SUMMARY OF LEAVE AND PAY PRACTICES

CALIFORNIA REGION

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 employees have any contractual relationship with Phoenix House, nor guarantees employment with Phoenix House. This Summary of Leave and Pay Practices, coupled with the Summary of Employee Benefits, provide an overview of key 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, may 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 Executive Director, Senior Vice President or the Vice President of Human Resources are authorized to change or modify these policies and procedures. Any such revisions must be in writing. Phoenix House complies with all applicable laws, including laws concerning discrimination and sexual harassment.

Revised: April 2019
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SICK LEAVE

Accrual
Employees begin accruing paid sick leave at the start of employment. Paid sick leave will accumulate at the rate of one (1) hour for every thirty (30) hours worked, up to a total maximum accrual of nine (9) days or seventy-two (72) hours. Employees who are exempt from overtime pursuant to the executive, administrative, and professional exemptions are assumed for purposes of accrual under this policy to work forty (40) hours in each workweek unless their normal workweek is less than forty (40) hours, in which case paid sick leave accrues based upon that normal workweek.

Usage
Employees can use accrued paid sick leave beginning on the 90th day of employment. Paid sick leave may be used in minimum increments of two (2) hours. An employee may use up to a maximum of seven (7) days or 56 hours of paid sick leave in any year. On-call employees may not use sick time for hours they are not already scheduled to work. Employees must exhaust sick leave before taking any unpaid leave.

Paid sick leave may be used for the following reasons:

1) For diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee’s family member meaning a child (including biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis, all regardless of age or dependency status); spouse; registered domestic partner; parent (including biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee’s spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child); grandparent; grandchild; or a sibling.

2) For an employee who is a victim of domestic violence, sexual assault, or stalking:
   a) To obtain or attempt to obtain a temporary restraining order, restraining order, or other injunctive relief;
   b) To help ensure the health, safety, or welfare of the victim or the victim’s child;
   c) To seek medical attention for injuries caused by domestic violence, sexual assault, or stalking;
   d) To obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking;
   e) To obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking; or
   f) To participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.

Employees will be notified of their available paid sick leave on each itemized wage statement.

Notice & Documentation
Notice of the need for sick time may be given orally or in writing. If the need for paid sick time is foreseeable, the employee must provide reasonable advance notification, preferably two hours’ advance notice if the employee has a direct care position. If the need for paid sick time is unforeseeable, the employee must provide notice of the need for the time off work as soon as practicable.

Payment

1 For example, if an on-call employee is not scheduled to work at all during a given week, the on-call employee may not use sick time to be paid during that workweek when he/she was not otherwise scheduled to work.
Eligible employees will receive payment for paid sick time at the same wage as the employee normally earns during regular work hours unless otherwise required by applicable law, by next regular payroll period after the leave was taken. Use of paid sick leave is not considered hours worked for purposes of calculating overtime.

**Carryover & Payout**
Accrued paid sick time carries over from year to year, but is subject to the accrual cap of nine (9) days or seventy-two (72) hours. Once the accrual cap is reached, paid sick time will stop accruing until paid sick time is used. Accrued but unused paid sick leave under this policy will not be paid out at separation from employment. If an employee returns to Phoenix House within 12 months from the previous separation date, any accrued and unused sick leave will be restored.

**Enforcement & Retaliation**
Retaliation or discrimination against an employee, who requests paid sick time and/or uses paid sick time is prohibited, and employees may file a complaint with the Labor Commissioner against an employer who retaliates or discriminates against the employee.

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**PERSONAL LEAVE**

Paid personal leave is accrued at a rate of 1.23 per pay period. The first accrual begins on the first pay period of the month following 90 days of service. Subsequent accruals occur each pay period of each month. An employee will not receive an accrual addition for any pay period where the employee is on an unpaid leave for the entire pay period. The maximum number of personal leave hours that can be accrued is 48 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 48 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 ADP Self-Service. However, in case of an emergency, the employee must notify a supervisor by no later than two (2) hours 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.

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**BEREAVEMENT LEAVE**

Employees may receive up to four (4) days of paid bereavement leave, which should include the day of the funeral, upon the death of the following persons: spouse, registered domestic partner, parent/step-parent, child/step-child, grandparent, sibling, in-laws, grandchild or guardian.

The employee is responsible for notifying his or her supervisor/manager as soon as possible when death occurs in the immediate family. In the event an employee requests additional time off, or attends the funeral of other family members or friends, the supervisor/manager may permit time off without pay or permit the employee to
use accrued sick, vacation, or personal time off. In all cases the employee is responsible for keeping
the supervisor/manager informed of the anticipated duration of absence.

The employee may be required to provide proof of relationship and/or proof of attendance at the funeral, such as
an obituary clipping, funeral card, or other similar document.

**VACATION**

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

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<td>Bi-weekly Accrual Rate</td>
<td>Annual Accrual Maximum</td>
<td>Bi-weekly Accrual Rate</td>
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<tr>
<td>4 through 24 months</td>
<td>3.08 hours</td>
<td>120 hours</td>
<td>4.62 hours</td>
</tr>
<tr>
<td>25 through 48 months</td>
<td>4.62 hours</td>
<td>180 hours</td>
<td>6.16 hours</td>
</tr>
<tr>
<td>49 months &amp; beyond</td>
<td>6.16 hours</td>
<td>240 hours</td>
<td>6.16 hours</td>
</tr>
</tbody>
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The first accrual begins on the first pay period of the month following 90 days of service. Subsequent accruals
occur each pay period of each month. An employee will not receive an accrual addition for any pay period where
the employee is on an unpaid leave for the entire pay period. 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.

The maximum vacation leave employees can accrue is up to a cap of 1.5 time’s maximum yearly accrual. At that
point, accrual stops until banked vacation is used. For example, if maximum vacation accrual for a year is 80 hours,
an eligible employee will stop accruing vacation once the employee has 120 banked vacation hours.

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 My e3. 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. Observed holidays may be subject to change from year to year. Employees will be provided with a list of observed holidays at the beginning of each calendar year.

Holidays that fall on a Saturday will usually be observed on the prior Friday. Holidays that fall on a Sunday will usually be observed on the following Monday. If a holiday falls during a scheduled vacation or personal day, it will not count as a vacation or personal day used, but will instead be treated as a holiday.

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

- Be paid eight (8) hours for the holiday at straight time plus be paid for any hours worked, or
- Bank the holiday for future use, plus receive pay for any hours 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. Banked holiday hours will carry from year to year and will be paid out at the time of termination.

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.

To be eligible for holiday pay, employees must work their regularly scheduled working days immediately preceding and immediately following the holiday. 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 holiday pay. Accrued, but unused, banked holiday hours are paid out at the time of termination.

JURY DUTY LEAVE

Upon employment, an employee is eligible for two weeks (10 work days) of paid time off for jury duty per calendar year. If a jury duty assignment lasts longer than two weeks, only the first two weeks will be paid; remaining time
off for jury duty will be excused, but unpaid. 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. Employees are not required by Phoenix House, but may request to use accrued paid time off including banked holiday, personal days or vacation day. Exempt employees will be paid as necessary to comply with federal and state wage and hour laws, therefore exempt employees’ salaries will not be reduced by the number of hours or days they are absent unless they perform no work during a given week.

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;
- 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 Phoenix House’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.

Members of the U.S. reserves, National Guard, or naval militia who are called to engage in drills, training, encampment, naval cruises, special exercises, or like activities. Employees may be eligible for up to 17 days temporary unpaid leave. Upon return to work, an employee will be reinstated to his/her position with equivalent seniority, benefits, pay and other terms and conditions of employment.

Employees requesting time off must notify their direct supervisor as soon as possible after learning the intended dates upon which such leave will begin and end. Employees may elect to use accrued paid time off for the absence. Except as otherwise indicated by Company policy, benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon the employee's return to active employment.

CALIFORNIA PAID FAMILY LEAVE

Paid Family Leave ("PFL") 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 of a child or placement of a child in connection with adoption or foster care, or to attend to situations related to the covered active duty status of the employee’s spouse, registered domestic partner, child or parent who is a member of the U.S. Armed Forces. The benefit eligibility is six weeks
in a 12-month period. The weekly benefit amount is approximately 60% - 70% of the employee’s wages in the highest quarter of their base employment period.

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. 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.)

Note that an employee receiving any form of disability payments (including PFL) is not on “unpaid leave” and is not required to use accrued, unused vacation or personal days or sick leave during the time the employee continues to receive disability payments. Employees can, however, request to utilize accrued vacation, personal days, or sick leave, but the sum received from the state and from accrued paid time off may not exceed the employee’s regular wages.

### FMLA, PDL & UNPAID FAMILY LEAVE

**California Family and Medical Leave Entitlements**

Employees may be entitled to a leave of absence under the Family and Medical Leave Act (“FMLA”) and/or the California Family Rights Act (“CFRA”). This policy provides employees with information concerning FMLA/CFRA entitlements and obligations employees may have during such leaves. Whenever permitted by law, the Company will run FMLA leave concurrently with CFRA and any other leave provided under state or local law. If employees have any questions concerning FMLA/CFRA leave, they should contact Human Resources.

- **Eligibility**
  
  FMLA/CFRA leave is available to "FMLA/CFRA eligible employees." To be an "FMLA/CFRA eligible employee," you must: 1) have been employed by the Company for a total of at least 12 months at any time prior to the commencement of a CFRA leave (which need not be consecutive); 2) have worked for Phoenix House for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave, to the extent permitted by applicable law; and 3) be employed at a worksite where 50 or more employees are located within 75 miles of the worksite.

- **Entitlements**
  
  As described below, the FMLA and CFRA provide eligible employees with a right to leave, health insurance benefits and, with some limited exceptions, job restoration.

- **Basic FMLA/CFRA Leave Entitlement**
  
  FMLA/CFRA provides eligible employees up to 12 workweeks of unpaid leave for certain family and medical reasons during a 12-month period. The 12-month period is determined on a rolling 12-month basis. In some instances, leave may be counted under the FMLA but not the CFRA or the CFRA but not the FMLA. In addition, an employee who is not eligible for CFRA leave at the start of a leave because the employee has not met the 12-month length of service requirement can meet this requirement while on
leave because, leave to which the employee is otherwise entitled counts toward length of service requirement (but not the 1,250 hours requirement). It is Phoenix House’s policy to provide the greater leave benefit provided under the FMLA or CFRA and to run leave concurrently under the FMLA and CFRA whenever possible.

Leave may be taken for any one, or for a combination, of the following reasons:

- Disability due to pregnancy, childbirth or related medical condition (counts only toward FMLA and California Pregnancy Disability Leave ("PDL") leave entitlements). The CFRA excludes pregnancy, childbirth and related medical conditions from the definition of serious health condition;
- Bonding and/or caring for a newborn child (counts toward FMLA and CFRA leave entitlements);
- For placement with the employee of a child for adoption or foster care and to care for the newly placed child (counts toward FMLA and CFRA leave entitlements);
- To care for the employee’s spouse, child or parent (but not in-law) with a serious health condition (counts toward FMLA and CFRA leave entitlements, except - time to care for an employee’s registered domestic partner does not count towards FMLA leave, only CFRA leave);
- For the employee’s own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee’s job (counts toward FMLA and CFRA leave entitlements; but does not count toward CFRA entitlement if leave is for employee’s disability due to pregnancy, childbirth or related medical condition); and/or
- Because of any qualifying exigency arising out of the fact that an employee’s spouse, son, daughter or parent is a military member on covered active duty or called to covered active duty status (or has been notified of an impending call or order to covered active duty) in the Reserve component of the Armed Forces for deployment to a foreign country in support of contingency operations or Regular Armed Forces for deployment to a foreign country (counts toward FMLA leave entitlement only).

Under the FMLA, a serious health condition is an illness, injury, impairment or physical or mental condition that involves a period of incapacity or treatment connected with inpatient care (e.g., an overnight stay) in a medical care facility, hospice, or residential health care facility; or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities.

Under the CFRA, a serious health condition is an illness, injury, impairment, or physical or mental condition that involves either inpatient care in a hospital, hospice or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity; or continuing treatment by a health care provider, including but not limited to treatment for substance abuse. The CFRA defines “inpatient care” broadly and includes a stay in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with inpatient care, or any period of incapacity. A person will be considered an “inpatient” when he or she is formally admitted to a health care facility with the expectation that he or she will remain at least overnight and occupy a bed, even if the person is ultimately discharged or transferred to another facility and does not actually remain overnight. The CFRA defines “incapacity” as the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery that it requires.

Under the FMLA and CFRA, subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.
Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, caring for the parents of the military member on covered active duty and attending post-deployment reintegration briefings.

- **Additional Military Family Leave Entitlement (Injured Servicemember Leave)**
  In addition to the basic FMLA/CFRA leave entitlement described above, an eligible employee who is the spouse, son, daughter, parent or next of kin of a covered servicemember is entitled to take up 26 weeks of leave during a 12-month period to care for the servicemember with a serious injury or illness. Leave to care for a servicemember shall only be available during a single-12 month period and, when combined with other FMLA-qualifying leave, may not exceed 26 weeks during the single 12-month period. The single 12-month period begins on the first day an eligible employee takes leave to care for the injured servicemember.

  A "covered servicemember" is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is on the temporary retired list, for a serious injury or illness. These individuals are referred to in this policy as "current members of the Armed Forces." Covered servicemembers also include a veteran who is discharged or released from military service under conditions other than dishonorable at any time during the five year period preceding the date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation or therapy for a serious injury or illness.

  These individuals are referred to in this policy as "covered veterans." The FMLA definitions of a "serious injury or illness" for current Armed Forces members and covered veterans are distinct from the FMLA definition of "serious health condition" applicable to FMLA leave to care for a covered family member.

- **Intermittent Leave and Reduced Leave Schedules**
  FMLA/CFRA leave usually will be taken for a period of consecutive days, weeks or months. However, employees are also entitled to take FMLA/CFRA leave intermittently or on a reduced leave schedule when medically necessary, due to a serious health condition of the employee or covered family member or the serious injury or illness of a covered servicemember. Intermittent or reduced work schedule leave may be taken for absences where the employee or family member is incapacitated or unable to perform the essential functions of the position because of a chronic serious health condition, even if he or she does not receive treatment by a health care provider. Leave due to qualifying exigencies may also be taken on an intermittent or reduced schedule basis.

  Covered servicemember leave may, but will not necessarily, run concurrently with CFRA leave. For example, an employee who is the spouse of an injured military servicemember likely would take CFRA qualifying leave; an employee who is next of kin to an injured servicemember who takes time off would not have such time count against CFRA leave entitlements.

  Intermittent leave is also available to eligible employees for bonding with a child following birth or placement. Intermittent leave generally must be taken in two-week increments, but the Company will permit eligible employees to take leave in an increment that is less than two weeks, on two separate occasions.

- **Protection of Group Health Insurance Benefits**
  During FMLA and/or CFRA leave, eligible employees are entitled to receive group health plan coverage on the same terms and conditions as if they had continued work.
• **Restoration of Employment and Benefits**
At the end of FMLA/CFRA leave, subject to some exceptions including situations where a position has been eliminated and where job restoration of "key employees" will cause the Company substantial and grievous economic injury, employees generally have a right to return to the same or equivalent positions they held before taking the FMLA/CFRA covered leave. The Company will notify employees if they qualify as "key employees," if it intends to deny reinstatement, and of their rights in such instances. Use of FMLA/CFRA leave will not result in the loss of any employment benefit that accrued prior to the start of an eligible employee's FMLA/CFRA leave.

Under certain circumstances, employers may deny job restoration to a "key employee," who is defined as a salaried, FMLA-eligible employee who is among the highest paid 10 percent of all the employees employed by the employer within 75 miles of the employee's worksite. The determination of whether an employee is “among the highest paid 10 percent” may differ under the FMLA and the CFRA. The company will determine potential “key employee” meets either or both definitions.

• **Notice of Eligibility for, and Designation of, FMLA/CFRA Leave**
Employees requesting FMLA/CFRA leave are entitled to receive written notice from their employer telling them whether they are eligible for FMLA and/or CFRA leave and, if not eligible, the reasons why they are not eligible. If eligible, employees are entitled to receive written notice of: 1) their rights and responsibilities in connection with such leave; 2) the Company’s designation of leave as FMLA/CFRA-qualifying or non-qualifying, and if not FMLA/CFRA qualifying, the reasons why; and 3) the amount of leave, if known, that will be counted against the employee's leave entitlement.

The Company may retroactively designate leave as FMLA/CFRA leave with appropriate written notice to employees, and provided that doing so does not cause harm or injury to the employee. In other cases, the Company and employee can mutually agree that leave be retroactively designated as FMLA/CFRA leave.

• **Employee Obligations**
Employees who wish to take FMLA/CFRA leave must timely notify the Company of their need for FMLA/CFRA leave. The following describes the content and timing of such employee notices.

To trigger FMLA/CFRA leave protections, employees must inform the Company of the need for FMLA/CFRA-qualifying leave and the anticipated timing and duration of the leave, if known. Employees may do this by either requesting FMLA/CFRA leave specifically, or explaining the reasons for leave so as to allow the Company to determine that the leave is FMLA/CFRA qualifying.

For example, employees might explain that:
- a medical condition renders them unable to perform the functions of their job;
- they are pregnant or have been hospitalized overnight;
- they or a covered family member are under the continuing care of a health care provider;
- the leave is due to a qualifying exigency caused by a military member being on covered active duty or called to covered active duty status to a foreign country; or
- the leave is for a family member whose condition renders the family member unable to perform daily activities, or the family member is a covered servicemember with a serious injury or illness.

Calling in "sick," without providing the reasons for the needed leave, will not be considered sufficient notice for FMLA/CFRA leave under this policy. Employees must respond to the Company’s lawful questions to determine if absences are potentially FMLA/CFRA-qualifying.
If employees fail to explain the reasons for FMLA/CFRA leave, the leave may be denied. When employees seek leave due to FMLA/CFRA-qualifying reasons for which the Company has previously provided FMLA/CFRA-protected leave, they must specifically reference the qualifying reason for the leave or the need for FMLA/CFRA leave.

- **Timing of Employee Notice**
  Employees must provide 30 days' advance notice of the need to take FMLA/CFRA leave when the need is foreseeable. When 30 days' notice is not possible, or the approximate timing of the need for leave is not foreseeable, employees must provide the Company notice of the need for leave as soon as practicable under the facts and circumstances of the particular case.

  Employees, who fail to give 30 days' notice for foreseeable leave without a reasonable excuse for the delay, or otherwise fail to satisfy FMLA/CFRA notice obligations, may have FMLA/CFRA leave delayed or denied, to the extent permitted by applicable law.

- **Cooperating in the Scheduling of Leave for Planned Medical Treatment (Including Accepting Transfers to Alternative Positions) and Intermittent Leave or Reduced Leave Schedules**
  When planning medical treatment or requesting to take leave on an intermittent or reduced schedule work basis, employees are requested to consult with the Company and make a reasonable effort to schedule treatment so as not to unduly disrupt the Company’s operations. Employees are requested to consult with the Company prior to the scheduling of treatment in order to work out a treatment schedule that best suits the needs of both the Company and the employees, subject to the approval of the applicable health care provider. When employees take intermittent or reduced work schedule leave for foreseeable planned medical treatment for the employee or a family member, including a period of recovery from a serious health condition, or to care for a covered servicemember, the Company may temporarily transfer employees to alternative positions with equivalent pay and benefits for which the employees are qualified and which better accommodate recurring periods of leave.

  To the extent permitted by applicable, law, when employees seek intermittent leave or a reduced leave schedule for reasons unrelated to the planning of medical treatment, upon request, employees must advise the Company of the reason why such leave is medically necessary. In such instances, the Company and employee shall attempt to work out a leave schedule that meets the employee’s needs without unduly disrupting the Company's operations, subject to the approval of the employee’s health care provider.

- **Submit Initial Medical Certifications Supporting Need for Leave (Unrelated to Requests for Military Family Leave)**
  Depending on the nature of FMLA/CFRA leave sought, employees may be required to submit medical certifications supporting their need for FMLA/CFRA-qualifying leave. As described below, there generally are three types of FMLA/CFRA medical certifications: an initial certification, a recertification and a return to work/fitness for duty certification. It is the employee’s responsibility to provide the Company with timely, complete and sufficient medical certifications. Whenever the Company asks employees to provide FMLA/CFRA medical certifications, employees must provide the requested certifications within 15 calendar days after the Company’s request, unless it is not practicable to do so despite an employee's diligent, good faith efforts. The Company shall inform employees if submitted medical certifications are incomplete or insufficient and provide employees at least seven calendar days to cure deficiencies. The Company will delay or deny FMLA/CFRA leave to employees who fail to timely cure deficiencies or otherwise fail to timely submit requested medical certifications, to the extent permitted by applicable law.
The Company may contact the employee's health care provider to authenticate completed and sufficient medical certifications. Whenever the Company deems it appropriate to do so, it may waive its right to receive timely, complete and/or sufficient FMLA medical certifications.

- **Initial Medical Certifications**
  Employees requesting leave because of their own, or a covered relation’s, serious health condition, or to care for a covered servicemember, must supply medical certification supporting the need for such leave from their health care provider or, if applicable, the health care provider of their covered family or service member. If employees provide at least 30 days' notice of medical leave, they should submit the medical certification before leave begins. A new initial medical certification will be required on an annual basis for serious medical conditions lasting beyond a single leave year or when an initial medical certification has expired.

  If the Company has a good faith objective reason to doubt the validity of initial medical certifications regarding an employee's own serious health condition, it may require employees to obtain a second opinion at the Company’s expense. If the opinions of the initial and second health care providers differ, the Company may, at its expense, require employees to obtain a third, final and binding certification from a health care provider designated or approved jointly by the Company and the employee.

- **Medical Recertification**
  Depending on the circumstances and duration of FMLA/CFRA leave, the Company may require employees to provide recertification of medical conditions giving rise to the need for leave. The Company will notify employees if recertification is required and will give employees at least 15 calendar days to provide medical recertification. In cases of leave that qualify under CFRA, recertification will generally only be requested when the original certification has expired.

- **Return to Work/Fitness for Duty Medical Certifications**
  Unless notified that providing such certifications is not necessary, an employee returning to work from FMLA/CFRA leave that was taken because of his/her own serious health conditions that made him/her unable to perform their job must provide the Company medical certification confirming they are able to return to work and confirming the employee’s ability to perform the essential functions of the employee’s position, with or without reasonable accommodation. An employee taking intermittent leave may be required to provide a return to work release for such absences up to once every 30 days if reasonable safety concerns exist regarding the employee’s ability to perform his or her duties. The Company may delay and/or deny job restoration until employees provide return to work/fitness for duty certifications.

- **Submit Certifications Supporting Need for Military Family Leave**
  Upon request, the first time employees seek leave due to qualifying exigencies arising out of the covered active duty or call to covered active duty status of a military member, the Company may require employees to provide: 1) a copy of the military member’s active duty orders or other documentation issued by the military indicating the military member is on covered active duty or call to covered active duty status and the dates of the military member's covered active duty service; and 2) a certification from the employee setting forth information concerning the nature of the qualifying exigency for which leave is requested. Employees shall provide a copy of new active duty orders or other documentation issued by the military for leaves arising out of qualifying exigencies arising out of a different covered active duty or call to covered active duty status of the same or a different military member.

  When leave is taken to care for a covered servicemember with a serious injury or illness, the Company may require employees to obtain certifications completed by an authorized health care provider of the covered servicemember. In addition, and in accordance with FMLA regulations, the Company may request
that the certification submitted by employees set forth additional information provided by the employee and/or the covered servicemember confirming entitlement to such leave.

- **Reporting Changes to Anticipated Return Date**
  If an employee’s anticipated return to work date changes and it becomes necessary for the employee to take more or less leave than originally anticipated, the employee must provide the Company with reasonable notice (i.e., within 2 business days) of the employee’s changed circumstances and new return to work date. If an employee gives the Company unequivocal notice of their intent not to return to work, they will be considered to have voluntarily resigned and the Company’s obligation to maintain health benefits (subject to COBRA requirements) and to restore their position will cease.

- **Substituting Paid Leave for Unpaid FMLA/CFRA Leave**
  For purposes of this subsection, leave is not “unpaid” during any leave time for which an employee is receiving compensation from the State of California under the State Disability Insurance program or the Paid Family Leave program, or the Company’s own paid disability leave program, if applicable, or receiving compensation from worker’s compensation.

  Employees will not be required to use accrued vacation or paid sick time for any time off under this policy for which they are receiving compensation under these programs. Where applicable and permitted by law, employees will be required to use accrued vacation and paid sick during any mandatory waiting period related to these programs.

  If leave is unpaid, the following requirements apply to the leave:
  - If employees request FMLA/PDL leave because of disability due to pregnancy, childbirth or related medical conditions, they must first substitute any accrued paid sick time for unpaid family/medical leave. Employees may substitute any other accrued, unused paid time off benefits for unpaid FMLA/PDL leave once the employees' sick time is exhausted.
  - If employees request FMLA/CFRA leave because of their own serious health conditions (excluding absences for which employees are receiving workers' compensation or short term disability benefits), they must first substitute any accrued paid time off, including sick time, for unpaid family/medical leave.
  - If employees request FMLA/CFRA leave to care for a covered family member with a serious health condition or bond with a newborn child, they must first substitute any accrued paid time off, other than sick time for unpaid family/medical leave. Once accrued paid time off, other than sick time, is exhausted, an employee can substitute paid sick time for unpaid FMLA/CFRA leave for such purposes except an employee cannot use sick time to bond with a child where the employee's child is not ill or sick since sick time is contingent on the illness of the employee, child, parent, spouse or registered domestic partner or other purpose consistent with the paid sick leave under applicable law.

  A leave of absence in connection with a workers' compensation injury/illness or for which an employee receives short-term disability or State of California Paid Family Leave benefits shall run concurrently with FMLA/CFRA leave. Upon written request, the Company will allow employees to use accrued paid time off to supplement any paid workers' compensation, short term disability or Paid Family Leave benefits. The substitution of paid time off for unpaid family/medical leave time does not extend the length of FMLA/CFRA leaves and the paid time off runs concurrently with the FMLA/CFRA entitlement.

- **Pay Employee's Share of Health Insurance Premiums**
  As noted above, during FMLA/CFRA leave, employees are entitled to continued group health plan coverage under the same conditions as if they had continued to work. If paid leave is substituted for unpaid family/medical leave, the Company will deduct employees' shares of the health plan premium as a regular payroll deduction. If FMLA/CFRA leave is unpaid, employees must pay their portion of the premium. The
Company’s obligation to maintain health care coverage ceases if an employee’s premium payment is more than 30 days late. If an employee’s payment is more than 15 days late, the Company will send a letter notifying the employee that coverage will be dropped on a specified date at least 15 days after the notice unless the copayment is received before that date.

If employees do not return to work within 30 calendar days at the end of the leave period (unless employees cannot return to work because of a serious health condition or other circumstances beyond their control) they will be required to reimburse the Company for the cost of the premiums the Company paid for maintaining coverage during their unpaid FMLA/CFRA leave.

Phoenix House will only continue benefits as required by state and federal law. Upon loss of coverage, 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).

- **Coordination of FMLA/CFRA Leave with Other Leave Policies**
  The FMLA and CFRA do not affect any federal, state or local law prohibiting discrimination, or supersede any State or local law that provides greater family or medical leave rights. However, whenever permissible by law, the Company will run FMLA and/or CFRA leave concurrently with any other leave provided under state or local law.

- **Questions and/or Complaints about FMLA/CFRA Leave**
  If employees have questions regarding this policy, please contact Human Resources. The Company is committed to complying with the FMLA and CFRA and, whenever necessary, shall interpret and apply this policy in a manner consistent with the FMLA and CFRA.

  The FMLA makes it unlawful for employers to: 1) interfere with, restrain or deny the exercise of any right provided under FMLA; or 2) discharge or discriminate against any person for opposing any practice made unlawful by FMLA or involvement in any proceeding under or relating to FMLA. If employees believe their FMLA rights have been violated, they should contact Human Resources immediately. The Company will investigate any FMLA complaints and take prompt and appropriate remedial action to address and/or remedy any FMLA violation. Employees also may file FMLA complaints with the United States Department of Labor or may bring private lawsuits alleging FMLA violations.

**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 additional unpaid leave. When an employee requests 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 may be terminated.

b. 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 may be terminated, unless such termination is prohibited by State law.

c. 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 30th of the month following the month for which coverage is provided. Failure to pay the employee co-pay on or before the 30th 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 may 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).

California New Parent Leave  
Employees may be entitled to a leave of absence under the California New Parent Leave Act (CANPLA). This policy provides employees with information concerning CANPLA entitlements and obligations employees may have during such leaves. Whenever permitted by law, the Company will run CANPLA leave concurrently and any other leave provided under state or local law.

Under the California New Parent Leave Act (CANPLA), employees may have a right to an unpaid new parent leave if they:

- worked for the Company for a total of at least 12 months at any time prior to the commencement of a CANPLA leave;
- worked for the Company for at least 1,250 hours in the 12-month period before the date they want to begin CANPLA leave, to the extent permitted by applicable law; and
- work at a location in which the employer has at least 20 to 49 employees within a 75-mile radius of the employee’s work site.

An employee who is not eligible for CANPLA leave at the start of a leave because the employee has not met the 12-month length of service requirement can meet this requirement while on leave because leave to which the employee is otherwise entitled counts toward length of service requirement (but not the 1,250 hours requirement).

- Terms of Leave  
  CANPLA leave may be up to 12 workweeks in a 12-month period, and can be used for the birth, adoption or foster care placement of a child. Employees who are CANPLA-eligible have certain rights to take both a pregnancy disability leave and a CANPLA leave for reason of the birth of a child. CANPLA leave must be taken within one (1) year after the child’s birth or placement.
- **Notice Requirements**
  Employees generally must provide at least 30 days advance notice of the need for CANPLA leave. For unforeseeable events, the Company requires that employees provide notice, at least verbally, as soon as they learn of the need for leave. Failure to comply with these notice rules is grounds for, and may result in, deferral of the requested leave until compliance with this notice policy is achieved. While CANPLA leave is unpaid, employees may substitute accrued paid time off or other paid leave for leave provided pursuant to this policy. Substituting paid during leave does not extend any leave entitlement.

- **Health Coverage Continuation**
  While on CANPLA leave, the Company will maintain coverage of a group health plan for the duration of the parental leave in the same manner that coverage would have provided if the employee had not taken CANPLA leave. If an employee fails to return to work after the CANPLA leave has expired, the Company may recover any premiums it paid for maintaining coverage while the employee was on CANPLA leave. Such recovery may occur by deducting the amount of premiums paid from the wages paid to the employee on termination of employment.

- **Status Following Leave**
  Upon return from CANPLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. The use of CANPLA leave cannot result in the loss of any employment benefits that accrued prior to the start of an employee’s leave.

### MISCELLANEOUS LEAVE

#### Civil Air Patrol Leave
Phoenix House will grant up to ten (10) days of unpaid leave per year to respond to an emergency operational mission of the California Civil Air Patrol. Employees must have been employed for at least 90 days immediately preceding the commencement of leave. Such leave is limited to three (3) days for each emergency operational mission, unless the government entity that authorized the mission extends it and the Company approves the additional time off. Upon expiration of the leave, an employee will generally be reinstated to his or her position with equivalent seniority, benefits, pay and other terms and conditions of employment.

Employees requesting time off must notify their direct supervisor as soon as possible after learning the intended dates upon which such leave will begin and end. Approval of any leave request is conditioned upon certification from the proper Civil Air Patrol Authority of the employee’s eligibility to take such leave. Failure to provide the required certification will result in denial of leave.

Employees may, but are not required to elect to substitute any accrued paid time off. Otherwise Civil Air Patrol Leave is unpaid.

#### Crime Victims Leave
Employees may take unpaid time off from work to appear in court to be heard at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue.

An employee is eligible for time off if he/she is:
- the victim or a family member is the victim of the following crimes: vehicular manslaughter, felony child abuse, assault on a child resulting in death, felony domestic violence, felony elder abuse, felony stalking, solicitation for murder, hit and run causing death or injury, felony DUI resulting in injury, or any serious felony as defined in Penal Code section 1192.7;
- the spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, or stepfather of the victim; or
- the registered domestic partner or the child of a registered domestic partner of the victim.
**Domestic Abuse, Sexual Assault, and Related Crimes Leave**

Employees may take unpaid time off from work to serve as required by law on an inquest jury or trial jury; to appear in court to comply with a subpoena or other court order as a witness in any judicial proceeding; or to obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim or his or her child.

An employee is eligible for time off if the employee is a victim of domestic violence, stalking, or sexual assault. Phoenix House will not discharge or in any manner discriminate against an employee for taking time off under this section.

Phoenix House will provide reasonable accommodations for a victim of domestic violence, sexual assault, or stalking who requests an accommodation for the safety of the victim while at work. Phoenix House will engage in a timely, good faith, and interactive process with the employee to determine effective reasonable accommodations. In determining whether the accommodation is reasonable, management will consider an exigent circumstance or danger facing the employee. Examples of reasonable accommodations: (1) implementation of safety measures, (2) transfer or reassignment, (3) modified schedule, (4) changed work telephone and/or work station, (5) door locks installed, (6) assistance in documenting domestic violence, sexual assault, or stalking that occurs in the workplace, (7) new office safety procedure, (8) referral to a victim assistance organization.

Employees who feel they were discharged, threatened with discharge, demoted, suspended, or in any manner discriminated or retaliated against in the terms and conditions of employment by Phoenix House because the employee has taken time off for the purposes reflected above may be entitled to reinstatement and reimbursement for lost wages and work benefits caused by the acts of Phoenix House, as well as appropriate equitable relief, and is allowed to file a complaint with the Division of Labor Standards Enforcement within the Department of Industrial Relations.

**Family Military Leave**

Phoenix House will grant up to ten (10) days unpaid leave for a "qualified spouse" of a member of the armed services, National Guard or reserves who has been deployed during a period of military conflict (to an area designated as a combat theater or combat zone by the president) while their spouse is on leave from deployment. The "qualified spouse" (excluding independent contractors) must work at least an average of 20 hours per week.

Where an employee is also eligible for military family member exigency leave, leave under this policy shall also count toward an employee’s FMLA leave entitlement where the time off meets the definitions of a FMLA military exigency leave.

Employees must request leave within two (2) business days of receiving official notice of leave from deployment. Written documentation must be submitted to the Company certifying that requested time off is during the spouse’s leave from deployment during a period of military conflict.

Employees may, but are not required to elect to substitute any accrued paid time off.

**Pregnancy Non-Discrimination and Accommodations**

In accordance with the Fair Employment and Housing Act, Phoenix House will provide reasonable accommodations to an employee because of her pregnancy, childbirth or related medical condition, if she requests an accommodation on the advice of her health care provider.

Reasonable accommodation of an employee affected by pregnancy means any change in the work environment or in the way a job is customarily done that is effective in enabling an employee to perform the essential functions of a job.

Reasonable accommodation may include, but is not limited to:

- modifying work practices or policies;
- modifying work duties;
- modifying work schedules to permit earlier or later hours, or to permit more frequent breaks (e.g., to use the restroom);
- providing furniture (e.g., stools or chairs) or acquiring or modifying equipment or devices;
- providing lactation breaks;
Phoenix House will not require an employee to take a leave of absence because of pregnancy or perceived pregnancy when the employee has not requested leave; or transfer an employee affected by pregnancy over her objections to another position. Additionally, Phoenix House will not interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under this law.

Rehabilitation Leave
Phoenix House will reasonably accommodate any employee who wishes to voluntarily enter and participate in an alcohol or drug rehabilitation program. This accommodation may include an adjusted work schedule or time off without pay, provided the accommodation does not impose an undue hardship on Phoenix House. You may use any accrued sick or vacation benefits while on leave under this policy. However, additional benefits will not be earned during the unpaid portion of the leave of absence. A leave of absence under this policy will be subject to the same provisions and rules as apply to medical leaves of absence. Phoenix House will attempt to safeguard the privacy of an employee’s participation in a rehabilitation program.

School-Related Activities Leave
Phoenix House will grant parents, guardians, or grandparents with school children from kindergarten through grade 12, or who attend licensed child daycare facilities, unpaid time off (up to a maximum of eight (8) hours in one (1) calendar month and 40 hours in one (1) calendar year) to visit the child’s school or daycare center. Employees are also permitted time off to find child care and enroll children in child care or school, as well as child care emergencies. Employees must provide reasonable advance notice to the Company before taking any time off under this policy if leave is foreseeable.

The employee must use accrued paid time off, if available, during the absence or may use time off without pay if made available by the employer.

Parents, guardians, or grandparents with custody of schoolchildren who have been suspended also are allowed to take unpaid time off to appear at the school pursuant to the school’s request. To be eligible for this leave, an employee must be the parent or guardian of the child, must actually live with the child, and must have received written notice from the principal requesting attendance at a conference to discuss the child’s suspension from school. There is no hour limit on school discipline leave.

Phoenix House will not demote, suspend, threaten to terminate, or terminate an employee for taking time off to participate in school activities or to appear at a school conference pursuant to a written request from the principal.

Volunteer Emergency Responder Leave
Employees may be eligible for time off work to serve as a volunteer of the fire department, a reserve police officer, emergency rescue personnel, or required to attend fire, law enforcement, or emergency rescue training. Employees should contact his/her supervisor as soon as he/she is aware that he/she will be late to work, or unable to report to work due to the emergency dispatch. Upon request, employees must provide his/her supervisor with a statement from the appropriate department/organization documenting that the employee was responding to an emergency call. Such time off will be unpaid for nonexempt employees. Exempt employees will be paid in accordance with federal and state wage and hour laws.

Voting Leave
Phoenix House encourages employees to exercise their voting privileges in local, state, and national elections. However, since the polls are open for long periods, employees are encouraged to vote before or after regular
working hours. If an employee’s work schedule interferes with open polling hours, he/she may be eligible to take up to two (2) hours of paid time off from work to vote. Exempt employees may be provided time off with pay when necessary to comply with federal and state wage and hour laws.

**Adult Literacy Leave**
Employers with Phoenix House will grant an unpaid leave for any employee who reveals a problem of illiteracy and requests assistance in enrolling in an adult literacy education program. Leave may be denied if it imposes an undue hardship on the company.

**Organ and Bone Marrow Donation Leave**
Phoenix House provides paid leave of up to 30 days in any one-year period for employees donating an organ to another person; and up to five days of paid leave in any one-year period for the donation of bone marrow to another person. In order to qualify for this leave an employee must have been employed for at least 90 days immediately preceding the commencement of leave. Employees electing to take leave for bone marrow donation will be required to use all available accrued but unused “sick” and/or “vacation” time during the first five days of the leave period. Except as otherwise indicated by Company policy, benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon the employee's return to active employment.

This leave time does not run concurrent with either the Family Medical Leave Act ("FMLA") or the California Family Rights Act ("CFRA"). Nonetheless, if an employee is unable to return at the expiration of leave for health reasons, FMLA or CFRA leave obligations might apply.

For employees covered under a Phoenix House group health plan, during the course of a leave taken for Organ and Bone Marrow Donation Phoenix House will maintain group health plan coverage.

While employees are not required to provide any advance notice before taking leave, in order for leave time to be approved and for an employee to receive a leave of absence, an employee seeking such leave “shall provide written verification” to their supervisor and to the Human Resources department that the employee is an organ or bone marrow donor and that there is a medical necessity for the donation.

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**OVERTIME AND WORKING HOURS**

**Workweek**
The Phoenix House workweek begins at 12:00am on Monday and ends on Sunday at 11:59pm.

**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 duty free unpaid meal break of not less than 30 minutes.

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 duty free unpaid meal break of not less than 30 minutes.
Custody Program Staff – Many of our team members work in settings that require them to enter correctional facilities. The hours of work vary from facility to facility, however, the workday for each person working in these programs begins once they have passed through the security gates at the facility they work regardless of the time it takes to travel from the security gates to the programming unit and employees are expected to capture such time when they report their time cards.

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. All work is to be performed while on the clock; off the clock work is strictly prohibited.

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 unless otherwise protected by applicable law. 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 to pay overtime 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. Additional rules apply. 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 meet its budget 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 the full lunch break 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.

Employees are not allowed to work overtime unless it has been authorized in advance by their supervisor. Nevertheless, it is Phoenix House’s policy that time worked equals time paid, and you should always record the time you actually work, even if it includes unapproved overtime. While you will be paid for all overtime worked, you may be subject to discipline if you have failed to obtain approval in advance by your manager.

**E-timecards and Time Clocks**

All employees (both exempt and non-exempt) are responsible for reporting accurate daily records reflecting the hours they worked. Each employee is expected to accurately record, via the e3 e-timecard system or e3 punch clock, the exact time the employee began work, went to lunch, returned from lunch, and ended work. In addition, the following etimecard 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.

- Given that many of our employees work in settings where their hours cannot be directly tracked by supervision, we must have an approved timecard in order to know how many hours are worked by the employee. In the case the employee does not submit their time card, Phoenix House will estimate the hours worked and a correction will be made once the employee submits their time. Employees who fail to submit and approve their time sheet will be subject to disciplinary action up to and including termination.

- 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.

- Employees utilizing the e3 punch time clock must clock in at the time they are scheduled to arrive at work, go to lunch, return from lunch and leave work. Failure to utilize the time clock in facilities where such exists may lead to disciplinary action up to and including termination.
- 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.

**Meal Breaks**
In general, non-exempt employees scheduled to work at least five (5) hours in a work day shall receive an unpaid uninterrupted meal break of not less than 30 minutes during which they will not be expected or required to work. Non-exempt employees scheduled to work more than five hours in a work day must (when possible) begin their duty free meal break before the beginning of the 5th hour of work. Non-exempt employees working 10 hours in a work day or major portion thereof shall receive an additional unpaid, uninterrupted meal break of not less than 30 minutes.

All meal breaks are to provide complete relief from work duties, and you are free to leave the Phoenix House facilities during your breaks. Since not taking a full lunch break can generate an overtime situation, non-exempt employees must receive approval from their supervisor before working through any part of their scheduled meal break period.

**Rest Breaks**
Except in cases where taking a break would jeopardize facility coverage (in which case employees will be paid rest break penalties in accordance with applicable law), non-exempt employees are required to take one ten (10) minute paid break for every four hours (or major portion thereof) worked. For purposes of this policy, “major fraction” means any time greater than two hours. Generally, breaks should be taken at or about the midpoint of the four hour period.

Rest periods are counted as hours worked, and thus, employees are not required to record their rest periods on their timesheets or time cards. Breaks cannot be taken together or accumulated in order to lengthen and/or shorten the workday or lunch period.

If your 30 minute unpaid meal period or 10 minute paid rest break is interrupted, delayed, or canceled due to work demands; in other words, a member of management specifically asks you to skip, delay, or shorten your break, you may be subject to a break penalty premium. If this occurs you must notify Human Resources at LUNCHBREAKS@phoenixhouse.org or call (818) 686-3012 or ext.4812.

**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) per pay period. 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 payday. Employees utilizing direct deposit will be able to access their pay check earnings statement on the Friday payday by utilizing the e3 system. 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 e3. 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 e3.

**Travel Pay for Non-exempt Employees**

Time spent traveling out of town on company business will be compensable, regardless of whether it occurs during or outside of normal working hours. Time spent driving, flying, or otherwise traveling to and from the out-of-town location is compensable, including time spent waiting to purchase a ticket, waiting for luggage, waiting for a plane to take off, and other like circumstances. However, when an employee takes a break from travel to eat, sleep, or participate in other personal activities, such time is not compensable.

**Pay Transparency and Equal Pay Act**

In Compliance with the California Equal Pay Act, the Company will not pay wages to any employee at a rate less than the Company pays employees of the opposite sex for work that is substantially equivalent requiring comparable skills and experience. Employees who believe they are not receiving equal pay in accordance with this policy should contact their supervisor or Human Resources immediately.

Additionally, the Company will not discharge, or in any manner discriminate or retaliate against, any employee who discloses their own wages, discusses the wages of others, inquiries about another employee’s wages, or aids or encourages any other employee to do the same. Employees are not obligated to disclose wages. This policy covers applicants and employees equally. There is no exception for employees whose essential job functions give them access to information. Employees will not be retaliated for inquiring or discussing equal pay issues.

**Equal Employment Opportunity**

In addition to the protected classifications included in our Equal Employment Opportunity policy, the Company also prohibits any form of discrimination or harassment based on religious dress and grooming practices, medical condition, marital status, breastfeeding, gender expression, civil air patrol status in accordance with state law.

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**My e3**

Phoenix House has an employee self-service feature as a part of the e3 HRIS & payroll system. This self-service system, called My e3, 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.
It is critically important that employees keep all information in e3 correct and up-to-date.

To access the e3 system, an employee can use the computer that he/she works with on the job, and/or, any personal computer that has Internet access.

Initial User Name, Password and instructions can be obtained from the Human Resources Department via email to support@phcatxhr.zendesk.com.

### 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, callins, and consultants are not eligible to participate in any Phoenix House leaves other than those mandated by state and/or Federal regulations.

<table>
<thead>
<tr>
<th>LEAVE</th>
<th>Scheduled to work under 30 hours per week</th>
<th>Regularly scheduled to work 30 hours or more per week</th>
<th>Regularly scheduled to work fulltime</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paid Sick Leave</td>
<td>Yes (8)</td>
<td>Yes (1)</td>
<td>Yes</td>
</tr>
<tr>
<td>Paid Personal Leave</td>
<td>No</td>
<td>Yes (2)</td>
<td>Yes</td>
</tr>
<tr>
<td>Paid Vacation Leave</td>
<td>No</td>
<td>Yes (3)</td>
<td>Yes</td>
</tr>
<tr>
<td>Paid Holiday Leave</td>
<td>No</td>
<td>Yes (4)</td>
<td>Yes</td>
</tr>
<tr>
<td>Paid Bereavement Leave</td>
<td>No</td>
<td>Yes (5)</td>
<td>Yes</td>
</tr>
<tr>
<td>Paid Jury Duty Leave</td>
<td>No (6)</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Paid Military Leave</td>
<td>Yes</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>Unpaid Family/Medical Leave</td>
<td>Yes (7)</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

(1) Will be eligible for 1 hour of sick time for every 30 hours worked.
(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.
I acknowledge that I have received a copy of The Phoenix House Summary of Leave and Pay Practices (the “Practices”). I understand that the Practices contains important information about Phoenix House’s general Summary of Leave and Pay Practices.

I have read and understand the contents of the Practices and will act in accord with the Summary of Leave and Pay Practices set forth in the Practices as a condition of my employment with Phoenix House. I understand that if I have questions or concerns at any time about the Practices, I will consult my immediate supervisor, my supervisor’s manager or Human Resources staff for clarification. I further understand that my violation of the Summary of Leave and Pay Practices set forth in the Practices may result in disciplinary action, up to, and including termination.

I understand that the Practices is not an express or implied contract for a specific period of employment or for continuing or long-term employment between Phoenix House and me, and that my employment at Phoenix House is employment-at-will. This means that both Phoenix House and I have the right to terminate my employment at any time, with or without notice, and with or without cause.

I acknowledge that Phoenix House reserves the right to change, in writing, any Summary of Leave and Pay Practices in the Practices, except the at-will employment provision, at any time, for any reason without advance notice. Though Phoenix House can make changes, I understand that nothing in this Practices can be modified or deleted, nor anything added, in any way by oral statements or practice.

I HAVE RECEIVED THE SUMMARY OF LEAVE AND PAY PRACTICES PRESENTED TO ME; AND AGREE TO REVIEW THE SUMMARY OF LEAVE AND PAY PRACTICES OUTLINED.