 4 day – 10 hour day schedule, the employee will receive eight (8) hours of pay for any holiday that falls on an employee's regular day off and is **not** worked by the employee. If the holiday falls on a non-exempt employee's regular work day, the employee will receive ten (10) hours of regular pay for the holiday plus will be paid for all hours worked (if any).

When an exempt employee works a holiday, the employee can bank the holiday for future use (**the employee cannot receive extra pay for the holiday**). The maximum number of holiday hours that can be banked at any one time is eight (8). A Banked holiday must be taken in a whole day (8 hour) increment and the day must be scheduled, in advance, with the employee's supervisor.

Employees who wish to observe personal religious or cultural holidays that are not part of the Phoenix House Holiday Schedule must use banked holiday, personal or vacation leave.

If an employee is absent due to illness or injury the working day before or after a holiday or the working day before or after a vacation day, the employee will be eligible for paid sick leave if the employee submits a physician's note. If an employee is on any type of paid leave when a holiday occurs, the employee will be paid for the holiday and the hours for the holiday will be charged to holiday pay, not leave time. If the employee is on unpaid leave, the employee is not eligible for the holiday. Accrued, but unused, banked holiday hours are paid out at the time of termination.

## JURY DUTY LEAVE

Upon employment, an employee is eligible for time off with pay for jury duty, not to exceed two weeks per calendar year. The employee must report for work on any full or partial days the employee is released from serving. Phoenix House does not deduct from the employee's pay any money received for jury duty.

## **MILITARY LEAVE**

Upon employment, an employee is eligible for military leave for the purpose of performing the employee's annual tour of duty with the armed forces or during wartime. Employees on military leave will be paid the difference between their regular Phoenix House salary and the salary received from the military for the first fifteen workdays that the employee is on military leave.

Employees who leave Phoenix House for service in the military have the right to elect to continue their existing Phoenix House health plan coverage for up to 24 months while in the military.

Employees who leave Phoenix House for service in the military have the right to be reemployed if:

- The employee provided Phoenix House advance written or verbal notice of service;
- The employee has five years or less of cumulative service in the uniformed services while with Phoenix House;
- The employee returns to work or applies for reemployment in a timely manner after conclusion of service; and,
- The employee was not separated from service with a disqualifying discharge or under other than honorable conditions.

If an employee serving in the military is eligible for reemployment, the employee will:

- Be restored to the job and benefits that would have been attained if the employee had not been absent due to military service or, if the former job is not available, a comparable job.
- Be reinstated in the employer's health plan upon reemployment, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

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

Effective January 1, 2004, all Phoenix House California employees began paying an additional tax to fund PFL benefits. PFL benefits will be available for claim periods beginning on or after July 1, 2004. These benefits are intended to provide a partial wage replacement for individuals who take time off work to care for a serious health condition of their spouse, domestic partner, dependent parent or child or for "baby bonding" due to the birth or a child or placement of a child in connection with adoption or foster care. The benefit eligibility is six weeks in a 12-month period. The weekly benefit amount is approximately 55% of the employee's wages in the highest quarter of their base employment period, typically ranging from \$50 to a weekly maximum of \$728.

Employees are eligible for this benefit upon employment provided they have earned at least \$300 from which deductions were made. They must complete the claim form and provide documentation to establish the need for leave. The benefit requires a seven-day waiting period (unless the employee already satisfied the waiting period for SDI) and is subject to the employee first using up to two-weeks of accrued vacation. Employees must file a claim for benefits directly with EDD no later than 42 days from the first date from which they may be paid due to the need for leave. They must ensure that a medical certificate is filed if the leave is taken for a seriously ill family member and that the condition warrants the participation of the employee to provide care. A separate certification must be completed for leave associated with the birth, adoption, or foster care placement of a child.

An employee on leave with PFL benefits has no protected rights regarding continued employment or return rights unless the benefit is coordinated with another leave for which the employee is eligible, such as FMLA or CFRA. PFL benefits may not be received while an employee is receiving Unemployment Insurance, State Disability Insurance or Workers' Compensation benefits. In addition, an employee who is receiving PFL who is not eligible for FMLA, CFRA or PDL will not be eligible for Phoenix House benefit continuation. (See the sections below on Unpaid Leave and benefits continuation under COBRA.)

## **FMLA, PDL & UNPAID FAMILY LEAVE**

### FMLA Leave (Employees with One Year, and at Least 1250 Hours, of Service)

- a. Employees with one year, and at least 1250 hours of service may request up to 12 weeks of leave in a twelve month period to care for a newborn, newly adopted or foster care child, an immediate family member or themselves because of a serious health condition, including when such leave is related to a worker's compensation claim ("FMLA Leave"). FMLA Leave commences on the first date the employee leaves work for any of the purposes stated above.

- b. All requests for unpaid leave should be submitted through Ceridian Source Self-Service. Medical certification or other appropriate documentation may be required prior to commencement of the FMLA Leave. Employees desiring to take FMLA leave can obtain the medical certification form from their HR Representative.
- c. Employees with one year and at least 1250 hours of service who are a spouse, son, daughter, parent or next of kin of a covered servicemember with a serious injury or illness may request up to 26 weeks of FMLA Leave during a single 12 month period to care for the servicemember. A covered servicemember is a current member of the Armed Forces, including the National Guard or Reserves, who is under going medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. A serious injury or illness is one that was incurred by a servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his/her office, grade rank or rating. The “single 12 month period” for leave to care for a covered servicemember begins on the first day the employee takes leave and ends 12 months later. Employees are limited to a combined total of 26 weeks of leave for any FMLA-qualifying reason during the single 12-month period. Only 12 of the 26 weeks total may be for a FMLA-qualifying reason other than to care for a covered service member. Employees seeking to use military caregiver FMLA Leave must provide 30 days advance notice detailing the need, time and duration of the leave or if 30 days advance notice is not practicable then Employees must provide notice as soon as practicable.
- d. Employees with one year and at least 1250 hours of service may request up to 12 weeks of FMLA Leave during the applicable 12-month period for qualifying exigencies arising out of the fact that the Employees’ spouse, son, daughter, or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. Qualifying exigency leave is available to Employees of a servicemember in the National Guard or Reserves; it does not extend to family members in the Regular Armed Forces. Employees seeking FMLA Leave due to a qualifying exigency must provide advance notice as soon as practicable.
- e. An employee may be required to use any accrued sick, vacation and/or personal leave during the FMLA Leave before any unpaid leave may begin, depending on the reason for such leave:
  - i. For leave due to an employee’s serious health condition (except for leave due to the birth of a child) or leave for a seriously ill family member, accrued sick, vacation, and personal leave (in that order) must be used before any unpaid leave may begin.
  - ii. For leave due to the birth of a child, the adoption of a child or care for a newborn, accrued vacation and personal leave (in that order) must be used before any unpaid leave may begin. The employee may, but is not required to, use accrued sick leave after vacation and personal leave are exhausted.
- f. If an employee is unable to return to work for any reason when the FMLA Leave ends, with or without a reasonable accommodation, his/her employment will be terminated, unless such termination is prohibited by State law.

Unpaid Sick Leave (Employees with Less than One Year, and 1250 Hours, of Service)

- a. Employees with less than one year, and 1250 hours, of service may request an unpaid leave of absence for up to two (2) weeks (“Unpaid Sick Leave”).
- b. All requests for unpaid leave should be submitted through Ceridian Source Self-Service. Medical certification or other appropriate documentation may be required prior to commencement of the unpaid sick leave. Employees desiring to take unpaid sick leave can obtain the medical certification form from their HR Representative.
- c. When the need for a leave of absence is foreseeable, the employee is required to request Unpaid Sick Leave thirty (30) days in advance. For unforeseen events, the employee is required to make the request as soon as it is possible and practical to do so, but no later than two business days after the beginning of the leave. Any Unpaid Sick Leave must be approved by the employee’s supervisor and the Human Resources Department.
- d. Regardless of the duration of Unpaid Sick Leave granted, the leave terminates once the reason for the leave no longer exists. If an employee is unable to return to work for any reason when the Unpaid Sick Leave ends, with or without a reasonable accommodation, his/her employment will be terminated, unless such termination is prohibited by State law.

Employment continuation and benefit coverage is provided as follows:

- a. While on FMLA Leave or Unpaid Sick Leave, the employee will be eligible to continue the Phoenix House medical, dental, vision, and/or FSA coverage the employee had prior to the date his/her leave commenced if the employee continues to pay the appropriate monthly employee premium on or before the 30<sup>th</sup> of the month following the month for which coverage is provided. Failure to pay the employee premium in a timely manner may result in a termination of coverage. A loss of coverage resulting from a failure to pay premiums is not a qualifying event under COBRA.
- b. Upon the termination of employment, the employee will be offered the opportunity to continue medical, dental, vision and FSA coverage under COBRA if the employee had said coverage before his/her FMLA Leave commenced. Also included in the COBRA package will be information on how to convert Life Insurance, Long Term Disability, and Long Term Care to individual coverage (if the employee was enrolled in these plans prior to termination).

Reasonable Accommodations:

- a. At any time during FMLA Leave or Unpaid Sick Leave, an employee may request a reasonable accommodation to facilitate his/her return to work, including up to four weeks of additional unpaid leave. When an employee requests a reasonable accommodation, Phoenix House will engage in an interactive communication process with the employee and the employee's healthcare provider(s) to determine in what ways, if any, Phoenix House could reasonably accommodate the employee's return to work. If the employee does not actively participate in the interactive communication process and/or the employee fails to provide necessary medical documentation in a timely manner, his/her employment will be terminated.
- b. During an extension of FMLA Leave or Unpaid Sick Leave as a reasonable accommodation, the employee's benefits will continue as long as the appropriate monthly employee premium is paid by the employee on or before the 30<sup>th</sup> of the month following the month for which coverage is provided. Failure to pay the employee premium in a timely manner may result in termination of coverage. A loss of coverage resulting from a failure to pay premiums is not a qualifying event under COBRA.
- c. If at the end of an extension of the unpaid leave, the employee cannot return to work with or without a reasonable accommodation, his/her employment will be terminated, unless such termination is prohibited by State law.
- d. Upon the termination of employment, the employee will be offered the opportunity to continue medical, dental, vision and FSA coverage under COBRA if the employee had said coverage before his/her unpaid leave commenced. Also included in the COBRA package will be information on how to convert Life Insurance, Long Term Disability, and Long Term Care to individual coverage (if the employee was enrolled in these plans prior to termination).

Pregnancy Disability Leave (PDL):

A pregnant employee is entitled to up to four months of PDL. The time is generally unpaid, and can be taken whenever a woman's doctor certifies that she is disabled during the pregnancy or after delivery. The time often is taken all at once during the few weeks before and after delivery, but can be taken at any time throughout and after the pregnancy for morning sickness, prenatal visits, complications, and recovery.

Pregnancy Disability Leave and Family Medical Leave Act:

FMLA regulations consider pregnancy a serious health condition and allow an employee to take up to 12 weeks of family leave for pregnancy-related disability if the employee is eligible for FMLA. However, FMLA leave can run concurrently with PDL as long as Phoenix House notifies the employee that we consider the PDL to be FMLA leave.

This means that the first 12 weeks of PDL are counted as federal FMLA and the employee only has 4 weeks remaining under the PDL. The employee who uses all four months of PDL will exhaust their FMLA leave entitlement during her PDL. If an employee's PDL has run concurrently with FMLA, the employee cannot, after exhausting the four-month PDL, take family leave for the "medical leave" purpose if she still is disabled by pregnancy.

A Phoenix House employee will be eligible to continue the Phoenix House medical and/or dental coverage he/she had prior to the FMLA/PDL coverage IF the employee continues to pay the appropriate monthly employee co-pay on or before the 30<sup>th</sup> of the month following the month for which coverage is provided. Failure to pay the employee co-pay on or before the 30<sup>th</sup> of the month following the month for which coverage is provided will result in a termination of coverage.

After the expiration of FMLA/PDL the employee's employment will be terminated if they are unable to return to work. Upon termination they will be offered to continue their medical, dental and FSA coverage under COBRA if the employee had said coverage while an active employee. Also included in the COBRA package will be information on how to convert Life Insurance, Long Term Disability, and Long Term Care to individual coverage (if the employee was enrolled in these plans prior to termination).

## **OVERTIME & WORKING HOURS**

### Workweek

The Phoenix House workweek begins at 12:00:01 a.m. on Monday and ends on Sunday at 12:00:00 p.m.

### Working Hours

Clinical Staff – Normal working hours are determined by Clinical Supervisors. The clinical staff may have flexible and changing work schedules to accommodate seven days per week, twenty-four hours per day facility coverage. A normal workweek for full-time clinical staff is forty (40) hours per week and a normal workday is eight (8) hours plus a one (1) hour unpaid lunch break.

Administrative Staff – Normal working hours for administrative employees are from 8:00 am to 5:00 pm, Monday through Friday. However, when it meets Phoenix House needs, a supervisor may request an alternative start and end time for an employee under his/her supervision. The Regional Director or Departmental Vice President must approve such requests. A normal workweek for full-time administrative staff is forty (40) hours per week and a normal workday is eight (8) hours plus a one (1) hour unpaid lunch break.

Non-exempt employees should not sign in or begin work before the scheduled start of the workday unless specifically requested by a supervisor. In addition, non-exempt employees are expected to sign out and end work at the close of the scheduled workday unless specifically requested by a supervisor to do otherwise.

Whenever an employee will be absent from work due to an unanticipated illness/event or is unable to start work at the scheduled start of the workday due to an unanticipated illness/event, the employee must notify a supervisor by no later than **one (1) hour** before the start of the workday. If a supervisor is not available, the employee must contact a senior staff member. Failure to contact a supervisor or senior staff member in a timely manner may result in disciplinary action including, but not limited to, termination of employment. For vacation and personal leave, an employee is expected to provide sufficient advance notice to allow the supervisor to arrange for continuity of coverage. Generally, four (4) weeks is the minimum sufficient notice for vacation and one (1) week is the minimum sufficient notice for personal leave.

In order to provide appropriate facility coverage, staff in residential units is expected to stay on duty until relieved by another employee. In such situations, a supervisor should be notified. Leaving a facility unattended may result in disciplinary action including, but not limited to, termination of employment.

### Overtime

As a general rule, all work by employees should be completed during the regular working hours assigned to the employee. However, at times conditions may arise that require employees to work beyond the regular work hours. In those instances, employees classified as non-exempt under wage and hour laws may be entitled to additional regular pay in accordance with Phoenix House policy and to overtime pay in accordance with federal and state wage and hour laws. Employees classified as exempt from the wage and hour laws are paid on a salary basis and are not entitled to overtime pay. Thus, any time worked in excess of the regular working hours assigned to an exempt employee will be without additional compensation.

Under California Wage Order 4, hours **worked** by non-exempt employees in excess of eight (8) hours per day or forty hours (40) per workweek will be paid at one and one-half (1.5) times the employee's regular hourly rate. Any hours **worked** by a non-exempt employee in excess of twelve (12) hours per day will be paid at two (2) times the employee's regular hourly rate. Any time that is paid but not worked (including, but not limited to, paid sick leave, vacation time, personal leave, emergency or early closing, jury duty, bereavement leave, and military leave) is not counted as hours worked for the purpose of computing overtime either on a daily or weekly basis.

For those employees subject to Wage Order 5 or those working a 4/10 workweek, the following overtime rules apply:

- Wage Order 5 – Employees with direct responsibility for children who are under 18 years of age and who are receiving 24 hours residential care may, at the discretion of Phoenix House, be compensated in accordance with the provisions of Wage Order 5 which creates an exemption to the California daily overtime regulations. Employees subject to Wage Order 5 will be compensated at the rate of one and one-half (1.5) times the employee’s regular rate of pay for all hours over 40 hours during the workweek. For all hours in excess of 48 hours during the workweek or all hours in excess of 16 hours in a workday, the rate will be two (2) times the employee’s regular rate of pay.
- 4/10 Workweek – With the consent of **both** Phoenix House and two-thirds of the employees in a work unit, employees can be exempted from the California daily overtime regulations when the normal workweek is four (4) ten hour (10) days. Employees working a 4/10 workweek will be compensated at the rate of one and one-half (1.5) times the employee’s regular rate of pay for all hours worked over 10 during any workday; all hours over 40 during the workweek; and, the first eight hours worked on any day other than the four regularly scheduled workdays. In addition, employees will be compensated at the rate of two (2) times the employee’s regular rate of pay for all hours worked over 12 during any workday and for any work in excess of 8 hours on a day other than the four regularly scheduled workdays. However, at the employee’s request and with supervisory approval, one unscheduled day can be substituted for one scheduled day without the necessity of paying overtime for the unscheduled day.

**In order for Phoenix House to budget its labor costs properly, non-exempt employees must receive specific authorization from their supervisor before working any time beyond eight (8) hours per day and/or forty (40) hours per workweek. In addition, since not taking lunch can generate an overtime situation, any non-exempt employee who wants to work through their lunch period must have advance approval from their supervisor.** Working unauthorized or unapproved overtime can result in disciplinary action including, but not limited to, termination of employment.

#### E-timecards

All employees (both exempt and non-exempt) are responsible for reporting accurate daily records reflecting the hours they worked. Each employee is expected to record, via the Ceridian e-timecard system (Source Time Professional), the time the employee began work, went to lunch, returned from lunch, and ended work. In addition, the following e-timecard rules apply:

- **THE WEEKLY E-TIMECARD MUST BE COMPLETED AND SUBMITTED TO THE EMPLOYEE’S SUPERVISOR AT THE CLOSE OF THE WORK WEEK. The latest the e-timecard can be submitted is 12:00 noon (local time) on the Monday following the close of the workweek IF the e-timecard is to be included in the upcoming pay period.**
- Electronic timecards are accessed through the Phoenix House Intranet link to Ceridian E-Timecard or directly at <http://sourcetimepro.ceridian.com/>. Initial User Name, Password and instructions can be obtained from the direct supervisor, the Human Resources Department, or the document section of Source Self-Service. Technical problems/questions about Ceridian Source Time Professional should be directed to the Human Resources Hotline at 1-888-205-2119.
- Given that our employees work in settings where their hours cannot be directly tracked by supervision, we must have an approved e-timecard in order to know how many hours are worked by the employee. **If a timecard is not received by 12:00 noon local time on the Monday following the close of the workweek, we will assume that no work was done that week, and the employee will not be paid for that week on the appropriate pay period.** Once the timecard is submitted and we can determine that hours were worked, the employee will be paid for those hours on the next upcoming payroll cycle following submission of the e-timecard.
- **In completing the timecard, employees must enter the EXACT time they arrive at work, go to lunch, return from lunch and leave work. Employees must also select the correct cost center from their “Favorite Set” column in order to accurately charge their time to the appropriate contract.**
- **By signing their timecard, employees are certifying that the information they are submitting is accurate. Completing an e-Timecard incorrectly and/or submitting an e-timecard consistently past the due date will result in disciplinary action, up to and including termination.**
- **For supervisors, the employee’s weekly e-timecard must be reviewed and approved by NO LATER THAN 6:00 PM ON THE MONDAY FOLLOWING THE CLOSE OF THE WORKWEEK. By approving the employees’ timecard, supervisors are acknowledging that the time and time allocation submitted on the timecard are accurate.** Failure to complete the review and approval process in a timely and accurate manner will result in disciplinary action, up to and including termination.

### Lunch Break

Non-exempt employees scheduled to **work** eight (8) hours per day shall receive an unpaid one (1) hour meal break during which they will not be expected to work. Non-exempt employees working an approved alternative 4/10 workweek are eligible to receive 2 paid half hour lunch breaks during their 10-hour shift.

All non-exempt employees are requested to take a lunch break that provides complete relief from their duties. **Since not taking lunch can generate an overtime situation, any non-exempt employee who wants to work through their lunch period must have advance approval from their supervisor.**

Non-exempt clinical employees may choose to spend the lunch hour (or some portion thereof) with clients. When this time has not been specifically authorized as part of the workday by a supervisor, it will not be counted as time worked and will be unpaid. When taking the lunch hour (or some portion thereof) with clients is specifically authorized by a supervisor as being necessary, that portion of the hour taken with clients will be counted as time worked and will be paid.

### Breaks

Except in cases where taking a break would jeopardize facility coverage, non-exempt employees receive two (2) ten (10) minute paid breaks during the workday. Generally, one (1) of these breaks should be taken in the first half of the workday and the second during the second half of the workday.

Breaks cannot be taken together or accumulated in order to lengthen and/or shorten the workday or lunch period.

Smokers or other tobacco users are not granted any additional breaks beyond the lunch period and the two paid breaks during the workday.

## **PAY PRACTICES**

Each Phoenix House pay period covers two work weeks (each work week ends at 12:00:00 midnight on Sunday). The employee is paid for those two work weeks on the Friday (checks mailed/direct deposits sent to banks) that follows the close of the two week pay period. This means that all employees are paid for the hours actually worked, not projected hours.

Non-exempt employees are paid for all hours worked during the two weeks covered by the pay period including regular pay, overtime, and adjustments to pay.

Exempt employees are generally paid one twenty-sixth of their base salary (unless the employee is on an unpaid leave for any reason). Since exempt employees are not eligible for overtime, there are usually no adjustments to pay.

Given that a significant number of our employees work in settings where they are not under constant supervision, we must have an approved e-timecard in order to know how many hours were worked by the employee. Thus, it is critical for an employee to **complete an e-timecard and forward it to their supervisor for approval at the close of each workweek.**

Phoenix House provides employees with a choice of two methods for receiving their paycheck. One is through direct deposit; the second is through a check sent to the employee via the United States Postal Service. Employees utilizing direct deposit will have the funds sent to their designated bank(s) on the Friday preceding the Monday payday. Employees utilizing direct deposit will be able to access their pay check advice (i.e., earnings statement) on the Friday preceding the Monday payday by utilizing Source Self-Service. For those employees who choose to receive a check, the check will be placed in the mail on Friday and will be sent to the employee address on file in Ceridian. Given that Phoenix House provides employees with a mechanism for the immediately and timely delivery of their paycheck (i.e., direct deposit), Phoenix House is not responsible for any delay that may accompany the delivery of a paycheck when the employee chooses to receive their check via the U. S. Postal Service. Phoenix House is also not responsible for misdirected or delayed delivery of paychecks that result from the employee failing to maintain current address and contact information in Ceridian Source Self-Service.

## CERIDIAN SOURCE SELF-SERVICE

Phoenix House has an employee self-service feature as a part of the Ceridian payroll system. This self-service system, called Source Self-Service, requires each employee to update and maintain personal information such as address, marital status, dependents, credentials, education, and emergency contacts. In addition, Source Self-Service will be the place to obtain paycheck advice/earnings statement if paid via direct deposit and, will be a place to go to request leave, look up a telephone number of another employee, change federal tax exemptions, or update beneficiaries when there is a life event.

The information that the employee is responsible for maintaining is found under the following headings in Source Self-Service:

### Personal Information

- My Profile – provides a recap of the employee’s personal and employment data
- Change of Address – use to update the employee’s address
- Dependents – use to update the dependents covered by the various PH benefit plans
- Emergency Contacts – use to update emergency contact information
- Change of Marital Status – use to update the employee’s marital status
- Birth or Adoption of Child/New Dependents – use to add a dependent due to birth, adoption, etc.
- My Credentials – use to update and maintain the employee’s education, licenses, certifications, and skills
- Password – use to change the employee’s Source Self-Service password
- Email Address – use to update the employee’s e-mail address
- Office Telephone – use to update the employee’s office telephone number
- Request for Paid Time Off – use to request vacation, personal, or banked holiday leave
- Request for Unpaid Leave – use to request FMLA leave, family leave, etc.
- Time and Attendance Login Information – use to access the e-timecard (Source Time) system
- Contact for HR Questions – use to get answers to policy/procedures questions

### Payroll & Tax Information

- Earnings Statements – use to view and printout a paycheck earnings statement
- Direct Deposits – use to arrange for the direct deposit of an employee’s paycheck into the employee’s bank account
- Check Calculations – use to determine how the employee’s gross pay would be affected by changes in dependents, making a voluntary contribution to pension, etc.
- Federal Tax Form (W-4) – use to change the employee’s Federal tax exemptions
- See My W2 – use to obtain a copy of past W2 statements
- Contact for Payroll Questions – use to get answers to payroll and tax questions

### Company Information

- Job Postings – use to see the current employment openings at Phoenix House
- Employment Directory Search – use to obtain the office contact information for another employee
- Company Document Search – a library of various Phoenix House policies, procedures and forms

### Benefits

- Benefits Summary – provides information on the employee’s current and past benefits
- Current Benefits Statement – provides detailed information on the employee’s current benefits
- 403(b)/Retirement Information – provides information on the Phoenix House Retirement Plan
- Life Insurance Beneficiary Designation – use to update life insurance beneficiary information
- Contact for Benefits Questions – use to get answers to benefit questions

### To Do

- Pending Documents – documents awaiting your approval (if you are a manager)
- Requests in Process - use to see the status of requests/documents you have submitted
- Documents Saved but Not Submitted – requests/changes you have started but not completed

It is critically important that employees keep all information in Source Self-Service correct and up-to-date. It is called “Self-Service” because the employee is accountable for entering and maintaining personal data.

To access the Source Self-Service system, an employee can use the computer that he/she works with on the job; the computer that has been set up in each facility for the Ceridian e-timecard system; and/or, any personal computer that has Internet access. The self-service account can be accessed through the Phoenix House Intranet link to Ceridian Source Self-Service or directly at <http://sourceselfservice2.ceridian.com/phoenixhouseorg>.

Initial User Name, Password and instructions can be obtained from the direct supervisor, the Human Resources Department, or the document section of Source Self-Service. Complete step-by-step instructions on how to update all employee personal information can be found in the Company Document Search section of Source Self-Service. Technical problems/questions about Ceridian Source Time Professional should be directed to the Human Resources Hotline at 1-888- 205-2119.

**LEAVE COVERAGE BY HOURS WORKED**

Full-time employees are eligible to participate in Phoenix House leaves in accordance with the provisions of each leave policy. Those employees who work less than fulltime are eligible for leaves in accordance with the following schedule. Per diem, call-ins, and consultants are not eligible to participate in any Phoenix House leaves other than those mandated by state and/or Federal regulations.

LEAVE	Scheduled to work under 30 hours per week	Regularly scheduled to work 30 hours or more per week	Regularly scheduled to work fulltime
Paid Sick Leave	No	Yes (1)	Yes
Paid Personal Leave	No	Yes (2)	Yes
Paid Vacation Leave	No	Yes (3)	Yes
Paid Holiday Leave	No	Yes (4)	Yes
Paid Bereavement Leave	No	Yes (5)	Yes
Paid Jury Duty Leave	No (6)	Yes	Yes
Paid Military Leave	Yes	Yes	Yes
Unpaid Family/Medical Leave	Yes (7)	Yes	Yes

- (1) Will be eligible for one-half the sick leave accrual that would be allocated if employee worked full-time.
- (2) Will be eligible for one-half the personal leave that would be allocated if employee worked full-time.
- (3) Will be eligible to receive one-half the vacation leave that would be allocated if employee worked full-time.
- (4) If holiday falls on day regularly scheduled to work will be paid for the holiday.
- (5) Maximum of two bereavement days with pay.
- (6) Receives unpaid time off for jury duty
- (7) Eligible for FMLA if employed for 12 consecutive months and have worked at least 1,250 hours