



## **Board of Directors**

Board Meeting: August 10, 2011

Via conference call

## **ACTION: Resolution 8-10-11/D**

### **RESOLUTION D: Personnel Policy & Procedures**

#### **Carpe Diem West Staff Personnel Policies & Procedures**

For Salaried Exempt Employees

June 2011

## **1. VACATION POLICY**

Carpe Diem West believes that time off for vacations provides individuals with a valuable opportunity for rest and relaxation. Consequently, taking vacation time is mandatory for employees covered by this policy. Carpe Diem West expects its employees to apply their business judgment, and to obtain the approval of their supervisor, when making use of their vacation time.

This vacation policy applies to all full and part time salaried employees. The extent of paid vacation time will be determined according to the individual hire agreement. With their supervisor's prior permission, employees may carry over a portion of their vacation time from one year to the next.

## **2. SICK TIME POLICY**

Carpe Diem West is committed to helping employees maintain a balance between their personal and work life. As part of this commitment, Carpe Diem West allows its employees unrestricted use of sick time, subject to the 15-day cap described below. If you are sick, stay home. When you are well, come back to work.

Other than the annual cap, there is no set formula for calculating the amount of sick time to be taken during a set period of time. However, Carpe Diem West expects its employees to apply their business judgment when making use of sick time and to avoid excessive usage.

Employees are not entitled to more than 15 paid sick days in any calendar year, calculated from the date on which the employee was hired. Additional unpaid sick days may be taken upon the approval of the Executive Director.

### **3. SALARIED HOLIDAY POLICY**

Full-time salaried employees are paid eight (8) hours holiday pay for the following ten (10) holidays: New Year's Day, Martin Luther King Jr.'s birthday, Memorial Day, Independence Day, Labor Day, Thanksgiving, the Friday following Thanksgiving, Christmas Eve day, Christmas, and, in keeping with Carpe Diem West's long-time policy, a floating holiday to honor the employee's birthday.

Paid holidays for salaried, exempt employees working less than full-time are calculated according to the percentage of time worked.

### **4. CONFIDENTIALITY AND NON-DISCLOSURE**

The protection of proprietary information, confidential business information and trade secrets is vital to the interest and the success of Carpe Diem West. Such information includes, but is not limited to:

- ▶ Compensation Information
- ▶ Client or Project Information
- ▶ Financial Information
- ▶ Business Strategies
- ▶ Grant Making
- ▶ Pending Projects and Proposals

Such information, as well as the materials, products, designs, plans, ideas and data of Carpe Diem West, are the property of Carpe Diem West and must not be disclosed to outsiders. If, during their employment, employees acquire confidential or proprietary information about Carpe Diem West and its clients or projects, such information is to be handled in strict confidence and not to be discussed with any outside firm or individual, except with appropriate authorization. Employees must not disclose such information during their employment with Carpe Diem West or for forever thereafter. Employees are also responsible for the internal security of such information. Any improper transfer of material or disclosure of information harms the company and constitutes unacceptable conduct. Any individual who engages and/or participates in such conduct will be subject to disciplinary action up to and including possible termination of employment and legal action.

## **5. POLICY AGAINST SEXUAL HARASSMENT & OTHER WORKPLACE HARASSMENT**

Carpe Diem West believes in respecting the dignity of every employee and expects every employee to show respect for all for colleagues and customers. Respectful, professional conduct furthers Carpe Diem West's mission, promotes productivity, minimizes disputes, and enhances our reputation. Accordingly, this policy forbids any unwelcome conduct that is based on an individual's race, color, religion, gender, national origin, age, disability, ancestry, medical condition, marital status, veteran status, citizenship status, sexual orientation, or any other protected status of an individual or that individual's associates or relatives. Carpe Diem West is thus committed to providing a work environment that is free of unlawful discrimination, including harassment that is based on any legally protected status. Carpe Diem West will not tolerate any form of harassment that violates this policy.

### **Coverage**

No employee, supervisor, officer, director, vendor, client, or agent of Carpe Diem West may harass any employee, applicant or person providing services to Carpe Diem West pursuant to a contract.

### **Prohibited Conduct**

The conduct prohibited by this policy, whether verbal, physical, or visual, includes any discriminatory employment action and any unwelcome conduct that affects someone because of that individual's protected status. Among the types of unwelcome conduct prohibited by this policy are epithets, slurs, negative stereotyping, intimidating acts and the circulation or posting of written or graphic materials that show hostility towards individuals because of their protected status. Even where the conduct is not sufficiently severe or pervasive as to constitute actionable harassment, Carpe Diem West discourages any such conduct in the workplace.

### **Sexual and Gender-based Harassment**

Sexual harassment is a problem that deserves special mention. Harassing conduct based on gender often is sexual in nature but sometimes not. This policy forbids harassment based on gender regardless of whether the offensive conduct is sexual in nature. Any unwelcome conduct based on gender is also forbidden by this policy regardless of whether the individual that engages in harassment and the individual being harassed are of the same or are of different genders.

According to the U.S. Equal Employment Opportunity Commission ("EEOC"), unwelcome sexual advances, requests for sexual favors and other verbal, physical or visual conduct based on sex constitute unlawful sexual harassment when (1) submission to such conduct becomes

an implicit or explicit term or condition of employment, (2) submission to or rejection of the conduct is used as the basis for any employment decision, or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

This policy forbids harassment based on gender regardless of whether it rises to the level of a legal violation. Examples of gender-based harassment forbidden by this policy include (1) offensive sex-oriented verbal kidding, teasing or jokes; (2) repeated unwanted sexual flirtations, advances or propositions; (3) continued or repeated verbal abuse of a sexual nature; (4) graphic or degrading comments about an individual's appearance or sexual activity; (5) offensive visual conduct, including leering, making sexual gestures, the display of offensive sexually suggestive objects or pictures, cartoons or posters, including transmission via the internet, cellular network, or other electronic means; (6) unwelcome pressure for sexual activity; (7) offensively suggestive or obscene letters, notes or invitations; or (8) offensive physical contact such as patting, grabbing, pinching, or brushing against another's body.

### **Employee Responsibility**

Everyone at Carpe Diem West can help assure that our workplace is free from prohibited discrimination or harassment. Everyone is expected to avoid any behavior or conduct that could reasonably be interpreted as prohibited harassment; no employees are exempt from the requirements of this policy.

### **Reporting Procedures**

If you feel you have experienced or witnessed any conduct that is inconsistent with this policy, you are to immediately notify the Executive Director. This is the individual who is authorized by this policy to receive and act upon complaints of harassment or discrimination on behalf of Carpe Diem West. This policy does not require reporting harassment or discrimination to any individual who is creating the harassment or discrimination.

### **Carpe Diem West's Response**

All reports describing conduct that is inconsistent with this policy will be investigated promptly. Carpe Diem West may put reasonable interim measures in place, such as a leave of absence or a transfer, while the investigation proceeds. Carpe Diem West will take further appropriate action once the report has been thoroughly investigated. That action may be a conclusion that a violation occurred, as explained immediately below. Carpe Diem West might also conclude, depending on the circumstances, either that no violation of policy occurred or that Carpe Diem West cannot conclude whether or not a violation occurred.

If an investigation reveals that a violation of this policy or other inappropriate conduct has occurred, then Carpe Diem West will take corrective action, including discipline up to and

including dismissal, as is appropriate under the circumstances, regardless of the job positions of the parties involved. Carpe Diem West may discipline an employee for any inappropriate conduct discovered in investigating reports made under this policy, regardless of whether the conduct amounts to a violation of law or even a violation of this policy. If a person who engaged in harassment is not employed by Carpe Diem West, and therefore not subject to this policy, then Carpe Diem West will take whatever corrective action is reasonable and appropriate under the circumstances.

### **Course of Action**

Consistent with this policy against workplace harassment, Carpe Diem West has listed agency names and telephone numbers in this document. These will enable you to contact agencies for information on how and when to file administrative claims. Using Carpe Diem West's complaint process does not keep an employee from filing a claim with a state governmental agency or with a federal agency such as the EEOC. Each agency has a short time period for filing a claim. Our policy provides for immediate notice of problems to Carpe Diem West officials listed below, so that we may address and resolve any problems without waiting for any legal proceedings to run their course.

### **Policy Against Retaliation**

Carpe Diem West forbids that any employee treat any other employee or former employee or applicant adversely for reporting harassment, participating in an investigation, or for filing an administrative claim with the EEOC or a state government agency. All employees who experience or witness any conduct they believe to be retaliatory should immediately follow the reporting procedures stated above.

### **Confidentiality**

In investigating and in imposing any discipline, Carpe Diem West will attempt to preserve confidentiality to the extent that the needs of the situation and the law permit.

You can reach the EEOC as follows:

The United States Equal Employment Opportunity Commission (EEOC)

1801 L Street, NW  
Washington, D.C. 20507  
800.669.4000  
<http://www.EEOC.gov>

Industrial Relations  
455 Golden Gate Avenue  
San Francisco, CA  
415.703.5070

### **Equal Employment Opportunity**

Carpe Diem West provides equal employment opportunities to all employees and qualified applicants without regard to race, color, religion, sex, national origin, ancestry, sexual orientation, age, disability, status as a Vietnam-era or special disabled veteran, or status in any group protected by the federal, state and local law. In addition, Carpe Diem West complies with applicable federal, state and local laws governing nondiscrimination in employment in every location in which Carpe Diem West has facilities. This policy applies to all terms and conditions of employment, including but not limited to, hiring, placement, promotion, termination, layoff, transfer, leave of absence, compensation, and training.

### **Workers Compensation**

Worker's Compensation is a law that promotes the general welfare of employees by providing compensation for accidental injuries or death suffered during the course of employment. Worker's Compensation is legislated and administered by each state; therefore each state has different conditions and benefits.

If an employee suffers an injury during the course of employment, he or she must contact his/her Manager or Agent immediately and, if appropriate, have him/her file a claim.

Detailed information on how to submit a Workers Compensation Claim is available. As an employer, BY LAW we are OBLIGATED to report occupational injuries! We must report an occupational injury as soon as it is reported to us. Workers Compensation is extremely time sensitive.

## **6. ENGAGING IN ELECTORAL CAMPAIGNS**

Carpe Diem West's status as a tax-exempt nonprofit organization does not allow it to engage in electoral campaign activities. This means that employees, while in the workplace or otherwise acting as a representative of Carpe Diem West, may not be involved in any activities related to campaigns for elected office.

Carpe Diem West could lose its non-profit, tax-exempt status if any employees, directly or indirectly, participate in a political campaign on behalf of or in opposition to any candidate for (elected) public office. Participation extends to written or oral statements on behalf or in opposition to a candidate. Such statements may extend to the use of general characterizations as "liberal" or "conservative" when discussing a candidate, or encouraging others to participate in activities supporting or opposing a candidate.

This policy does not preclude Carpe Diem West employees from personally supporting or opposing any candidate for public office, only that such activities are clearly separate from work at Carpe Diem West. To maintain this important distinction, we require that employees adhere to the following:

- ▶ Not participate in any electoral activities while in the office, either during or outside of regular office hours.
- ▶ Not develop or provide materials or other information to any candidate for public office using office equipment (e.g., stationary, supplies, computers, copiers, postage meter, etc.).
- ▶ Not use office phones or email for any communication regarding any electoral activities.
- ▶ Not use their personal cell phones for any communication regarding any electoral activities while in the office.
- ▶ Employees may elect to participate in electoral activities during regular office hours, as long as this time is recorded as unpaid leave and the above conditions are met.

Occasionally, Carpe Diem West will receive requests for information on behalf of a candidate for public office. In those instances, employees will adhere to the following:

- ▶ If the request is for existing information, like a publication, fact sheet, or map, we may provide the information. In these instances, employees will make the same information available to all other candidates.
- ▶ If the request is for new information, we will not provide the information.
- ▶ These policies do not preclude Carpe Diem West from generating new information, at its own initiative and expense, that it provides to all candidates for public office, as long as the information is presented as a nonpartisan full and fair discussion of the facts so as to allow the public to reach their own informed conclusions.

Finally, we will not provide our mailing list to anyone making such a request on behalf of a candidate for public office. All employees of Carpe Diem West are responsible for complying with this procedure.

## **7. FEDERAL LOBBYING ACTIVITIES**

As a tax-exempt 501(c)(3) organization, Carpe Diem West is permitted to engage in certain kinds of lobbying activities but it is Carpe Diem West's intent not to engage in any lobbying activities in the normal course of its operations. No employee may engage in any activity defined as lobbying by the IRS without the express approval of the Director and any employee who is so authorized must comply with IRS restrictions in all respects. All employees are expected to be familiar with the IRS' definitions of "direct lobbying" and "grassroots lobbying" as well as other relevant rules established by the IRS to be mindful of whether any of their planned activities might fall within these definitions, and if so, to consult with the Director before engaging in those activities. These rules are provided below.

### **Types of Lobbying**

The IRS recognizes two legitimate types of lobbying activities for nonprofit organizations: "direct" and "grassroots" lobbying. Distinguishing between the two is important because there are limits on how much nonprofits can spend annually for either type of lobbying.

*i. Direct Lobbying:* Direct lobbying takes place when a nonprofit takes a public stand on specific legislation with either:

- ▶ Legislators, their staff, or other government officials who help formulate legislation; or the nonprofit's own members.<sup>1</sup>
- ▶ Examples of direct lobbying include writing or visiting a legislator to discuss specific legislation, or urging members of the nonprofit to contact legislators regarding specific legislation.
- ▶ "Specific legislation" includes any legislative proposal, even one that hasn't been formally introduced yet. If a nonprofit only discusses general ideas that have yet to become legislative proposals, then "specific legislation" isn't involved. If a draft piece of legislation is being discussed or specific provisions of potential draft legislation is being discussed, then "specific legislation" is involved.
- ▶ Lobbying regarding public referenda, initiatives, or similar procedures is considered direct lobbying, since the general public is acting as a legislative body ("creating new laws").

*ii. Grassroots Lobbying:* Generally, a nonprofit engages in grassroots lobbying when it:

- ▶ Communicates with the general public,
- ▶ Refers to specific legislation,
- ▶ Reflects a position on the legislation, and
- ▶ Encourages the general public to contact legislators ("a call to action").

Examples include preparing mailings to non-members, mass-media communications, ads, or flyers for general distribution that mention specific legislation, as well as meetings with editorial boards or public presentations and speaking engagements that refer to specific legislation.

Payroll and discretionary expenses, for both types of lobbying activities, must be tracked. If Carpe Diem West employees who are authorized to lobby anticipate incurring such expenses, they must discuss proposed lobbying activities with the Executive Director in order to determine how these expenses will be tracked, whether they qualify as direct or grassroots lobbying, and whether these expenses will exceed the maximum annual allowable lobbying expenses. Employees authorized to engage in direct or grassroots lobbying must keep accurate records of all time and money spent on those activities in the manner approved by the Director.

*iii. Activities exempt from consideration as lobbying:* The following activities are not considered to constitute lobbying, even though they relate to specific legislation:

1. Communicating with members to discuss legislation but not urging them to take action.

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<sup>1</sup> Carpe Diem West has no members so the provisions regarding members that are included in the IRS rules are not applicable to staff of the organization.



1. Providing study or other research that presents enough balanced information to let people form their own opinions. Such materials must:
  - ▶ Present facts fully and fairly;
  - ▶ Be made generally available to the public;
  - ▶ Not involve a call to action; and
  - ▶ Not give addresses or phone numbers for legislators or their staff.
  - ▶ Providing information in response to a written request from a legislative body (not just one legislator) asking for advice on pending legislation.
2. “Self-defense” lobbying on issues that may affect the nonprofit’s existence, powers, or tax-exempt status.

In the event that an employee obtains the approval of the Executive Director and engages in direct or grassroots lobbying, the employee must keep accurate records of all time and money spent on those activities, in a manner approved by the Executive Director.

## **8. EMPLOYMENT SEPARATION**

Separation of employment is an inevitable part of personnel activity within any organization, and many of the reasons for separation are routine. This procedure applies to all employees of Carpe Diem West who are covered by this policy, and provides a guide for separation.

### **PROCEDURE**

**Voluntary Resignation** – Employees who voluntarily resign are expected to submit a written resignation to their supervisor at least two (2) weeks prior to their last day of work. The employee should complete their final timesheet; and return any equipment, keys, credit card, etc., to their supervisor. The employee will also meet with the Executive Director to participate in an exit interview to review the conditions of his or her departure, information regarding final compensation and benefits coverage, and to solicit feedback from the employee regarding their employment experience at Carpe Diem West.

**Termination** – An employee may be terminated for performance/behavior issues or due to a lack of funding or program/project work. Prior to termination the supervisor and employee will meet to discuss the reasons for termination. The employee should complete their final timesheet; and return any equipment, keys, credit card, etc., to their supervisor. The employee will also meet with the Executive Director to receive information regarding final compensation and benefits coverage.

## **A FINAL NOTE**

Welcome to our unique team of creative, hard working employees! We are excited to have you on board and look forward to a productive and fun (that's a requirement!) relationship.

Please sign below and return to your supervisor after reading.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

**Approved by:**

**Johanna Wald**

Carpe Diem West Board Secretary

**Date**