JWCH
INSTITUTE, INC.
John Wesley Community Health

POLICIES & PROCEDURES MANUAL

Adopted at the Board meeting held on

January 22, 2013

JWCH INSTITUTE, INC.
John Wesley Community Health

POLICIES & PROCEDURES MANUAL

Adopted at Board Meeting held on:

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Revised January 15, 2011

Revised January 24, 2012

Revised January 22, 2013

JWCH INSTITUTE, INC.
Health & Medical Services

JWCH Institute, Inc. formerly known as the Attending Staff Association of the John Wesley County Hospital, was established in 1960. We are a private non-profit organization providing Community Health & Medical Services, Outreach, Education, and Social Services.

RESOLUTION

The Board of Directors of the JWCH Institute, Inc. in a duly executed meeting held on January 22. 2013, where a quorum was present resolve to approve the JWCH Institute, Inc. Policies and Procedures Manual for usage.

Board Chair: _____
Signature

Date: Jan 22, 2013

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1. INTRODUCTION

This Policies and Procedures Manual ("Manual") includes and refers to policies, management guidelines, and procedures of JWCH Institute, Inc. ("JWCH" or "the Agency") regarding its employees, prospective employees, independent contractors, and its clients.

This Manual is not, nor should it be considered to be, an agreement or contract of employment, express or implied, or a promise of treatment in any particular manner in any given situation. This Manual identifies and/or describes only general Agency policies. JWCH may, at any time, in its sole discretion, modify or vary from any of its policies, including those identified in this Manual, except for the right of JWCH and its employees to terminate employment at will.

This Manual supersedes all prior manuals issued by JWCH.

This Manual, which contains guidelines, policies and procedures in force at JWCH Institute, Inc., will be retained at all locations including administration office and the offices of each Manager, Director, and Officer. Although individual copies are not furnished to each employee, employees may review the Manual whenever they wish by asking their supervisor for the department copy. The employee may discuss any questions or problems they may have with either Supervisor, Manager, Director, Officer, or Chief Administrative Officer. If the employee has difficulty scheduling time to review the Manual, they may notify their supervisor or the Human Resources Department.

Continuing Review, Development And Adoption Of Human Resources Policies

The Manual's policies and procedures shall be developed by the Director of Administration and submitted to the Executive Committee for review, who will then forward them to the Board of Directors for final ratification. The goal is the have the Manual reviewed annually. Policy changes may be initiated at any time due to reasons, including but not limited to, new or different conditions within the organization, official notices or memoranda from the Department of Health and Human Services or from other funding sources, or by changes in labor laws. Other modifications deemed necessary by the passage of time may also be developed by the Director of Administration and submitted to the Executive Committee for review, who will then forward them to the Board of Directors for final ratification. The Executive Committee may grant policies and procedures tentative approval while being submitted to the Board of Directors for final ratification. The Chief Executive Officer is authorized, by the Board of Directors, to make minor procedural and editorial changes to the Manual which do not affect Board policy. The President may, from time to time, issue staff directives which implement or interpret the Board policies contained in this Manual.

Distribution Of Policies And Procedures Changes

Once policies and procedures are approved, Director of Administration will issue memorandum with the changes. Copies of the memorandum will be given to Supervisors, Managers, Directors, and Officer for distribution and signature. It is recommended that the changes in policies and procedures are discussed and signed off during staff meetings. Human Resources Assistant will collect the signed memorandum and place in their personnel file. Supervisors, Managers, Directors, and

Officers will be responsible for the employees under their supervision understanding and implementing the policies and procedures.

1.1. AT-WILL EMPLOYMENT

Employment with JWCH is voluntarily entered into, and employees are free to resign at any time, with or without a reason and with or without notice. Similarly, JWCH is free to conclude an employment relationship at any time, with or without a reason and with or without notice. Although JWCH may choose to end an employee's employment for a cause, cause is not required. JWCH's policy is that employment is "at-will." JWCH has the right to manage its work force and direct its employees. This includes the right to hire, transfer, promote, demote, reclassify, lay-off, terminate, or change any term or condition of employment at any time, with or without a reason and with or without notice. Neither the employee nor JWCH has entered into any contract of employment, expressed or implied. The employment relationship is both voluntary and at-will.

Other than the Chief Executive Officer, no Officer, Director, Manager or Supervisor of the Agency has any authority to enter into an agreement for employment for any specified period of time or to make an agreement for employment on other than at will terms. The Chief Executive Officer can enter into a contrary agreement only if it is accomplished in a written agreement executed by the Chief Executive Officer.

1.2. ADMINISTRATION

The Officers, Directors, Managers and Supervisors, in collaboration with the Human Resources Director, are responsible for implementing personnel policies, establishing additional or supplementary procedures as necessary and consistent with the existing policies and procedures, ensuring compliance with approved policies, and recommending policy changes.

1.3. DISTRIBUTION

The Policies and Procedures Manual will be distributed to the Board of Directors, Directors, Officers, Managers, and Supervisors. All other employees will be notified if changes are made to the Manual and will be asked to review such changes. All employees will be notified they have access to the Manual through their respective Directors, Managers and/or Supervisors.

1.4. RECORD MAINTENANCE POLICY

JWCH shall maintain accurate and complete program, contract, personnel, and fiscal records. Financial records shall be kept in accord with generally accepted accounting principles. Specific records shall be maintained as follows:

1. Contracts, including the scope of work and budget, shall be reviewed by the Chief Executive Officer prior to signing said document.

2. Program budgets shall be reviewed by the Chief Financial Officer prior to the signing of proposals and contracts by the Chief Executive Officer.

3. Upon receipt of a fully executed contract, a copy must be submitted to the appropriate Officer, Director, Manager, Supervisor or designee for review and implementation.

4. Program reports are to be submitted to the funding agency by the Officer, Director, Manager, Supervisor or designee according to the requirements of the contract; a copy must be submitted to the Chief Executive Officer for review and transmission to the contract files. Officers, Directors, Managers or Supervisors may be required to submit reports for review by the Chief Executive Officer or his/her designee prior to submission to the funding agency or foundation.

5. Fiscal reports and invoices are to be generated by the Chief Financial Officer or his/her designee and submitted to the funding agency as required by the contract.

6. All original personnel files and other personnel records are to be maintained by the Human Resources Director and/or his/her designee pursuant to federal, state and local law. Duplicate records may be kept on-site by Officers, Directors, Managers or Supervisors in a locked cabinet or drawer. Payroll records are to be maintained by the Finance Department.

7. All records are to be kept for a period of at least seven (7) years, unless specific contract language or regulations require the record maintenance for a different period of time.

8. JWCH shall retain all program (client/patient) records pertaining to services provided under L.A. County Contracts for a minimum of seven (7) years and all other records shall be retained for a minimum of five (5) years following the expiration or termination of the contract. These records shall be retained by JWCH at a location in Los Angeles County and shall be available to L.A. County Personnel for purposes of inspection and audit. Other program records shall be made available to the funding agency for inspection and audit.

9. All adult medical records shall be maintained for a period of seven (7) years. Minors' medical records shall be maintained for a minimum of seven (7) years and for at least one (1) year after the patient reaches eighteen (18) years of age.

2. EMPLOYMENT, INTERVIEWS, AND HIRING

2.1. AUTHORITY TO HIRE

The Officers, Directors, Managers, and Supervisors, in collaboration with the Human Resources Director and/or Chief Administrative Officer, are responsible for the recruitment of and final approval of employment of prospective employees. Recruitment efforts may include announcements of job openings.

JWCH employees may apply for open positions within the Agency. Qualified JWCH employees may be considered for promotion and transfer opportunities within the organization prior to recruitment from outside sources.

It is the Officer's, Director's, Manager's and Supervisor's responsibility, in collaboration with the Human Resources Director and/or Chief Administrative Officer, to administer this policy for the recruitment, selection, hiring, training, promotions, terminations, and compensation of all employees. It is the Officer's, Director's, Manager's and Supervisor's responsibility to advise prospective employees that medical certification (EXHIBIT XLI – Annual Employee Health Assessment) of the applicant's ability to perform the job will be required and that employees are subject to a health evaluation and must meet the medical requirements of the work site. This is the final contingency in the hiring process.

The Officers, Directors, Managers, and Supervisors, in collaboration with the Human Resources Department, are responsible for the review of all applications/resumes received. The Application for Employment (EXHIBIT I) must be completed after a job offer has been made and accepted by a prospective applicant. All applications should be returned to the Human Resources Department whether the person is hired or not.

It is the responsibility of the Officers, Directors, and Managers to review guidelines for conducting prospective employee interviews (EXHIBIT II – Employee Inquiries). It is recommended that an Interview Report (EXHIBIT III) be completed for all interviewees and submitted to the Human Resources Department.

Offers of employment shall be made only after consultation with the Human Resources Department. Offers of employment shall be made only after reference checks and any other requirements have been satisfied and as permitted under applicable federal, state and local laws. Applicants for positions which require driving JWCH vehicles must be advised that persons who drive JWCH vehicles during the course of their employment may be subject to toxicology testing pursuant to applicable federal, state and local laws. Individuals who are offered positions at JWCH will be notified about the requirement to have a health assessment within six (6) months prior to date of hire or fifteen (15) days after their hire.

The Human Resources Department is responsible for ensuring that all employees are legally authorized to work and are in compliance with Immigration & Naturalization Services (INS) regulations (EXHIBIT IV - Employment Eligibility Verification Form I-9). Only persons legally authorized to work may be employed.

2.2. PROMOTION/RECLASSIFICATION

With regard to promotion and reclassification, qualified current employees may be given preference when there are employment vacancies.

Recommendations for promotions or reclassifications may be made by the Officer, Director, Manager or Supervisor only. They must submit a Personnel Status Change Form (EXHIBIT XIII) to

the Human Resources Director or designee. Final approval of promotion or reclassification rests with the Director or designee after collaboration with the Human Resources Department.

Employees who are promoted or reclassified must complete a new six-month introductory period in their new position.

2.3. EQUAL EMPLOYMENT OPPORTUNITY POLICY

JWCH is an Equal Opportunity Employer (EOE). JWCH accepts its responsibility to make employment decisions about qualified applicants and employees without regard to race, color, age, gender, sexual orientation, gender identity and expression, genetic information, national origin, ancestry, citizenship, religion, marital status, medical condition, physical or mental disability, military service, pregnancy, childbirth and related medical conditions, or any other classification protected by federal, state, and local laws and ordinances. The Officer, Director, Manager, and/or Supervisor are dedicated to ensuring the fulfillment of this policy with respect to all aspects of the employment relationship including but not limited to hiring, placement, promotion, transfer, demotion, layoff, termination, recruitment advertising, pay, and other forms of compensation, training, and general treatment during employment.

Any violation of this policy will not be tolerated and will result in appropriate disciplinary action, up to and including termination. If an employee believes someone has violated this policy, the employee should bring the matter to the attention of the Human Resources Director, or anyone else in management with whom the employee is comfortable. JWCH will promptly investigate the facts and circumstances of any claim this policy has been violated and take appropriate corrective measures.

No employee will be subject to, and JWCH prohibits, any form of discipline or retaliation for reporting in good faith incidents of unlawful discrimination, pursuing any such claim, or cooperating in any way in the investigation of such reports.

All job openings placed, in any form of media, will indicate that JWCH Institute, Inc. is an Equal Opportunity Employer (EOE). Prior to distribution, the Human Resources Director must approve job announcements.

2.4. AIDS IN THE WORKPLACE

The California Supreme Court has held that a potentially disabling condition may be a handicap. AIDS has been held to be a physical handicap [DFEH V. Raytheon (Chadbourne), 212 Cal. App 3d 1242 (1989)].

JWCH is an Equal Opportunity Employer.

Employees and applicants with HIV Infection or AIDS will be afforded the same benefits and protections as all other employees. Employees and applicants must not be compelled or coerced into revealing their HIV status to Managers, Supervisors, or administration. HIV testing shall not be

required of employees. Employees and applicants have a right to privacy and the right to be silent regarding their HIV status.

Information on an employee's or applicant's HIV status must not be made available to other employees by Officers, Directors, Managers, or Supervisors. The employee may, however, desire to self-disclose. The employer's responsibility is to provide the employees with factual information so that "unreasonable" fears will not prevail.

Employees who refuse to work with employees who have HIV infection will be subject to disciplinary action.

Employees may not refuse to provide care for clients/patients who have HIV infection. Universal precautions for handling blood and other body fluids shall be maintained in accordance with policies and procedures of the work site.

2.5. HARASSMENT-FREE WORKPLACE

JWCH does not tolerate unlawful harassment of its job applicants or employees by another employee, Officer, Director, Manager, Supervisor, or any third party in the workplace. Any form of unlawful harassment in the workplace on the basis of race, color, age, gender, sexual orientation, gender identity and expression, genetic information, national origin, ancestry, citizenship, religion, marital status, medical condition, physical or mental disability, military service, pregnancy, childbirth and related medical conditions, or any other classification protected by federal, state, and local laws and ordinances is a violation of this policy and will be treated as a disciplinary matter. While it is not easy to define precisely what harassment is, it may include slurs, jokes, and other uninvited verbal, graphic, or physical conduct by one individual toward another based on a protected characteristic. Unlawful harassment of any kind, including sexual harassment, will not be tolerated and may be grounds for immediate termination. (EXHIBITS XXXIV, XXXV, XXXVI, & XXXVII).

The following steps have been put into place to ensure the work environment at JWCH is respectful, professional and free of unlawful harassment, including sexual harassment. If an employee believes someone has violated this policy (whether or not that person is a co-worker or a Supervisor), the employee should bring the matter to the immediate attention of his or her Supervisor or, where this is inappropriate or not practical, to the attention of the Human Resources Director, Human Resources Assistant, Officer, Director, Manager or member of the Board of Directors. JWCH will promptly investigate the facts and circumstances of any claim of harassment. To the extent possible, JWCH will endeavor to keep the complaining employee's concerns confidential. If the employee makes a complaint under this policy and has not received a response within five business days, he/she should contact the Human Resources Director and/or Chief Administrative Officer immediately. Supervisors should immediately report any incidents of unlawful harassment to the Human Resources Department.

Upon completion of the investigation, JWCH will take corrective measures against any person who has engaged in harassment in violation of this policy, if JWCH determines that such measures are necessary. These measures may include, but are not limited to, counseling, suspension, or

immediate dismissal. Anyone, regardless of position or title, whom JWCH determines has engaged in conduct that violates this policy, will be subject to discipline, up to and including termination. No employee will be subject to, and JWCH prohibits, any form of discipline or retaliation for reporting in good faith incidents of unlawful harassment, pursuing any such claim, or cooperating in any way in the investigation of such reports.

JWCH cannot remedy claimed harassment unless the individual brings these claims to the attention of management. Failure to report claims of harassment prevents JWCH from taking steps to remedy the problem.

All new hires are to receive the DFEH pamphlet "Facts of Sexual Harassment" at their orientation. (EXHIBIT XXXVII).

2.6. SEXUAL HARASSMENT

JWCH has a strong policy against sexual harassment of any type. It is JWCH's responsibility to provide a work environment free from sexual harassment.

In particular, sexual harassment includes many forms of offensive and unwelcome behavior and may include, but is not limited to:

- Unwelcome sexual advances
- Offering employment benefits in exchange for sexual favors
- Making or threatening reprisals after a negative response to sexual advances
- Visual conduct such as leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons, or posters
- Verbal conduct such as making or using derogatory comments, epithets, slurs, and jokes
- Verbal sexual advances or propositions
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, or invitations
- Physical contact such as touching, assault, impeding or blocking movements.

While sexual harassment is not easy to define, examples include verbal or physical contact of a sexual nature that (1) has the purpose or effect of creating an intimidating, hostile or offensive working environment; or (2) has the purpose or effect of unreasonably interfering with an individual's work performance, or (3) otherwise adversely affects an individual's employment opportunities. Because it is difficult to predict when conduct or comments might be "unwelcome,"

employees should avoid all such conduct and behave at all times in a professional and respectful manner.

If an employee believes someone has violated this policy (whether or not that person is a co-worker or a Supervisor), the employee should bring the matter to the immediate attention of his or her Supervisor or, where this is inappropriate or not practical, to the attention of the Human Resources Director, Human Resources Assistant, Officer, Director or member of the Board of Directors. See section 2.5 above regarding the complaint and investigation procedure.

The Human Resources Department will ensure that supervisors receive required state mandated training regarding prevention of sexual harassment in the workplace.

2.7. NON-DISCRIMINATION IN SERVICES POLICY

JWCH shall not discriminate in the provision of services because of race, color, religion, national origin, ancestry, sex, age, sexual orientation, genetic information, or physical or mental disability. Discrimination in the provision of services may include but is not limited to the following: denying any person any service or benefit or the availability of the facility; providing any service or benefit to any person which is not equivalent or is not provided in an equivalent manner or at an equivalent time to that provided to others; subjecting any person to segregation or separate treatment in any manner related to the receipt of any service; restricting any person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service or benefit; treating any person differently from others in determining admission, enrollment quota, eligibility, membership, or any other requirements or conditions which a person must meet in order to be provided any service or benefit. This policy is to be posted at each service site.

Each employee is to be provided the Non-Discrimination In-Services Policy (EXHIBIT V) upon hiring with his or her Orientation Form.

2.8. AMERICANS WITH DISABILITY ACT/REASONABLE ACCOMMODATION

The Americans with Disabilities Act (ADA) 42 U.S.C. 12101 prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communication, and activities of state and local government. JWCH shall ensure that its programs, services, and activities are accessible to and usable by persons with disabilities.

JWCH will offer reasonable accommodations to allow qualified persons with disabilities to have access to and participate in its programs, services, and activities in accordance with the provisions of the ADA and applicable state laws.

JWCH will not discriminate against a qualified person with a disability or against persons due to their relationship to a person with a disability. JWCH will not enter into a contract or subcontract that discriminates, directly or indirectly, against persons with disabilities.

JWCH recognizes and supports its obligation pursuant to state and federal laws to reasonably accommodate qualified job applicants and employees with disabilities. JWCH will provide

reasonable accommodation to otherwise qualified job applicants and employees with known physical or mental disabilities consistent with its legal obligations.

An applicant or employee who believes he or she needs a reasonable accommodation to perform the essential duties of the position should discuss the need for a possible accommodation with the Human Resources Director and/or Chief Administrative Officer.

See Disability Discrimination is Against the Law Pamphlet (EXHIBIT XXXVII)

2.9. EMPLOYEE ORIENTATION

It is JWCH's policy to welcome and introduce all new employees to fellow workers and explain the operations and workflow.

The Officer, Director, Manager, Supervisor and/or Human Resources Director or designee, will conduct an orientation session for all new employees. At that time, general policies and procedures are to be explained, along with office/clinic functions, working hours, security, and staff development. The Employee Handbook (EXHIBIT VI) with attachments shall be distributed during orientation.

All employees shall be notified that should a cancellation of a project occur, the employees of such project might be terminated. Should cancellation of a project occur, a minimum of a two-week notice may be given, but is not guaranteed.

The Human Resources Department conducts orientation for all new employees for the purposes of explaining benefits, timesheets, overtime, vacation, paychecks and pay periods. At the time of this orientation, a W-4 Form (EXHIBIT VIII), an optional DE-4 Form (EXHIBIT IX), and a Personnel Information Sheet (EXHIBIT VII) will be given to the new employee for completion and are to be returned to the Human Resources Department. In addition, the following notices will be distributed: Sexual Harassment Information Sheet (EXHIBIT XXXVIII), EDD Notice To Employees (EXHIBIT XXXIX, State Disability Insurance Provisions (EXHIBIT XLVIII - DE 2515), California Programs for the Unemployed (EXHIBIT L1 – DE 2320), Facts about Workers' Compensation pamphlet (EXHIBIT XVIII), Notice Regarding Rate of Pay (EXHIBIT L - Notice to Employee), and Paid Family Leave pamphlet (EXHIBIT XLIX). The Director, Manager and Human Resources Department are responsible for ensuring that all applicable items on the Checklist (EXHIBIT X) are provided to the new employee, that items on the Orientation Form are reviewed with the employee, and that the employee has an opportunity to ask questions about JWCH policies and procedures.

2.10. CONFLICT OF INTEREST

JWCH employees shall comply with all applicable guidelines, regulations, rules, and laws of Federal, State of California, County and City of Los Angeles governing conflict of interest including, but not limited to, 24 CFR Part 85 and OMB Circular A-110.

Upon acceptance of employment with JWCH, employees certify that they have not been employed by the funding agency in a position to influence the award of funds for the program for which the

employees are being hired. Employees also certify that they will not work for another agency during the same hours that they are on the JWCH payroll. Employees agree that if a conflict of interest arises between their employment with JWCH and other professional associations, they will advise the JWCH Human Resources Director, in writing, of such a conflict of interest. Records available to employees as JWCH employees shall not be shared with other agencies so as to create an unfair advantage for themselves or other agencies. Program Managers must approve any disclosure of program materials.

JWCH shall disclose any relationship, financial or otherwise, direct or indirect, of any of its employees or their immediate families that may be a perceived or potential conflict of interest to any appropriate funding or auditing sources.

Employees shall not participate in selecting or administering any program (in whole or in part) where such person is an employee of the program, of where such person knows, or should have knowledge, that:

1. A member of such persons' immediate family or partner, or organization has a financial interest in the subcontract;
2. The program is an entity or someone with whom such person has or is negotiating any prospective employment.

Any direct or indirect financial interest in the program, including a commission or fee, a share of the proceeds, prospect of a promotion or of future employment, profit, or any other form of financial reward is prohibited by the California Political Reform Act, California Government Code Section 87100 et seq.

JWCH employees and members of its Board of Directors are prohibited from paying or giving any third party any money or other consideration for obtaining any agreement or contract.

JWCH employees are prohibited from having any interest, direct or indirect, in any contract or subcontract of the proceeds thereof for work to be performed in connection with any program during their tenure as such employees for one year thereafter.

2.11. NEPOTISM AND PERSONAL RELATIONSHIPS IN THE WORKPLACE

To avoid actual or apparent favoritism, conflict of interest and harassment issues, JWCH shall prohibit certain work relationships between employees with familial, social or personal relationships. JWCH shall avoid hiring or permitting the hiring of any person to fill a position if a member of that person's immediate family or romantic partner is employed in an administrative or managerial capacity by JWCH. For the purpose of this policy, the term "immediate family" means spouse, domestic partner, child, mother, father, brother, sister, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, aunt, uncle, niece, nephew, cousin, stepparent, and/or stepchild. The term "administrative capacity" means having selection, hiring, supervisory or management responsibilities, including but not limited to serving on the JWCH Board of Directors.

In the event that JWCH hires a member of an Officer, Director, Manager or Supervisor's immediate family, JWCH shall ensure that an employee who is not related to the family member directly supervises the family member.

There may also be other circumstances including, but not limited to where employees in the same department or chain of command who are close friends or romantic partners, create a conflict of interest, favoritism or harassment issue. If JWCH determines that an inappropriate working relationship exists between employees (or between employees and third parties with a connection to the workplace), arrangements must be made within 30 days, or more than 30 days subject to approval by the Human Resources Department, for one of the employee's to transfer to another position, if available, or to resign. If the employees do not make such arrangements within the applicable time period, JWCH has the right to transfer or discharge one or both of the employees.

2.12. RELIGIOUS AND POLITICAL ACTIVITIES

JWCH employees are prohibited from promoting religious or political activities with program funds. Due to contract requirements, funds made available under any contract shall be exclusively used for the performance of work. Employees will not perform, nor permit to be performed, any religious or political activities in connection with their performance of work.

2.13. LOBBY ACTIVITY

JWCH prohibits any employee or their retained lobbyist firm (Department of Interior and Related Agencies Appropriations Act, known as the Byrd Amendments, and HUD's 24 CFP 87) from using federally appropriated funds for the purpose of influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, loan, or cooperative agreement, an any extension, continuation, renewal, amendment, modification of said documents.

JWCH employees and their retained lobbyist firm [as defined in Los Angeles County Code Chapter 2.160 (Ordinance 93-0031)], shall fully comply.

2.14. PROHIBITION AGAINST COERCING INDIVIDUALS FOR ABORTIONS AND STERILIZATION

Employees are hereby informed that they are subject to prosecution under Federal Law if they coerce or endeavor to coerce any person to undergo an abortion or sterilization procedure.

2.15. JOB DESCRIPTION

It is recommended that written job descriptions are prepared for each position. Written job descriptions detailing the duties and functions of each employee shall be approved by the Human Resources Director and/or Chief Administrative Officer. During the orientation session, the Officer, Director, Manager, Supervisor, Human Resources Director and/or human resources assistant will

provide employees with written job descriptions that provide a list of duties and functions. Employees will be required to review and sign their job descriptions.

It is recommended that Officers, Directors, Managers and Supervisors review their employees' job descriptions annually. Officers, Directors, Managers and Supervisors shall review their employees' job descriptions when specifically directed by the Human Resources Director. All proposed revisions to job descriptions must be forwarded to the Human Resources Director for review and approval. Upon approval by the Human Resources Director and/or Chief Administrative Officer, the employees must review and sign revised job descriptions.

2.16. BACKGROUND CHECKS

The purpose of this policy is to ensure that individuals who seek to join JWCH or are considered for promotion, transfer, or position reassignment within JWCH are qualified for the positions for which they are being considered and have accurately presented their qualifications during the hiring process. This policy also ensures that JWCH is exercising reasonable care in selecting its employees to promote a safe work place.

JWCH will conduct a thorough background check(s) on contingent hires, rehired employees, and internal transfers/promotions/reassignments, in compliance with all state and federal laws. Current employees as of the effective date of this policy are not subject to background checks unless they are being considered for a transfer, position reassignment, or promotional opportunity; and/or the work site facility, applicable partner agency, or funder requires it; and/or as required by the or as otherwise required by state or federal law.

All offers of employment (including internal transfers, position reassignments and promotions) are contingent upon complete and satisfactory findings of all applicable background checks. Background checks may include: social security number search, previous employers, sex offender registry, credit report, criminal records search, verification of academic credentials, driver's license and driving record check, verification of occupational and professional licenses, drug/alcohol check, physical, and healthcare sanctions check. The Office of Human Resources conducts and/or coordinates the collection of all background check information with a third party vendor.

Applicable background checks should be requested post offer and received and evaluated before the individual begins to work. In urgent situations requiring a rapid employment action and with the approval of the Human Resources Director or the Director of Administration and/or Chief Executive Officer, an individual may begin to work pending successful completion of the background check, provided that professional references and applicable credentials have been checked and results are satisfactory.

Any evidence of a prior conviction will be taken into consideration in the employment decision only if the conviction relates to the candidate's suitability for employment in the position for which the candidate has applied. No candidate of employment will be rejected for employment based in whole or part on a criminal record without the written approval of the Director of Human Resources, Chief Administrative Officer, or the Chief Executive Officer. If unsatisfactory results are reported, Human Resources is responsible for interacting with the applicant/employee in these cases, and ensuring that

the JWCH Institute Inc. is in compliance with the Fair Credit Reporting Act and applicable state laws.

PROCEDURE

1. Position advertisements (postings) will contain notification to applicants that, prior to hiring/selection, the final candidate must successfully pass a background investigation (pre-employment in the case of a potential new hire). All candidates must complete an Employment Application (even if they are a current employee)

2. Once a final candidate has been identified, a contingent offer of employment will be extended to the candidate by the Director of Human Resources. The contingencies will specifically include the following statement: This offer is contingent on our satisfaction of the results of the background check and any other contingencies as deemed necessary.

3. Once the candidate accepts this contingent offer, arrangements will be made to have the candidate complete the necessary authorization forms such as the Disclosure and Authorization Form and the document entitled "A Summary of Your Rights Under the Fair Credit Reporting Act" will be distributed with the Disclosure and Authorization Form.

4. When the Disclosure and Authorization Forms are received, Human Resources will input the candidate's required information in the vendor website. Data will be sent electronically to the vendor to perform the background investigation. JWCH will ask the vendor to perform all of the following background checks on every person undergoing a background check:

    - Package A (Social Security Address Locator and County Criminal) (all names and all counties).

    - Other states: Criminal background checks from all counties in other states will be ordered if the candidate lived or worked in a state other than California within seven years prior to applying for position, or as otherwise approved by the HR Director and Director of Administration

    - National Sex Offender –for employees who will be regularly working in a health facility.

5. Above described background verifications will be completed by the vendor and the vendor will send the results in an electronic format to the attention of the Human Resources Director.

6. If the candidate checks the box that he or she requests a copy of the report, pursuant to the agreement with the vendor, the vendor will provide the report to the applicant.

7. JWCH will conduct the following checks internally (will not use the vendor)

- Employment verification
- Professional License verification
- Reference verification
- OIG/OSA

8. License and Driving Record Verification: JWCH will request that its applicable insurer perform this check on applicants whose positions require them to operate a JWCH owned vehicle.

9. Before performing any of the above described reference checks internally, the Human Resources Department will review the Employment Application with regard to whether the candidate checked the box to waive his or her right to receive a copy of any public record results (including verbal). If the box was not checked, the Human Resources Department must provide a copy of all results (even verbal) to the candidate within seven days of its receipt.

10. If a worksite facility, funder or JWCH partner requires a JWCH employee or candidate undergo Live-Scan, JWCH will require such checks and they are not subject to any authorization or disclosure form other than may be provided by the facility where Live-Scan is performed.

11. If all background investigation results are satisfactory, the Human Resources Director will commence the hiring/placement process by contacting applicant to schedule him/her to attend a JWCH Institute Inc., New Hire Orientation, and/or advise applicant of the results and authorized change in position.

12. If the background check reveals an unsatisfactory finding relevant to the position, the individual may be disqualified from holding the position. In making such a decision, The Human Resources Director along with the Director of Administration, will consider the nature of the finding, the job for which the applicant is being considered, when the event occurred and the applicant's conduct, performance and/or rehabilitation efforts since. When appropriate, the Chief Executive Officer, outside counsel and other relevant experts will be consulted. If the possibility of adverse action exists, Human Resources will provide a Pre-Adverse Action Notice along with a copy of the report and a notice of rights to the candidate.

    a The candidate has a period of 5 calendar days to refute disputed information with the vendor once he/she has received a copy of the report.

    b If the candidate fails to contact JWCH Institute Inc. within 10 business days from the date of notification, to indicate that the matter has been resolved, the recruitment process will continue.

13. If the decision is made not to hire the candidate, a Final Adverse Action Notice is mailed via certified mail to the candidate by Human Resources explaining the reason for not hiring/selecting, along with an additional copy of the background report, notice of the individual's rights under FCRA, the contact information of the vendor, and a statement that the vendor did not take the adverse action and cannot explain why it was made.

14. All information received in the background investigation process will be maintained by Human Resources in confidential, secure files, separate from employee personnel files, with access allowed only to those who have a need to know.

DEFINITIONS

1. "Criminal background check" means verifying that an individual does not have any disqualifying criminal history in every jurisdiction where candidate currently resides or has resided or has been employed for the past seven years.

2. "Employment verification" means confirming that an individual actually worked in the positions listed on the application, resume, or cover letter or other information provided that qualify the individual for the position sought. This verification should include dates of employment and verification of last position held for each employer.

3. "Fair Credit Reporting Act (FCRA)" applies to "consumer reports" issued for multiple purposes, including employment background checks performed by third parties for the purposes of hiring, promotion, retention or reassignment.

4. "OIG/OSA" or "Healthcare sanctions check" identifies sanctioned individuals and entities in the healthcare field. Sanctioned individuals are those who have been determined to be fraudulent in their field, and/or those individuals who have had adverse actions taken against them by the licensing boards of state governments. Reported actions may include: reprimands, probations, suspensions and revocations of provider licenses, cease and desist orders, exclusions for failure to pay student loans, Drug Enforcement Agency (DEA) violations, child support violations, professional misconduct, other similar sanctions and exclusions.

5. "Initial Hire" means any new employee who has never been employed at JWCH Institute Inc.

6. "Internal Transfers/Reassignment/Promotions" mean JWCH Institute Inc. employees who transfer or are promoted or reassigned into different positions within the JWCH Institute Inc.

7. "License and driving record verification" means confirming that an individual possesses all the driver's licenses listed on the application, resume, or cover letter or other information provided that qualify the individual for the position sought. It also includes verifying possession of all drivers licenses required for the position,

including verification of the status of such licenses. The individual's driving record must also meet the JWCH Institute Inc.'s insurance carrier requirements.

8. "Operates a JWCH Institute Inc. vehicle" means an individual who must regularly or occasionally drive a JWCH Institute Inc.-owned vehicle as part of his or her job duties, including employees provided with company cars, Facilities truck drivers, van operators, etc.

9. "Professional license and certification verification" means verifying the validity and accuracy of an individual's professional license or certification, disciplinary actions taken, status, date of issue, and renewal and expiration dates

10. "Sex offender registry check" means verifying that an individual does not appear in the national database of persons who have been convicted of certain sex crimes. This check will cover an unlimited period.

This policy is subject to change without prior notice. This policy will be reviewed periodically by JWCH Institute Inc.

3. WORKING CONDITIONS, PERFORMANCE AND GENERAL POLICIES AND PROCEDURES

3.1. PERSONAL APPEARANCE / DRESS CODE

The employees' dress, appearance, and demeanor shall reflect favorably on the public image of the Agency. Employees shall dress appropriately in accordance with their job function. In general, employees must be neat, clean and well groomed in appearance.

Furthermore, because body piercing generally does not support the professional work environment, body-piercing jewelry may not be worn during work hours. For example, body jewelry in eyebrows, tongues and noses, is generally unacceptable while on duty. There are two exceptions to this is policy: (1) pierced earrings may be worn; and (2) body jewelry may be appropriate for religious practice reasons.

The Officer, Director, Manager or Supervisor will advise employees of the appropriate dress code or uniform requirements for their job and work location. In all cases, employees must adhere to the dress code of the facility. Failure to follow personal appearance/dress code standards may result in the employee not being allowed to work until the problem is corrected, and discipline up to and including termination of employment.

3.2. EMPLOYEE CLASSIFICATIONS

A number of different types of employees are employed by JWCH. As stated in section 1.1 of this Manual, all JWCH employees are at-will. Different types of employees may be eligible for some,

but not all, JWCH benefits. Employees should contact the Human Resources Director to determine whether they are eligible for any benefits, and, if so, which ones.

3.2.1. INTRODUCTORY EMPLOYEES

All employees, during the first 6 months of employment, reclassification, or extension of that period are introductory employees.

3.2.2. REGULAR FULL-TIME EMPLOYEES

Employees who have successfully completed the introductory period and are regularly scheduled to work at least 40 hours per week are regular full-time employees.

3.2.3. REGULAR PART-TIME EMPLOYEES

Employees who have successfully completed the introductory period and are regularly scheduled to work at least 20 hours but fewer than 40 hours per week are regular part-time employees.

3.2.4. HOURLY/PER DIEM EMPLOYEES

Employees who are not regularly scheduled to work and who work on an as-needed basis when called in are Hourly/Per Diem employees.

3.2.5. ON-CALL EMPLOYEES

On-call employees are employees who work on an hourly, as needed basis.

3.2.6. NON-EXEMPT EMPLOYEES

Employees who are covered by the overtime provisions of the federal Fair Labor Standards Act and applicable state wage/hour laws are non-exempt employees. Non-exempt employees are entitled to an overtime premium for overtime work in accordance with state and federal law.

3.2.7. EXEMPT EMPLOYEES

Salaried employees whose work duties exempt them from the overtime provisions of the Federal Fair Labor Standards Act and any applicable state wage/hour laws are exempt employees.

3.3. CONSULTANTS/ INDEPENDENT CONTRACTORS

Consultants/independent contractors are not employees of JWCH. All services by consultants/independent contractors are bound by contract, indicating products and/or services to be provided. Such contracts may be reimbursed by fixed price or fee for service. These contracts are initiated and may be amended by the Officer, Director or Manager, with consultation with the Chief Executive Officer and/or the Human Resources Department (EXHIBIT XI - Consultant Contract Agreement, EXHIBIT XL - Request for Taxpayer Identification Number and Certification (Form W-9), EXHIBIT XII - Consultant Invoice). A list of clients and license, when applicable, must

accompany the agreement when sent to the JWCH Administration office. Independent contractors may utilize their own invoice in lieu of the form available through JWCH.

Independent contractors who are physicians, dentists, podiatrists, nurse practitioners, physician's assistants, or certified nurse midwives must undergo credentialing procedures in order to provide patient care services in a health center. The Human Resources Director will facilitate the provider's appointment. Independent contractors providing clinical services must show evidence of professional liability insurance unless they provide services covered by L.A. County Department of Health Services.

3.4. INTRODUCTORY PERIOD

The first 6 months an employee works is the introductory period. In the case of a job classification change, the employee will serve a new six-month introductory period.

The introductory period is designed to give the employee a chance to become familiar with JWCH and to learn his/her job. It also gives the Officer, Director, Manager, and/or Supervisor a chance to work more closely with the employee while the employee learns about his/her job, and to evaluate his/her performance. During this period, the employee may be placed in different tasks if needed.

Discussions related to job performance should occur throughout the introductory period. An employee who successfully completes the introductory period becomes a regular full-time or part-time employee, or other classification as applicable.

The introductory period is just that — an introduction. Completion of the introductory period signifies the hope the employee will be capable of functioning fully in his/her position. Completion of the introductory period is not, nor should it be seen as, unqualified acceptance by the JWCH of the employee's performance or an assurance of continued employment.

During the initial introductory period, the full time and part-time employee will accrue vacation time, but is ineligible to take paid vacation time. The full time and part-time employee will accrue and be able to take sick time pursuant to Agency policies. Employees in the introductory period are ineligible for salary adjustments (except when required by law) and bonuses (except where required by law).

As stated above in section 1.1, employment with JWCH is voluntarily entered into, and employees are free to resign at any time during with or without reason and with or without notice or after the completion of the introductory period. Similarly, JWCH is free to conclude an employment relationship at any time, with or without a reason and with or without notice. Although JWCH may choose to end an employee's employment for a cause, cause is not required. JWCH's policy is that employment is "at-will." JWCH has the right to manage its work force and direct its employees. This includes the right to hire, transfer, promote, demote, reclassify, lay-off, terminate, or change any term or condition of employment at any time, with or without a reason and with or without notice. Neither the employee nor JWCH has entered into any contract of employment, expressed or implied. The employment relationship is both voluntary and at-will.

3.5. PERFORMANCE APPRAISALS

3.5.1. OBJECTIVE

The objective of this policy is to provide JWCH supervisory personnel the opportunity to give each employee periodic and accurate feedback on their individual productivity and development. It also allows an opportunity for the supervisor and employee to jointly discuss job performance, and to determine whether the employee is meeting the responsibilities and expectations of the position, or if changes are indicated in assigned responsibilities and expectations. When performance is deficient, reasonable efforts will be made to help the employee improve. Efforts to help an employee improve his or her performance may include, at the discretion of the supervisor and upon approval by the Human Resources Director and/or Chief Administrative Officer, a performance improvement plan.

3.5.2. WRITTEN PERFORMANCE APPRAISALS

At or around the third month of the introductory period, supervisory personnel will review the employee's performance. It is recommended that prior to the completion of the six-month introductory period, the supervisor conduct a written performance appraisal (EXHIBIT XXVII - Report of Performance Evaluation (or the form for Directors)).

Thereafter, JWCH will endeavor to schedule written employee performance appraisals/evaluations annually. Employees may also be appraised during periods when exceptional performance or poor performance is observed, or when promoted or reclassified.

Performance appraisals must be discussed with the employee. The employee's signature is required on the report, and a copy of the appraisal should be provided to the employee for his/her records. If an employee refuses to sign, a note should be made to that effect on the appraisal form by the supervisor.

The original appraisal form is submitted to the Officer, Director, Manager or Supervisor for review and any action necessary. A copy may be maintained by the Officer, Director, Manager, Supervisor or designee on site; the original is to be submitted to the Human Resources Department.

The Human Resources Department is responsible for notifying the Officer, Director, Manager, Supervisor or designee when performance appraisals are to be conducted. At this time, it is recommended that the employees' job descriptions be reviewed to determine if duties performed are those listed on the current job description. It is recommended that Officers, Directors, Managers and Supervisors review their employees' job descriptions annually and revise as necessary to reflect changing requirements of the position. Any revisions on job descriptions must be forwarded to the Human Resources Director for review and approval. Upon approval by the Human Resources Director, employees must review and sign their job descriptions.

3.5.3. PERFORMANCE IMPROVEMENT PLANS

If an employee does not meet the Agency's expectations of performance and/or conduct, he or she may be subject to corrective action, up to and including termination. Poor performance may be addressed, at any time, at the discretion of the employee's supervisor and/or the Human Resources

Director and corrective action may be taken. It is within the discretion of the Officer, Director, Manager, and Supervisor, with collaboration with Human Resources Director, to determine what corrective action is appropriate. For example, employees whose performance is not at a satisfactory level may be placed on a Performance Improvement Plan (PIP).

Employees may be placed on a PIP at any time, not necessarily in conjunction with regularly scheduled performance appraisals. During the designated PIP period, status meetings are to be held by the Officer, Director, Manager or Supervisor with the employee for the purpose of feedback on performance. If, at the end of the period specified in the PIP, the employee is still employed, his or her performance will be evaluated and then the PIP will expire, be extended, or the employee will be terminated. While an employee is subject to a PIP, all salary increases (except by federal and/or state laws) and/or bonuses are withheld.

3.6. EMPLOYEE RECORDS

Every employee has a confidential personnel file maintained by the Human Resources Department. Records in this file include, but are not limited to, employee's application, wage and salary information, performance appraisals, staff development activities, warning reports, and emergency notification information. The original of all the aforementioned form(s) shall be sent to the Human Resources Department by the employee's Supervisor, Manager or Director. Human Resources Department will ensure that personnel files are kept in an orderly manner with updated information and documents.

Records related to payroll and accounting are kept in the Finance Department.

Records related to Employment Eligibility (EXHIBIT IV- Employee Eligibility Verification Form I-9) are kept in a separate, locked Form I-9 file.

Records related to health, dental, and life insurance, annual health assessments, and other medical certifications are confidential and are kept in a separate, locked medical records file.

3.7. EMPLOYEE REVIEW OF PERSONNEL AND PAYROLL RECORDS

Employees may review their personnel records, pursuant to state law, upon written request to the Human Resources Associate. "Personnel records" means records which relate to the employee's performance or to any grievance involving the employee. The Agency may redact the name of any non-supervisory employee contained therein. The Agency will make available request forms to the employee to complete upon verbal request. Furthermore, upon their request, employees will also be provided copies of documents in their personnel records which relate to the employee's performance or to any grievance involving the employee, although the Agency may redact the names of any nonsupervisory employees contained therein. Charges may be applied associated with cost of copying. In addition, upon request, the Agency will provide copies of all documents signed by an employee or applicant relating to the obtaining or holding of employment.

Employees may also review, pursuant to state law, their payroll records upon request of the Accounting Officer in the Finance Department. Upon their request, employees will also be provided copies of their payroll records, and charges may be applied associated with the cost of copying.

3.7.1. CHANGES IN EMPLOYEE RECORDS

Employees are to notify the Officer, Director, Manager, Supervisor, or Human Resources office of any of the following changes:

- Name, address, and telephone numbers.
- Number of dependents.
- Physician's name, address, and telephone number.
- Person(s) to be notified in case of emergency and the individual's address and telephone number.
- Beneficiary information.

Employees must request and complete a W-4 Form (EXHIBIT VIII), Personnel Status Change Form (PSCF) (EXHIBIT XIII), Personnel Information Sheet (EXHIBIT VII), Nomination of Beneficiary (EXHIBIT XLVII) and/or other appropriate forms for making such changes.

The Officer, Director, Manager and/or Supervisor are responsible for making the necessary revisions to the employee's personnel records, and/or for submitting the changes to the Human Resources Department.

3.7.2. PRIVACY OF EMPLOYEE RECORDS/EMPLOYMENT VERIFICATIONS

Any calls, documents, or questions concerning verification of employment are to be directed to the Human Resources Department.

Information provided in response to an employment verification request is limited to job title and dates of employment. Written approval is required from the employee to release additional information, or as required by law. An employee's signature on loan and credit applications or other reference requests is considered authorization. A copy of the request shall be sent to the administration office for filing.

3.7.3. WAGE THEFT PREVENTION ACT

Nonexempt employees have to receive the notice containing specific information at the time of hire according to state law: (A) the rate or rates of pay and basis thereof, whether paid by the hour, shift, day, week, salary, piece, commission, or otherwise, including any rates for overtime, as applicable; (B) allowances, if any, claimed as part of the minimum wage, including meal or lodging allowances; (C) regular payday designated by the employer as required by law; (D) the name of the employer, including any "doing business as" names used by the employer; (E) the physical address of the employer's main office or principal place of business, and a mailing address, if different; (F) the telephone number of the employer; (G) the name, address, and telephone number of the employer's workers' compensation insurance carrier; and (H) any other information the Labor Commissioner deems material and necessary.

The act also requires that the employer notify the employee in writing of any changes to the information set forth in the Notice To Employee within seven (7) calendar days after the time of the

changes, unless one of the following applies: (a) All changes are reflected on a timely wage statement furnished in accordance with Labor Code section 226, or (b) Notice of all changes is provided in another writing require by law within seven days of the changes.

3.8. OPERATIONAL SAFETY POLICY

The State of California has mandated every employer to establish a written injury prevention program and provide specified training to employees. JWCH views this as both desirable and necessary. It is the policy of JWCH to provide a safe and healthful workplace. To achieve our goal of maintaining a safe workplace, everyone must be safety conscious at all times. In compliance of CA law, and to promote the concept of a safe workplace, the Agency maintains an injury and illness prevention program ("Safety Program"). The Program is available for review by employees in the Human Resources Department. The following constitutes some of the key features of the Safety Program.

1. The JWCH program will be headed by the Human Resources Director, who delegates authority sufficient to carry out said program and is responsible for its results.

2. Each program will establish a safety committee.

3. Committee members will identify and evaluate workplace hazards no less than one (1) time per week and submit weekly reports to the Human Resources Director.

4. As hazards are identified, the safety committee members will immediately notify the Officer, Director, Manager, or Supervisor who will then authorize prompt steps to investigate in an appropriate manner, and correct unsafe or unhealthful conditions.

5. The safety committee will endeavor to meet no less than three (3) times per quarter to discuss the general/overall occupational health and safety of the facilities. Minutes must be submitted to the Human Resources Director at the JWCH Administration office. Records regarding the Safety Program will be maintained by the Human Resources Department pursuant to applicable laws.

6. Employees will be advised on a regular basis, daily if necessary, of all occupational health and safety matters. Communications may be contained in posted notices, memos, personnel policy statements, or safety guidelines. Important safety issues may also be raised at employee meetings and training programs. It is the responsibility of each employee to inform his or her supervisor or the Director of Human Resources immediately of any hazard or unsafe condition in the work site. This can occur without fear of reprisal in any form.

7. Since an effective safety program must be monitored to ensure its effectiveness, the safety committee members will see that each employee:

   a. Receives a complete set of our safety rules (EXHIBIT XXXII - Safety Program) during his or her orientation. Each employee will sign one copy to be maintained in his/her personnel file; one copy will be maintained in file by Director or Manager; one copy will be returned to the employee.
   b. Complies with health and safety work practices.
   c. Corrects, or has corrected, unsafe work conditions.
   d. Receives thorough training, both as to initial stages of development and periodically, whenever new processes and/or hazards are involved.

Management and employees of JWCH will join to make its safety program effective and a model for the industry. The goal is to send each employee home after work in a safe and healthy condition. Employee cooperation and ideas for the improvement of this plan are encouraged.

3.9. WORKPLACE SECURITY AND VIOLENCE PREVENTION POLICY

JWCH is committed to providing a secure workplace that is free from acts and threats of violence. This policy provides "zero tolerance" for actual or threatened violence against co-workers, clients, visitors, or any other persons who are either at JWCH work sites or have contact with employees in the course of their duties. In order to accomplish these objectives, JWCH may install security cameras in selected areas. This does not include the employee restrooms, locker rooms, or other rooms designated for changing clothes, unless authorized by Court order. Where security cameras are installed, employees must be notified that the worksite is monitored by video and, if applicable, audio devices. As a result, employees should not maintain an expectation of privacy in such work areas.

Security and safety in the workplace is every employee's responsibility. It is therefore essential that every employee understand the importance of workplace safety and security.

Compliance with this anti-violence policy is a condition of employment. Employees who violate any of the terms of the policy, who engage in or contribute to violent behavior, or who threaten others with violence may be subject to disciplinary action, up to and possibly including immediate termination.

Every verbal and physical threat of violence must be reported immediately to the employee's immediate supervisor, or if that person is unavailable, any Officer, Director, Manager or Supervisor. The Director of Administration will be responsible to consult the appropriate resources and witnesses. Where a violation of the policy is found, appropriate action will be taken. In situations where an employee becomes aware of an imminent act of violence, a threat of imminent violence, or actual violence, emergency assistance must be sought immediately. In such situations, the employee should immediately contact Security at the work site, and, if appropriate, contact the enforcement authorities by dialing 911.

Workplace violence is any intentional conduct which is sufficiently severe, offensive, or intimidating to cause an individual to reasonably fear for his or her personal safety or that of his or her family, friends and/or property such that employment conditions are altered or a hostile, abusive or intimidating work environment is created. Workplace violence may arise from, but is not limited to threats or acts of violence which occur:

- At JWCH work sites, regardless of the relationship between JWCH and the parties involved in the incident

- Off JWCH work sites involving someone who is acting in the capacity of a representative of JWCH or involving an employee of JWCH if the threats affect the operational interests of JWCH

- Off JWCH premises of which a JWCH employee is a victim, if JWCH determines that the off site incident(s) may lead to an incident of violence at a JWCH work site.

Examples of workplace violence that may violate JWCH's policy against workplace violence include, but are not limited to the following, when the definition is met:

- Physical violence - threatening a JWCH employee, temporary employee contractor, or visitor or his or her family, friends, or property with physical harm.

- The intentional destruction or threat of destruction of JWCH property or that of a JWCH employee, temporary employee, contractor, or visitor.

- Threatening notes, voice messages, phone calls, e-mails, or regular mail towards a JWCH employee, temporary employee, contractor, or visitor.

- Unauthorized surveillance or stalking of a JWCH employee, temporary contractor, or visitor.

- Any verbal or physical conduct that causes a JWCH employee, temporary employee, contractor, or visitor to reasonably fear for his or her safety or that of friends or family

No one can predict human behavior and there is no specific profile of a potentially violent individual. However, the following are just some warnings signs of an increased risk of violent behavior:

- Direct or veiled threats of harm
- Intimidating, belligerent, bullying or other inappropriate and aggressive conduct (physical or verbal)
- Brandishing a weapon in the workplace or making inappropriate references to or exhibiting a fascination with guns or other weapons
- History of prior violence
- Explosive outbursts of anger or rage without provocation

Any person who engages in a threat or violent action as described herein may be removed from JWCH work sites and may be required, at JWCH's discretion, to remain off JWCH premises pending the outcome of an investigation into the incident. Depending on all circumstances, JWCH may seek a restraining order enforceable by the appropriate legal authorities.

When called away from your work area for an extended period of time, do not leave valuable and/or personal articles in or around your work area that may be accessible.

All employees should immediately notify a supervisor when unknown persons are acting in a suspicious manner in or around the work area.

3.10. INFECTION CONTROL POLICY AND PROCEDURES

SUBJECT: Accidental employee exposure to blood and body fluids.

PURPOSE: To provide guidelines for management of needle/sharp injury or other accidents involving actual or possible interchange of blood or body fluids.

POLICY: All persons are assumed to be infected for HIV and other blood-borne pathogens. All blood and body fluids are considered potentially infectious.

Any JWCH employee who, during the course of his/her works, is exposed to blood or body fluids as defined below, shall be eligible for testing (HIV, Hepatitis Panel, etc.).

The employee is responsible for informing his/her immediate Supervisor of the accident/injury.

All employees accidentally exposed to blood/body fluids as described shall either consent

to the procedures described below or sign a refusal.

DEFINITION OF "EXPOSURE":

Contact with blood or other body fluids to which universal precautions apply (amniotic fluid, pericardial fluid, peritoneal fluid, pleural fluid, synovial fluid, cerebrospinal fluid, semen and vaginal secretions) through percutaneous inoculation (needle stick or cut) or contact with an open wound, non-intact skin or mucous membrane (eye, nose, mouth).

PROCEDURES:

DIRECTOR, MANAGER, SUPERVISOR OR DESIGNEE:

Notify JWCH administration and insure immediate first aid is provided (if necessary).

Complete the Worker's Compensation Claim Form (EXHIBIT XV) and Work Related Injury Employee Reporting Form (EXHIBIT XIX). Both forms and any additional paperwork are to be submitted to the JWCH Administration office immediately. Give the injured employee a brochure entitled Facts About Workers' Compensation (EXHIBIT XVIII).

Immediately refer the employee to the contract physician group or the provider identified by the employee. Give employee the Employer's Authorization for Medical Care (EXHIBIT XVII). The Human Resources Director, Officer, Director, Manager, or Supervisor must complete this form. If the employee refuses to see the medical provider, refusal must be documented.

Obtain name and P.F. number of source patient if possible and name of the employee and provide information to JWCH Administration.

Officer, Director, Manager or Supervisor notifies the appropriate medical provider on site regarding the need for evaluation of source patient. Facility notification guidelines must be followed, e.g. Completion of Event Notification Form in L.A. County facilities.

Ask medical provider, or designee, to review source patient chart, request and obtain patient's consent for the following tests, if possible and communicate results to employee's physician (contract physician or private provider).

- HIV Antibody Test (counseling provided and consent obtained)
- RPR and FTA-ABS (designate both on lab requisition)
- Hepatitis Panel

If source individual is not a patient the same guidelines apply. HIV Antibody Test counseling shall be provided by a physician or a certified HIV Antibody Test Counselor. The "injured" worker must not counsel the source patient/individual.

JWCH CONTRACT PHYSICIAN OR EMPLOYEE'S PRIVATE PHYSICIAN:

Counsels employee regarding HIV Antibody Testing and obtains consent. If employee refuses to consent, refusal shall be documented. The following baseline lab tests are obtained on the employee at time of exposure:

- HIV Antibody Test (counseling provided and consent obtained).
- RPR and FTA-ABS (designate both on lab requisition).
- Hepatitis Panel.
- Reviews lab results of the employee and the source patient, if available. Places results in employee's medical record. Reviews results with employee.

Maintains appropriate documentation in employee medical records to facilitate follow-up.

HEPATITIS B VIRUS POST-EXPOSURE MANAGEMENT:

For an exposure to source individual found to be positive for HBsAg, the worker who has not previously been given Hepatitis B vaccine should receive the vaccine series and treatment and follow-up in accord with current CDC guidelines.

If the source individual is negative for HBsAg and the worker has not been vaccinated, this opportunity should be taken to provide Hepatitis B vaccination.

If the source individual refuses testing or he/she cannot be identified, the unvaccinated worker should be screened and vaccinated, if necessary. HBIG administration should be considered on an individual basis in accord with CDC guidelines.

HUMAN IMMUNODEFICIENCY VIRUS (HIV) POST-EXPOSURE MANAGEMENT:

For any exposure to blood and/or body fluids, which may transmit HIV, the worker must be counseled regarding the risk of infection and evaluated clinically and serologically for evidence of HIV infection as soon as possible after the exposure.

If the employee refuses HIV antibody testing, he/she must sign a waiver. In view of the evolving nature of HIV post-exposure management, the health care provider should be well informed of current CDC guidelines on this subject. Please note name and telephone number of individual giving the CDC update or download current guidelines from the CDC website and attach them to the employee's medical records.

If the source individual cannot be identified, decisions regarding appropriate follow-up should be individualized.

HIV Chemoprophylaxis:

If the employee elects the prophylactic treatment, he/she shall be advised to begin treatment in accordance with current CDC guidelines.

3.11. WORKERS' COMPENSATION

Absence due to work-related injury or illness (industrial) is covered through the JWCH and Berkshire Hathaway Home State Companies for all employees.

The following is to be implemented when an injury occurs:

OFFICER, DIRECTOR, MANAGER OR SUPERVISOR:

Give the injured party the Worker's Compensation Claim Form (EXHIBIT XV) upon notification of industrial injury. This form must be given to the injured party within 24 hours of knowledge of injury. This "knowledge" may be obtained from any source. It is the Supervisor's responsibility to be observant, aware and informed. Heavy penalties may be assessed for failure to comply, so it is imperative that each Supervisor complies with the 24-hour time limit.

INJURED EMPLOYEE:

Completes Worker's Compensation Claim Form (EXHIBIT XV) (This form should not be completed by the Officer, Director, Manager or Supervisor, except where noted). The injured employee gives the form to the Officer, Director, Manager or Supervisor.

OFFICER, DIRECTOR, MANAGER OR SUPERVISOR:

Gives the Temporary Receipt to the injured employee and insures that the injury is assessed & appropriate calls are made. See the List of Occupational Health Centers and Hospitals (EXHIBIT XVI) for assistance or dial 911. Employer's Authorization For Medical Care (EXHIBIT XVII) will serve as notice to the facility that payment will be made by the JWCH insurance carrier: Berkshire Hathaway Home State Companies. The employee may choose to go to his/her own doctor or emergency facility if they pre-designate the provider.

OFFICER, DIRECTOR, MANAGER OR SUPERVISOR:

Gives the injured employee a Employer's Authorization For Medical Care (EXHIBIT XVII) and completes the name of the injured party and the name of the employer "JWCH INSTITUTE, INC. - Account 3300058802-111"; gives the injured employee a brochure entitled Facts about Worker's Compensation (EXHIBIT XVIII); completes the Work Related Injury Employee Reporting Form (EXHIBIT XIX) if time lost or if injury is other than just "first aid"; and immediately delivers (within 24 hours) the employee's claim form (EXHIBIT XV) along with the Work Related Injury Employee Reporting Form (EXHIBIT XIX) to the Human Resources Department.

SUPERVISOR:

Notes "IA" and the number of hours absent on the timesheet under reason code. The date of injury will be paid by the employer, thereafter the employee may be coded as sick without pay (SWOP) at which time our carrier, Berkshire Hathaway Home State Companies. will make arrangements for payment OR the employee may choose to use his/her own sick time. More information may be obtained from the brochure given to the injured employee regarding a 3-day waiting period.

HUMAN RESOURCES DEPARTMENT:

Types, completes, and mails the forms to the Berkshire Hathaway Home State Companies; mails the employee's completed portion to the employee's home; and keeps a log of all transactions as to date & times.

NOTICE: Heavy penalties may be assessed for non-compliance. Also, please note that although information may be requested by the facility (be it County or other entity), the injured employee is covered by JWCH's insurance, not theirs, so the information must be provided to JWCH's insurance carrier, in addition to any secondary notice that the facility might want.

See the Human Resources Department regarding policies and procedures regarding the Early Return to Work Program and potential notice of applicable leave of absence policies.

3.12. LACTATION ACCOMMODATION POLICY

Recognizing that breast milk promotes optimum growth and development of infants, JWCH accommodates mothers who choose to continue breastfeeding after returning to work. Employees needing Lactation Accommodations are to advise their Supervisor so that reasonable accommodations can be made.

JWCH will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for her infant child. If possible, the break time should coincide with the employee's paid rest time, which is required by the Industrial Welfare Commissions Orders. If not, the break time need not be paid. Supervisors are encouraged to consider a flexible schedule to accommodate their employees' needs.

JWCH will make a reasonable effort to provide the employee with the use of a room or other location (other than a toilet stall) in close proximity to the employee's work area so that the employee may express milk in private. Examples of workplace spaces used for expressing breast milk include, but are not limited to; a vacant office; a room which can be arranged to be used by the lactating employee during specific times of the day; a women's lounge area; a first aid room; a dressing room; or a cubicle with a curtain. A room can be made private by having a lock on the door, placing a message on the door that the room is in use, drawing blinds or curtains, covering curtain-less windows with paper if necessary, or setting up a portable partition.

JWCH may refuse to grant additional break time if to do so would result in an undue hardship or seriously disrupts its operations.

3.13. OUTSIDE EMPLOYMENT

Employees may engage in outside employment, as long as they effectively meet the performance standards of JWCH, the quality of their work is not affected, and there is no conflict of interest (see section 2.10 above), pursuant to state and federal laws.

3.14. GIFTS/GRATUITIES

Employees are not allowed to solicit or accept gifts, gratuities, favors, or anything of monetary value from actual or potential patients, clients, subcontractors, or anyone involved in a potential or actual business relationship with JWCH.

3.15. CONFIDENTIALITY

As part of an employee's responsibilities at JWCH, an employee may learn of or be entrusted with sensitive information of a confidential nature. During the employee's employment, any confidential information, including but not limited to client/patient lists; client/patient records; vendors; computer processes; programs and data; tax records; the private or personal information of other employees (except with their express consent); and accounting procedures, shall be considered confidential information, and may only be used in performing work for JWCH and must not be divulged to any firm, individual or institution unless the employee has been given express permission to do so by JWCH. An employee's failure to honor this confidentiality requirement may result in disciplinary action, up to and including discharge.

If an employee leaves employment with JWCH for any reason, JWCH asks that employee continue to treat as private and privileged any such sensitive information. Employees should not use, divulge, or communicate to any person or entity any such sensitive information without the express written approval of JWCH administration, or as required by law. JWCH will pursue legal remedies for unauthorized use or disclosure of sensitive, confidential information.

3.16. CONFIDENTIALITY OF CLIENT/PATIENT RECORDS

All clients/patients have a right to privacy and the maintenance of confidentiality of information and records. All employees of JWCH shall maintain the confidentiality of all records and information available in the performance of their duties. Employees shall not release the name or other identifying information of patients or clients to any entity or person except to duly authorized representatives of JWCH administration.

All requests for medical records or client folders must be handled by the appropriate medical record staff at the facility in consultation with the JWCH Supervisor. The funding entity has the right to conduct audits of records. Audits must be scheduled with the Officer, Director and/or Manager.

3.17. UNLAWFUL SOLICITATION

JWCH shall inform all of its employees providing services of the provisions of Article 9 of Chapter 4 of Division 3 (commencing with Section 6150) of the California Business and Professional Code (i.e., State Bar Act provisions regarding unlawful solicitation as a runner or capper for attorneys) and shall take positive and affirmative steps in its performance to ensure that there is no violation of such provisions by its employees. JWCH agrees to utilize the attorney referral service of all those bar associations within the County of Los Angeles that have such a service.

All JWCH employees are prohibited from unlawful solicitation as a runner or capper for attorneys. Employees shall not act as agents for attorneys.

3.18. PERSONAL VISITS, TELEPHONE CALLS, AND MAIL

JWCH seeks to provide a workplace for all employees that is professional and free from distractions. Only employees who have official business with JWCH are permitted in JWCH work areas absent express authorization by a Director. Officers, Directors and Managers may impose restrictions on visitors in the workplace which are appropriate for the successful operation of the department or location. The restricted work areas include medical clinic exam rooms, hallways, utility rooms, front and back offices, dispensaries, nursing station, blood drawing station, x-ray room, medical records storage areas, staff and supervisor's offices, and cubicles.

Personal telephone calls during an employee's work hours are discouraged. If an employee does receive any personal telephone calls, messages will be taken and employees will be notified. Of course, if friends or relatives call or visit an employee in cases of emergency, the Officer, Director, Manager or Supervisor will arrange to have the employee relieved from work so he/she may speak with them. If an employee must make an emergency telephone call, the employee should obtain permission from their supervisor.

Telephones at work are only to be used for conducting JWCH business. Business telephones are not to be used for personal phone calls. Personal calls may be made from public telephone booths or personal cell phones during their scheduled breaks. Personal mail should be directed to the employee's home and not to JWCH.

3.19. CELLULAR TELEPHONE POLICY

JWCH provides cellular telephones and other related equipment to authorized employees to assist them in performing their job duties. Generally, cellular telephones and all related equipment are the property of JWCH and are to be returned to JWCH upon termination of employment. Some authorized employees may use their own telephone for work related calls, and JWCH pays for their cellular telephone service plan for work related calls.

The Officer, Director, Manager, or Supervisor is responsible for choosing the appropriate cellular telephone service plan for each authorized employee.

Any employee who misuses, abuses, or allows unauthorized use of the cellular telephone or cellular telephone service plan shall be subject to disciplinary action up to and including termination. The Officer, Director, Manager, or Supervisor will review the invoice in detail for any employee who exceeds the cellular telephone service plan. Upon review, the employee may be subject to disciplinary action up to and including termination. Disciplinary action may also include the employee reimbursing JWCH for the excess phone usage. All reimbursement shall be due and payable upon presentation of the invoice and payment is to be submitted to the administration for entry into the log.

Employees may not use cellular telephones while operating a company owned vehicle or any vehicle while the driver is engaged in the course of and scope of his/her employment or otherwise on JWCH business. This applies on all public or private roadways. If an employee's job requires him or her to keep his/her cellular phone turned on while driving, the employee must use a hands-free device and safely pull off the road before conducting Agency business.

3.20. ELECTRONIC COMMUNICATIONS AND INFORMATION SECURITY

General Information

JWCH may assign workspace and equipment to JWCH employees ("employee" or "user") for use in performing job tasks and/or the employee, from time to time, may use workspace or equipment of JWCH partners/affiliates in performing JWCH job tasks. Neither JWCH property nor that of its partners/affiliates is intended for personal use. JWCH reserves the right to access and/or search all JWCH workspace and equipment used by its employees; and to monitor all of its employee accounts and electronic forms of communication on electronic equipment issued to employees by JWCH and JWCH's partner/affiliates, including all e-mail, computer systems and other electronic records of employees, without notice to users of the system when the Company deems it appropriate to do so pursuant to state and federal law.

Worksite equipment and networks used by JWCH employees, including web browsers, e-mail systems, telephones, pagers, data and voice networks, data storage devices (including but not limited to disks, data sticks, flash drives, and CDs) and more, may be used only to process and communicate business-related data and messages and incidental or occasional personal messages, subject to the rules set forth below. JWCH data should be used only for authorized work related purposes not for personal use. All JWCH equipment, resources, and data should be kept in a safe location. A good backup of data should be done weekly to insure restoration in case of a system crash.

All references in this policy to JWCH equipment, resources, data, networks, systems, electronic records shall refer to that which is owned/leased and/or controlled by JWCH and/or its affiliates/partners at JWCH worksites.

Ownership of Data Entered or Received Through JWCH Equipment or Networks (Including E-mail and Voice Mail Messages)

All data of any nature that is entered or received through JWCH equipment or networks, including, for example, all e-mail and voice mail messages, is and will remain the property of JWCH. No confidential or proprietary data may be distributed to unauthorized third parties in violation of JWCH rules and regulations.

No Privacy

JWCH equipment and electronic communications, regardless of their content or format, that are created, stored, transmitted, distributed or otherwise communicated via JWCH equipment and/or JWCH networks will be subject to inspection, search and monitoring by JWCH at all times and without prior notification. Data that a user creates, stores, transmits, distributes or receives is not private and may be viewed and used by JWCH and produced by JWCH to third parties for legal or other reasons. Network log-in passwords are issued to users to restrict access to and protect the security of the JWCH computer network; neither network log-in passwords nor data encryption creates a presumption of individual privacy or any other rights. Data created by employees and by contractors under work for hire arrangements may belong to JWCH.

Computer and Information Security

Employees shall not attempt to access unauthorized websites, files, and data. Users are responsible for computer usage and should know how confidential and important data is. Users are encouraged to keep JWCH data in a safe location and have a good backup. Users need to ensure JWCH information is treated as a valuable JWCH asset and is disclosed only on a need-to-know basis, with appropriate authorization. The supervisor will decide who is allowed to have access to JWCH data.

Passwords have been implemented for all JWCH computer systems; this is for security purposes. Only authorized employees may have access to JWCH computers and networks. Employees who give access to someone else will be held responsible for any abuse, misuse or loss of data and the employee will be subject to disciplinary action.

Protecting information from unauthorized disclosure is the responsibility of all employees. It is important to be familiar with all policies concerning computer systems, information and privacy. These policies are available from the manager or supervisor and should be reviewed carefully.

General Rules on Computer/Electronic Equipment Usage

- Users shall provide for the physical security of the hardware. Laptop computers and system components are extremely vulnerable to theft.
- Users shall ensure a power-on password for access to the computer.
- Users shall ensure current virus detection software on the computer.

- Users shall not write down access codes or passwords.
- Users shall not share user ID or passwords with anyone. Users are responsible for all unauthorized use of the user ID assigned.
- Users shall change the password if there is reason to suspect the user ID has been compromised and contact JWCH IT department regarding the potential breach.
- Users shall not make any unauthorized copies of any software or files that users have access to under any circumstances.
- Users shall not load any unauthorized software, programs or files on JWCH equipment or networks that is not work related and/or approved by the supervisor.
- Users shall not use JWCH computers or networks, including e-mail, to harass others.
- Users shall not use JWCH property, including networks, to post on the Internet any information that may be slanderous or defamatory in nature.
- Users shall not display non-work related sexually explicit, graphically disturbing, or sexually harassing images or text anywhere that can potentially be in view of other individuals.
- Users shall not transmit or convey by e-mail or other form of electronic communication any material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, likely to be personally offensive (including sexual comments or images, racial slurs, gender specific comments or any comments which would offend someone on the basis of his or her age, race, sex sexual orientation, religious or political beliefs, national origin or disability) or that is otherwise unlawful or inappropriate.
- Users shall not browse the Internet or download data for personal use that, in doing so, would interfere with personal job responsibilities or violate any other provision of this policy.
- Users shall not spend excessive amounts of time for personal use, other than for occasional, limited, appropriate personal use which does not interfere with the user's work performance or any other user's work performance, unduly impact on the operation of JWCH's computer network, or violate any other provision of this policy.
- Any violations of the above rules will be subject to disciplinary action up to termination.

If there is a need for a certain program to be loaded to the computer, ask the supervisor and the IT department for approval.

Since JWCH's electronic communications systems are intended primarily for business use, these systems may not be used to solicit for commercial activity unrelated to the business of the Company. Any personal use of the Company's electronic communications systems must be limited to employees' non-work time.

This policy is effective on the date of issuance may be amended or revised from time to time at the discretion of JWCH.

JWCH Property

All electronic equipment assigned to JWCH employees for use in performing job tasks is the property of JWCH or its partner/affiliates, not the property of the employee to whom it is assigned. Employees are expected to return all JWCH property in their possession or control immediately upon termination of employment for any reason. If deemed necessary, JWCH will take legal action to protect or recover its property.

3.21. JWCH PROPERTY

JWCH provides furniture, equipment and supplies for employees' use in conducting JWCH business. It is expected that the employee will treat such property and all property at JWCH work sites carefully and not be negligent in its use. JWCH supplies and portable equipment are likewise provided for the employees' use in the office or work site for the conduct of JWCH business. When assigned any piece of JWCH property, the employee may be asked to sign for it. Employees are expected to return all JWCH property in their possession or control immediately upon termination of employment for any reason. If deemed necessary, JWCH will take legal action to protect or recover its property.

3.22. IDENTITY THEFT PROTECTION PROGRAM

3.22.1. PROGRAM ADOPTION

The JWCH Institute, Inc. ("Clinic") developed this Identity Theft Prevention Program ("Program") pursuant to the Federal Trade Commission's Red Flags Rule ("Rule"), which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003. 16 C. F. R. § 681.2. This Program was developed with oversight and approval of the Compliance Officer and Senior Executive Management. After consideration of the size and complexity of the Clinic's operations and accounting systems, and the nature and scope of the Clinic's activities, the Compliance Officer determined that this Program was appropriate for the JWCH Institute, Inc., and the Board of Directors, therefore, approved this Program on August 25, 2009.

3.22.2. PROGRAM PURPOSE AND DEFINITIONS

A. Fulfilling requirements of the Red Flags Rule

Under the Red Flag Rule, every financial institution and creditor is required to establish an "Identity Theft Prevention Program" tailored to its size, complexity and the nature of its operation. Each program must contain reasonable policies and procedures to:

1. Identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program;
2. Detect Red Flags that have been incorporated into the Program;

3. Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft; and
4. Ensure the Program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the creditor from Identity Theft.

B. Red Flags Rule definitions used in this Program

The Red Flags Rule defines "Identity Theft" as "fraud committed using the identifying information of another person" and a "Red Flag" as a pattern, practice, or specific activity that indicates the possible existence of Identity Theft.

According to the Rule, a non-profit community clinic/health center is a creditor subject to the Rule requirements. The Rule defines creditors "to include finance companies, automobile dealers, mortgage brokers, utility companies, and telecommunications companies. Where non-profit and government entities defer payment for goods or services, they, too, are to be considered creditors."

Under the Rule, a "covered account" is:

1. Any account the creditor offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions; and
2. Any other account the creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks.

"Identifying information" is defined under the Rule as "any name or number that may be used, alone or in conjunction with any other information, to identify a specific person," including: name, address, telephone number, social security number, date of birth, government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer's Internet Protocol address, or routing code.

I. IDENTIFICATION OF RED FLAGS

Through its Privacy and Security policies and procedures, the Clinic has ensured as much as reasonably possible that a patient's protected health information (as defined under HIPAA) is only accessed by Clinic staff authorized to do so. In order to identify relevant Red Flags, the Clinic considers the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts, and its previous experiences with Identity Theft. The Clinic identifies the following red flags, in each of the listed categories:

A. Suspicious Documents Red Flags

- The documents provided for the patient's identification appear to have been altered or forged.
- The patient's photograph or physical description on their identification document (*e.g.*, driver's license) is inconsistent with the person presenting the document.

- A patient has an insurance number but fails to provide an insurance card or other physical documentation of insurance (unless the clinic can confirm that there is a legitimate reason for the absence of such documentation).
- The patient's signature appears forged, based on previous examples of the person's signature on file.
- Records showing medical information that is inconsistent with the physical examination or medical history as reported by the patient.

B. Suspicious Personal Identifying Information Red Flags

- Personal identifying information provided by the patient is inconsistent with other personal identifying information provided by the patient.
- The social security number provided is the same as that submitted by another patient.
- The insurance number provided is the same as that submitted by another patient.
- Known patient returns to Clinic presenting a different name than before without explanation.

C. Suspicious Account Activity or Unusual Use of Account Red Flags

- Mail sent to the patient is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the patient's covered account.
- A complaint or question from a patient based on the patient's receipt of:
  - a bill for another individual;
  - a bill for a product or service that the patient denies receiving;
  - a bill from a health care provider that the patient never saw;
  - a notice of insurance benefits for health services never received.

D. Notifications and Warnings From Credit Reporting Agencies Red Flags

- Report of fraud or other alert accompanying a credit or consumer report.
- Notice of a credit freeze in response to a request for a consumer report.
- Report from consumer reporting agency indicating an address discrepancy.
- Consumer report indicating a pattern of activity that is inconsistent with the history and usual pattern of activity of a patient.

E. Alerts from Others Red Flag

- Health center is notified by a patient, victim of identity theft, law enforcement official, or other persons that it has opened or is maintaining a fraudulent account for a person engaged in identity theft.

IV. DETECTING RED FLAGS.

A. New Accounts

In order to detect any of the Red Flags identified above associated with the opening of a new account, Clinic personnel will take the following steps to obtain and verify the identity of the person opening the account:

Detect

1. Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;
2. Verify the patient's identity (for instance, review a driver's license or other identification card);
3. Review documentation showing the existence of a business entity; and
4. Independently contact the patient.

B. Existing Accounts

In order to detect any of the Red Flags identified above for an existing account, Clinic personnel will take the following steps to monitor transactions with an account:

Detect

1. Verify the identification of patients if they request information (in person, via telephone, via facsimile, via email);
2. Verify the validity of requests to change billing addresses; and
3. Verify changes in banking information given for billing and payment purposes.

V. PREVENTING AND MITIGATING IDENTITY THEFT

In the event Clinic personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

A. Prevent and Mitigate

1. Continue to monitor an account for evidence of Identity Theft;
2. Contact the patient;
3. Change any passwords or other security devices that permit access to accounts;
4. Not open a new account;
5. Close an existing account;
6. Reopen an account with a new number;
7. Notify the Compliance Officer for determination of the appropriate step(s) to take;
8. Notify law enforcement; or
9. Determine that no response is warranted under the particular circumstances.

B. Protect patient identifying information

In order to further prevent the likelihood of identity theft occurring with respect to Clinic accounts, the Clinic will take the following steps with respect to its internal operating procedures to protect patient identifying information:

1. Ensure complete and secure destruction of paper documents and computer files containing patient information;
2. Keep offices clear of papers containing patient information;
3. Request only the last 4 digits of social security numbers (if any);
4. Require and keep only the kinds of patient information that are necessary for Clinic purposes.
5. Limit employee access to confidential information.
6. Strictly prohibit the unauthorized dissemination of patient files or other files that may contain confidential information such as social security numbers, driver's license, etc.
7. Prohibit removal of confidential information and/or files from specific areas or servers.
8. Address the use of camera phones/PDAs/personal laptops at work.
9. Establish a mandatory reporting system whereby employees must report immediately when they believe their or the patient's confidential information has been inappropriately accessed, and when they suspect co-workers of engaging in identity theft in general, or unauthorized access to confidential information.

C. Technical Considerations:

1. Maintain separate filing system/location for documents containing confidential information;
2. Ensure that its website is secure or provide clear notice that the website is not secure;
3. Ensure that office computers are password protected and that computer screens lock after a set period of time;
4. Implement and update as necessary appropriate software to protect against computer viruses, unauthorized access to Clinic's computer network, and similar online or electronic invasions of electronic data storage system.
5. Secure back-up tapes and server access.
6. Establish security levels for employees to include:
    a. No access
    b. Limited access
    c. Full access
    d. Maintenance responsibilities
7. Secure disposal/dumpster access
8. Use separate printers and faxes
9. Implement a regular

VI. PROGRAM UPDATES

This Program will be periodically reviewed and updated to reflect changes in identify theft risks to patients. At least annually, the Compliance Officer will consider the Clinic's experiences with Identity Theft, changes in Identity Theft methods, changes in Identity Theft detection and prevention

methods, changes in types of accounts the Clinic maintains and changes in the Clinic's business arrangements with other entities. After considering these factors, the Compliance Officer will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Compliance Officer will update the Program or present the Board of Directors with his or her recommended changes and the Board of Directors will make a determination of whether to accept, modify or reject those changes to the Program.

VII. PROGRAM ADMINISTRATION.

A. Oversight

Responsibility for overseeing the development, implementation and update of this Program lies with the Corporate Compliance Committee for the Clinic. The Committee is headed by a Compliance Officer who will be appointed by the Chief Executive Officer. Two or more other individuals appointed by the Chief Executive Officer or the Compliance Officer comprise the remainder of the committee membership. The Compliance Officer will be responsible for the Program administration, for ensuring appropriate training of Clinic staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.

B. Staff Training and Reports

Clinic staff responsible for implementing the Program shall be trained either by or under the direction of the Compliance Officer in proper handling of confidential information, the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected, and program updates as necessary.

C. Service Provider Arrangements

In the event the Clinic engages a service provider to perform an activity in connection with one or more accounts, the Clinic will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.

1. Require, by contract, that service providers have such policies and procedures in place; and
2. Require, by contract, that service providers review the Clinic's Program and report any Red Flags to the Compliance Officer.

4. COMPENSATION AND BENEFITS

4.1. COMPENSATION

It is recommended that the Board of Directors review compensation at least once every three (3) years. The Chief Executive Officer or his/her designee will make recommendations regarding changes.

4.2. PAY PERIODS

Pay periods are from the first to the 15th of the month and from 16th to the end of the month.

4.3. PAY DATES

Pay dates are the 10th and 25th of each month, unless the 10th or 25th falls on weekend or holiday. In those instances, the payday will be the last workday prior to the holiday or weekend.

4.4. MEAL PERIODS

Pursuant to the specific requirements of applicable state and federal laws, the Agency permits employees a reasonable opportunity to take an uninterrupted 30 minute meal period after no more than 5 hours of work, except when the workday will be completed in 6 hours or less and there is mutual employer/employee consent to waive meal period as discussed in further detail below. Meal Periods are unpaid. Employees are entirely relieved from duty during their meal period and may leave the work site.

Pursuant to mutual consent by the Officer, Director, Manager or Supervisor and the employee: (1) an employee may waive a thirty minute meal period if the day's work will be completed in no more than 6 hours and the waiver is in writing; (2) an employee may waive the second of 2 thirty minute meal periods when the day's work will be completed in no more than 12 hours, the first thirty minute meal period was not waived and the waiver is in writing. NOTICE: Waivers of meal periods are not encouraged by the Agency and are a product of mutual consent. Please request from the Department of Human Resources the writing required for a waiver of a meal period.

4.5. REST PERIODS

Pursuant to the requirements of applicable state and federal laws, the Agency authorizes and permits employees to take uninterrupted rest periods of ten (10) minutes for each four (4) hour period worked or major fraction thereof. Rest periods are paid.

4.6. TIME SHEETS

All employees will receive a timesheet at the beginning of each work period on which they are to record their daily starting and quitting time. Non-exempt employees must show an accurate record of the hours they worked because their paychecks will be based on this timesheet. Employees are required to record in and out times whenever they leave the premises for any non-business reason and during their meal period, regardless of whether they leave the premises.

If an employee fails to record his/her starting or quitting time or there is an error on the employee's timesheet, he/she must notify his/her Supervisor. All timesheets must be approved by the Officer, Director, Manager, or Supervisor. Timesheets are to be submitted to the Officer, Director, Manager or Supervisor twice per month no later than the 15th of every month and the last working day of every month (EXHIBIT XIV – Time Sheet). Employees may only record starting and quitting time on the employee's own timesheet. Violations of this policy, including recording on other employees' timesheets, may lead to discipline, up to and including termination.

4.7. SALARY ADJUSTMENTS

Employees may be given at least one step increase on an annual basis. If a step increase is approved, the Agency will endeavor to authorize the step increase in conjunction with annual performance appraisals. Step increases are not guaranteed. Reasons an employee may not receive a step increase include, but are not limited to, the following:

- The employee is subject to a Performance Improvement Plan.
- The employee is at the top step of the salary grade.
- Ruling by the Board of Directors suspending all step increases for a fixed period of time.
- Budgetary restrictions.
- If the Agency is unable to conduct an evaluation due to the employee's absence, a step increase may be delayed.
- Employee is in the introductory period because he/she was newly hired or reclassified.

4.8. MERIT INCREASES

A merit increase may be given to an employee for outstanding performance. The employee may be given at least one merit increase at his/her annual performance appraisal. In general, a merit increase is at least one step of the employee's salary. However, when the employee reaches the top step of the salary grade, he/she may not be given more than one merit increase in a thirty-six month period.

4.9. WORK WEEK

Employees will be advised of their schedule when they begin their employment. From time to time, it may be necessary to change an employee's work schedule. The employee's cooperation with any such changes is both expected and appreciated. JWCH will do its best to provide employees as much advance notice as possible regarding any changes in their work schedule.

The workweek begins on Monday at 6:00 a.m. (1st day) and ends Sunday (7th day) at 5:59 a.m.; and the workday begins at 6:00 a.m. and ends at 5:59 a.m.

4.10. OVERTIME

All overtime must be approved by the Officer, Director, Manager, or Supervisor in advance. Employees shall be paid for their hours worked in accordance with all legal requirements. Because unauthorized overtime is against Agency policy, employees who work unauthorized overtime are subject to discipline, up to and including termination.

Non-exempt employees are paid premium wages for all time worked in excess of eight (8) hours in a day or forty (40) hours in one week in accordance with applicable state and federal regulations. Employment beyond eight (8) hours in any workday or more than forty (40) hours in any workweek is permissible provided the employee is compensated for such overtime at not less than: One and

one-half (1½) times the employee's regular rate of pay for all hours worked in excess of eight (8) hours up to and including twelve (12) hours in any workday, and for the first eight (8) hours worked on the seventh (7^{th}) consecutive day of work in a workweek; and Double the employee's regular rate of pay for all hours worked in excess of twelve (12) hours in any workday and for all hours worked in excess of eight (8) hours on the (7^{th}) consecutive day of work in a workweek.

The workweek begins on Monday at 6:00 a.m. (1st day) and ends Sunday (7th day) at 5:59 a.m.; and the workday begins at 6:00 a.m. and ends at 5:59 a.m. Overtime is based on "hours worked" rather than hours paid, thus any unworked paid holiday, sick and vacation time will not be counted in the calculations of overtime compensation.

4.11. VACATION

4.11.1. ELIGIBILITY

Only regular full time and regular part-time employees are eligible to accrue and use vacation time off with pay. Paid vacation time begins to accrue on the date of hire for those employees eligible for accrual. Employees in their initial introductory period may accrue vacation time, but may not take vacation time until the completion of the introductory period. Vacation time does not accrue when an employee is on an unpaid leave of absence.

The philosophy of JWCH is to provide paid vacation to eligible employees for annual rest and relaxation. Exceptions to the vacation policy must be approved by the Board. Employees are strongly encouraged to take their accrued vacation time each year.

If a JWCH recognized holiday falls during a scheduled vacation, the holiday will not be charged against the employee's accrued vacation time.

Employees accrue vacation leave from the date of hire (see Schedules A, B, & C).

4.11.2. VACATION REQUEST PROCEDURE

Employees must complete a vacation request form (EXHIBIT XXIV - Request for Time Off) and submit it to his/her Supervisor for approval at least two weeks prior to the requested beginning of the vacation period, unless unavoidable circumstance arise. Although efforts will be made to accommodate employees' requests to take vacation at a specified time, supervisors are required to consider the operational needs of the Agency when evaluating vacation requests. If two or more employees in the same department request vacation at the same time, but the supervisor determine that it is not feasible to grant each request, the supervisor ordinarily should grant vacation requests on the basis of the employee's length of service with the Agency, unless operational needs require otherwise. Final approval rests with the Officer, Director, Manager or designee. Upon approval of the vacation request, a copy of the vacation request should be given to (1) the employee, (2) Supervisor, and (3) a copy will be kept by the Officer, Director or Manager for inclusion in the employee's personnel file on site. The original is to be sent to the Finance Department.

4.11.3. VACATION ACCRUAL

Employees are encouraged to use all earned vacation pay each year. The maximum accrued and unused benefits that an employee may have at any time equals two year's of vacation benefits. If an employee's accrued but unused vacation time reaches this maximum, the employee will not accrue any additional benefits. If the employee later uses enough benefits to fall below this maximum, he/she will begin to earn benefits again, but only from that date forward. There will be no retroactive credit for the period in which the employee's accrued benefits were at the maximum.

4.11.4. CASH-IN-LIEU OF TIME OFF

Granting of cash-in-lieu of vacation time is up to the discretion of the Officer, Director or Manager and approved by the Chief Financial Officer. Employees may request cash-in-lieu of vacation time up to one-half of accumulated time. **Only employees with a minimum number of ten (10) days of vacation accrual may request cash-in-lieu of vacation time.** Such requests must be in conjunction with using five (5) days or more. Cash-in-lieu of vacation time must not exceed the number of days taken off. Request for cash-in-lieu of vacation time must be noted on the vacation request (EXHIBIT XXVI - Cash-In-Lieu of Vacation).

Payment of Cash-in-lieu of vacation time will be made on the following regularly scheduled pay day after the approved request is received in the Finance Department, but no sooner than 30 days before the first day of the scheduled vacation.

4.12. PAYROLL DEDUCTIONS

There are certain payroll deductions JWCH is required to make by law. The paycheck stub itemizes the deductions made from gross earnings. Federal or state laws require JWCH makes deductions for federal income tax, state income tax, Social Security, state disability insurance where applicable, and any other legally mandated taxes or deductions. In addition, there may be deductions for items the employee authorizes. Payroll deductions include, but are not limited to the following:

4.12.1. INCOME TAXES

Federal and State withholding taxes vary with the number of exemptions claimed by each employee. If changes in exemptions are made, it must immediately be reported to the Human Resources Department on a new W-4 Form.

4.12.2. SOCIAL SECURITY (FICA)

Social Security is a program established by the Federal Government, which accumulates money for retirement or long-term disability. This fund is composed of money contributed by the employee and matched with an equal amount by the employer.

4.12.3. CALIFORNIA STATE DISABILITY INSURANCE (SDI)

Benefits are provided for non-occupational illness or disability. California State Disability Insurance currently provides maximum weekly benefits for a 52 week period, beginning the first day of hospitalization, or the eighth day of illness, whichever occurs first. Partial SDI benefits may continue after the employee returns to work if he/she returns on a less than full-time basis, according to a physician's statement.

Application must be made at the California Employment Development Department (EDD) for SDI benefits. To ensure full payment of benefits, employees should complete all forms correctly and submit them promptly.

4.12.4. MISCELLANEOUS PAYROLL DEDUCTIONS

Regular full and part time employees who are regularly scheduled to work 30 hours or more may be eligible for and, if eligible, may request to have other deductions made from their paychecks (i.e. insurance premiums, credit union, tax deferred annuities, donations, life insurance, etc.). Questions regarding eligibility should be directed to the Human Resources Director. Please see List of Voluntary Benefit Providers (Schedule D).

4.13. GARNISHMENTS

All employees involved in personnel and payroll functions will render maximum cooperation to law enforcement agencies, courts or creditors in the processing of garnishments. Garnishments are made only by court order. All garnishment proceedings must be conducted with extreme care and a high degree of confidentiality. All garnishments will be made pursuant to state and federal laws.

The Federal Wage Garnishment Law limits the amount of an individual's disposable earnings, which may be garnished in any one week, and protects employees from discharge because of garnishment. If JWCH receives a court order to garnish an employee's wages, it will advise the employee of the court order and the date of the first deduction.

4.14. EMPLOYEE BENEFITS AND SERVICES

4.14.1. GROUP HEALTH, DENTAL, AND LIFE INSURANCE

Employees should direct questions regarding their eligibility for benefits and the details regarding those benefits to the Human Resources Department. The following benefits and services are available for eligible employees:

- Group Health, Dental, and Life Insurance
- Group Vision Insurance
- Retirement Plan
- Social Security
- Worker's Compensation
- Unemployment Insurance

- Sick Leave
- Vacation pay
- Staff Development Programs
- Leaves of Absence
- Bereavement Leave
- Cafeteria Plan
- Direct Deposit
- Tax Shelter Annuities
- Employee Assistance Program
- Short Term Disability

An employee may waive his/her group health and/or dental insurance coverage in writing.

The Short Term Disability plan is designed to replace a portion of an eligible employee's income should he or she become ill or injured and unable to work. A detailed summary plan description (SPD) and plan documents provide specific plan provisions for the Short Term Disability plan. Requests for these documents and questions regarding the Short Term Disability plan and any other questions regarding benefits should be directed to the Human Resources Director.

NOTE: Employee benefits for contract employees (except as stipulated by law or federal and/or state regulations) may differ from those included herein according to contract negotiations between the JWCH and the agencies contracting with the JWCH to hire its employees.

4.14.2. 401(k) PLAN

JWCH Institute, Inc. offers a 401(k) plan for eligible employees. Human Resources can provide a detailed plan description for individuals who qualify for the plan. Enrollment is coordinated by the Human Resources Department.

4.14.3. COBRA COVERAGE

In accordance with the Consolidated Omnibus Budget Reconciliation Act (COBRA), eligible employees may continue group health and dental coverage based upon their qualifying event. The qualifying event is described in the Plan and/or Agreement with JWCH's Insurance Agreement. Any dependents that were enrolled on the employees' plan on the day prior to the qualifying event also have the independent right to continue their coverage. The employees and their dependents may elect to continue their group health and dental coverage at their cost plus an administrative fee (up to 2%) for a period not to exceed 36 months depending on their qualifying event.

4.14.4. CALIFORNIA UNEMPLOYMENT INSURANCE AND DISABILITY

The Employment Development Department (EDD) provides benefits for persons unemployed through no fault of their own. The weekly benefit is determined by the amount of wages earned while the individual was employed, up to a weekly maximum. Questionable claims may be challenged by the employer. See California's Program for the Unemployed (EXHIBIT LI).

The State of California provides benefits to eligible persons with disabilities. For details, see State Disability Insurance Provisions (EXHIBIT XLVIII) and California's Program for the Unemployed (EXHIBIT LI) which is to be distributed at the time of hire and when an employee is disabled for reasons unrelated to work, or disabled due to pregnancy.

4.15. PAYCHECKS

Paychecks are distributed on pay dates which are the 10th and 25th of each month at each site. In the event this pay date is company recognized holiday, Saturday, or Sunday, employees will be paid on the last scheduled work day.

If an employee wishes to make other arrangements for their paycheck, it is necessary for the employee to provide written authorization. JWCH will not release paychecks to another individual or make other arrangements unless JWCH receives written authorization.

4.16. STAFF DEVELOPMENT PROGRAMS

The Officer, Director or Manager is responsible for training, in-service training, and continuing education programs on specific job-related topics based on program needs.

Basic or advance training for employees, as required by the agency/funding sources will be made available with pay for all personnel for job related skills.

4.17. RE-EMPLOYMENT OPPORTUNITIES

Employees who leave in good standing as a result of layoff due to lack of work, lack of funds, or reorganization and who are re-employed within six (6) months, will retain their seniority status concerning vacation and sick time accruals when reinstated.

4.18. HEALTH ASSESSMENT AND TESTING POLICY AND PROCEDURE

PURPOSE: The purpose of this policy is as follows:

- To provide guidelines for health assessment of new employees as part of their employment procedures, so that there is some assurance that employees' health status will not interfere with the safe performance of the job.
- To provide guidelines for health assessment of existing employees at specified intervals.
- To insure that employees who are at risk of exposure to Hepatitis B are re-screened at specified intervals.
- To provide for the random Drug Testing of employees who drive for JWCH

POLICY:

Where job related and consistent with business necessity, employees shall have a health assessment within six (6) months prior to employment (post employment offer but pre-hire as the final condition for hiring) or within fifteen (15) days after employment and at least annually thereafter by a person authorized to perform such an examination. Such examination will include at minimum, tuberculosis test (Negative test or X-Ray). In addition, employees who will be at risk of exposure to Hepatitis B will be screened for Hepatitis B and offered free immunizations as appropriate. Employees who work in settings having direct contact with pregnant patients shall be immunized if appropriate. Persons who have no rubella immunity shall not be hired to work in settings where direct contact with pregnant women is necessary. (EXHIBIT XLII – Annual Employee Health Assessment)

Employees who transfer to settings where rubella immunity is required shall be immunized in accord with the policy.

Persons who operate a JWCH motor vehicle in the course of their employment are subject to toxicology screens pursuant to federal, state and local laws.

Employees may decide to have the health assessment performed by a provider designated by JWCH at no cost to them. Employees may decide to have such assessment and tests performed by their own physicians in which case the employees will be responsible for the charges.

All health assessment results shall be forwarded directly to the personnel office of JWCH. Failure to provide health assessment or test information within the time limits indicated above will cause deficiency in the personnel records of the employee and be grounds for disciplinary action.

Workers at risk for Hepatitis B are those whose work may involve exposure to blood or other potentially infectious materials. They include but are not limited to:

- Physicians
- Nurse Practitioners
- Nurses
- Physician Assistants
- Certified Nurse Midwives
- Community Health Workers (CHWs)
- Laboratory Technicians
- Phlebotomists
- Medical Technologists
- Medical & Nursing Attendants
- Staff assigned to clean exam rooms
- Community Health Outreach Workers
- Clerks with direct patient contact

PROCEDURES:

1. New Employees:

   a. Individuals who are offered positions at the JWCH will be notified about the requirement to have a health assessment within six (6) months prior to date of hire or fifteen (15) days after their hire.

   b. During employment orientation, the Human Resource Department will provide the new employees information regarding the requirements for the health assessment.

   c. New employees will be scheduled for health assessment with the site (designated JWCH provider), or new employees will be provided with the health assessment form for completion by their provider.

   d. The Human Resources Department or designee will provide the new employee a health assessment package with the date and time of health assessment. The location and contact person will also be provided in the package. If the employee is being offered Hepatitis B series, they will be provided information on the series.

   e. The Human Resources Department will contact the site and schedule appointments with the Chief Medical Officer or designee.

   f. Each examination shall include a medical history and a physical evaluation. The examination shall include laboratory work if indicated by the Chief Medical Officer or designee. The report signed by the Chief Medical Officer or designee shall indicate that the person is able to perform assigned duties and that a health condition that would create a hazard for the employee, fellow employee, clients, patients or visitors does not exist. Upon completion of health assessment, Chief Medical Officer will complete and forward the Employee Annual Health Assessment form and Fit for Duty form in a confidential envelope to the Human Resources Department. The Chief Medical Officer will also forward an invoice listing services provided.

   g. Upon receipt of the completed health assessment form, the report will be filed in the employees' medical record (not to be placed in Personnel File).

      A copy will be provided to the employees upon their request.

   h. Employees at risk for exposure to Hepatitis B shall be offered vaccination (if appropriate). Employees who decline vaccination shall sign a form declining the free vaccination. (EXHIBIT XLIII)

i. After vaccines are administered, the employees should be re-screened as indicated by current CDC guidelines.

j. Those employees who test positive for exposure to TB shall provide X-Ray results to the Human Resources Department within the time guidelines identified above.

k. Upon receipt of the invoice, Human Resources Department will forward a debit memo to accounting officer debiting the employee's department and crediting the site or other designated department on the occasion that the health assessment is not completed entirely by site staff.

l. All follow-up and coordination will be done by the Human Resources Department in conjunction with the Chief Medical Officer.

2. Current Employees:

a. On a periodic basis, the Human Resources Department will provide each Officer, Director and/or Manager the names of the employees who are due for their annual health assessments.

b. It will be the responsibility of the employees and their Supervisors to ensure that the health assessments and other tests, where applicable, are performed on an annual basis. The Human Resources Department will schedule appointments for health assessments with the site (designated provider) if/when the employees choose not to have the health assessment done by their own physicians.

c. Each examination shall include a medical history and a physical evaluation. The examination shall include laboratory work if indicated by the Chief Medical Officer or designee. The report signed by the Chief Medical Officer or designee shall indicate that the person is able to perform assigned duties and that a health condition that would create a hazard for the employee, fellow employee, clients, patients or visitors does not exist.

d. Upon receipt of the completed report, the report will be filed in the employees' medical records file (not to be placed in Personnel File).

e. In those cases where health assessment results of employees are not received on a timely basis, the Human Resource Department will notify those employees and their Officers, Directors, and/or Managers regarding the deficiency.

f. Those employees who test positive for exposure to TB shall provide X-Ray results within the time guidelines identified above.

3. Drug Screen:

a. When a supervisor has a reasonable suspicion to believe that an employee who drives for JWCH (Van Drivers) is intoxicated or under the influence of drugs or alcohol, or when any credible complaint is received regarding an employee involved in a the possible use or abuse of drugs and/or alcohol in and about the work site, the supervisor shall report it to the Human Resources Department who may order the employee, accompanied by a JWCH representative, to report immediately to a medical or testing facility for the purpose of determining whether the employee is intoxicated or under the influence of drugs. All such testing shall comply with federal, state and local laws.

b. Failure to be screened as scheduled may be grounds for disciplinary action.

4.19. MILEAGE/PARKING/TRAVEL

4.19.1. MILEAGE/PARKING EXPENSES

Employees who use their own vehicles in the course of their jobs (i.e. to deliver, pick-up items, clinic visits, or to attend work-related meetings) will be reimbursed for local travel on a cent/per mile at the IRS rate in effect at the time of travel. Employees will not be reimbursed for mileage for driving to and from usual work location except when required to work on regular day off.

Employees driving their own vehicles in the course of their jobs must show proof of insurance coverage annually and must hold a valid class 3 drivers' license. JWCH assumes no responsibility for loss of any employee's vehicle or contents of the vehicle through fire, theft, or collision.

In addition, to comply with JWCH's automobile insurance company required loss control guidelines, employees who drive (will drive) company vehicles or use (will use) their own vehicles regularly in the course of their job will have their Motor Vehicle Records (MVR) checked. The checking of MVR will be done prior to hiring and once annually to coincide with the underwriting of the annual automobile policy renewal. JWCH retains the right to transfer to an alternative position, suspend or terminate an employee whose license is revoked, or who fails to maintain personal automobile insurance coverage or who is uninsurable under JWCH's policy.

For reimbursement of local mileage and parking claims, the Mileage/Parking Reimbursement Request form (EXHIBIT XX) must be completed by the employee and submitted to the Officer, Director or Manager for approval.

Employees using their vehicles for business purposes will be reimbursed for parking fees. Individual receipts for $5.00 or more for parking must be attached to the Mileage/Parking Reimbursement Request form before reimbursement can be made.

Refer to EXHIBIT XXI for details of mileage travel and per diem rates.

4.20. TRAFFIC CITATION

JWCH will not assume responsibility for parking, mechanical or moving violations received by employees using their own vehicles on JWCH business. Citations received by employees using JWCH vehicles for JWCH business will be reviewed on a case by case basis pursuant to applicable federal, state and local laws.

4.21. TRAVEL EXPENSE

Employees who must travel on JWCH business shall be reimbursed at rates established by project contract. See Travel Expense Report (EXHIBIT XXII). Refer to Travel Per Diem Policy (EXHIBIT XXI) for rates.

5. ATTENDANCE, HOLIDAYS AND LEAVES OF ABSENCE

5.1. ABSENCES

5.1.1. ATTENDANCE

It is the employee's responsibility to maintain a good attendance record. Excessive and unexcused absence and tardiness will be documented and could result in corrective action including, but not limited, to verbal counseling, written warnings, and involuntary termination pursuant to federal, state and local laws.

Officers, Directors, Managers and Supervisors are responsible for issuing attendance warnings. A copy of the Employee Warning Report (EXHIBIT XXIII) must be submitted to the Officer, Director or Manager for inclusion in the employee's personnel file at the administration office. A copy may be maintained in a confidential file at the work site. Employment may be terminated at any time. Employees are not guaranteed a written warning prior to termination. JWCH does not have a progressive discipline policy.

As stated above in section 1.1, employment with JWCH is voluntarily entered into, and employees are free to resign at any time during or after the completion of the introductory period. Similarly, JWCH is free to conclude an employment relationship at any time, with or without a reason and with or without notice. Although JWCH may choose to end an employee's employment for a cause, cause is not required. JWCH's policy is that employment is "at-will." JWCH has the right to manage its work force and direct its employees. This includes the right to hire, transfer, promote, demote, reclassify, lay-off, terminate, or change any term or condition of employment at any time, with or without a reason and with or without notice. Neither the employee nor JWCH has entered into any contract of employment, expressed or implied. The employment relationship is both voluntary and at-will.

5.1.2. NOTIFICATION OF ABSENCE

Employees unable to report to work shall notify their immediate Supervisor, Director or Manager of the reason for the absence. The employee is to notify the Supervisor on or before the beginning day

of absence. If the employee knows the duration of absence, the Supervisor should be advised at this time.

Failure to notify the supervisor of an employee absence for three consecutive work days will be considered a voluntary termination of employment with JWCH.

5.2. HOLIDAYS

5.2.1. SCHEDULE

Generally, JWCH observes eleven (11) paid holidays per year in accord with the Los Angeles County schedule (Schedule E).

5.2.2. ELIGIBILITY

Regular full time and regular part-time employees are eligible for holiday pay. Eligible employees who have an unauthorized absence before or after one of the eleven (11) paid holidays described above are not eligible for holiday pay.

If a holiday occurs during an employee's vacation period that day will be coded as a holiday. Employees on a leave of absence are not eligible for holiday pay.

Eligible employees receive pro-rata holiday pay, based on their regularly scheduled shift hours (Schedule F).

5.3. SICK TIME

5.3.1. SICK TIME ELIGIBILITY

Only regular full time and regular part-time employees are eligible for paid sick leave. Employees are eligible for sick leave during their introductory period.

5.3.2. SICK TIME ACCRUAL

Eligible employees accrue sick leave from the date of hire (Schedule G).

Sick leave does not accrue when an employee is on a leave of absence. Employees who are ill and have used all of their sick days do not accrue any more sick days until they return to work.

5.3.3. USE OF SICK LEAVE

Eligible non-exempt employees may be approved to use sick leave on an hourly basis.

5.3.4. REFERRALS

Referrals for alcohol abuse and drug abuse will be provided by Director, Manager or designee as appropriate. All employees are to be given the Drug Free Workplace Notice (EXHIBIT XXXI) upon employment.

5.3.5. SICK LEAVE AND VACATION

If an employee becomes ill while on vacation, he/she, with the approval of the Director or Manager, may use accrued sick leave for the illness portion of the vacation. Sick time cannot be used as extra vacation time.

5.3.6. SICK LEAVE FOR DEPENDENTS

An employee may use up to half of his or her accrued sick days per calendar year (January 1 to December 31) for dependents (e.g. taking care of the employee's sick child, spouse, domestic partner, or parent, as defined by state law). As stated below in paragraph 9, if employees are on sick leave for three or more business days to attend to the illness of their child, domestic partner, parent or spouse, they must present a certificate from their child, domestic partner, parent or spouse's medical practitioner stating leave was necessitated by their child, parent, domestic partner, or spouse's illness.

A request for time-off must be submitted at least three (3) days (if possible) before time is taken, and must be approved by the Officer, Director or Manager (EXHIBIT XXIV - Request for Time Off). The approved Request for Time Off form is to be submitted to the Finance Department. A copy is to be returned to the employee and a copy is to be maintained by the Manager at the work site.

5.3.7. SICK TIME ACCURAL CAP

Effective August 1, 2005, JWCH caps the sick accrual time of eligible employees up to 240 hours (30 days). After accruing the maximum number of hours, the employee does not accrue additional sick time hours.

5.3.8. UNUSED SICK TIME LEAVE

JWCH will not pay employees for unused sick leave upon termination of employment.

5.3.9. MEDICAL CERTIFICATION

If an employee is on sick leave for three or more consecutive business days, before such absence will be considered excused, the employee must present a certificate from the employee's medical practitioner in the same form as required for medical leaves of absence pursuant to the policies herein, stating that the leave was necessitated by their illness or injury, releasing them to return to work, and if applicable, setting forth any restrictions or limitations on their ability to perform their job. If an employee is on sick leave for three or more consecutive business days to attend to the illness of the employee's child, domestic partner, parent or spouse, he/she must present a certificate

from his/her child, domestic partner, parent or spouse's medical practitioner stating leave was necessitated by his/her child, parent, domestic partner, or spouse's illness. Failure to provide such a medical certification could include discipline up to and including termination.

It is the employee's responsibility to maintain a good attendance record. Excessive and unexcused absence and tardiness will be documented and could result in corrective action including, but not limited, to verbal counseling, written warnings, and involuntary termination pursuant to federal, state and local laws.

5.4. DISCRETIONARY TIME

If operations allow, Officers, Directors, Managers, and Supervisors may approve paid discretionary time-off. Examples of reasons for discretionary time off include, but are not limited to:

- Staff has worked evenings or weekends.
- Staff has traveled on JWCH business and travel time has extended beyond the typical workday.
- JWCH Holiday Event.
- Funeral when there is no bereavement time remaining.
- Legal obligations (not covered below).
- Clinic session has concluded early and staff is allowed to leave early.

Discretionary time-off shall be coded as "Z" time on the timesheet.

5.5. BEREAVEMENT LEAVE

JWCH knows the death of a family member is a time when an employee will want to be with the rest of his/her family. Should an employee lose a member of his/her immediate family, including domestic partners, employees may be granted, at the discretion of the Officer, Director or Manager, up to three (3) days off per fiscal year (July 1 to June 30) with pay for bereavement. All questions regarding eligibility should be directed to the Human Resources Director.

"Immediate family" includes spouse, registered domestic partner, child, parent, sister, brother, grandparents, mother-in-law, father-in-law, step-parents, step-child, and other persons who are part of the employee's household.

A Bereavement Leave Request form (EXHIBIT XXV) must be submitted to the Officer, Director or Manager for approval. When approved, the original is to be submitted to the Finance Department.

Employees on leaves of absence are not entitled to bereavement leave. JWCH may require verification of death.

5.6. LEAVE OF ABSENCE

It is JWCH's policy to grant leaves of absence to all eligible employees on a non-discriminatory basis. Leaves of absence will be considered in cases of medical disabilities and in cases of personal

emergency, military duty, jury duty and witness duty, or as otherwise required by law. Unless specifically provided otherwise, all leaves of absence are available only on an unpaid basis.

Unless otherwise provided by state or federal law, employees who are eligible for and receiving health insurance pursuant to JWCH's policies, but who are out on any approved leave of absence, medical or otherwise, may continue their group health insurance through JWCH for twelve (12) weeks. If paid leave is substituted for unpaid leave family medical leave, JWCH will deduct employees' shares of the health plan premium as a regular payroll deduction. If the leave is unpaid, employees must pay the portion of their premiums.

JWCH'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, JWCH will send a letter notifying the employee that coverage will be dropped on a specified date unless the co-payment 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 JWCH for the cost of the premiums JWCH paid for maintaining coverage during their unpaid FMLA/CFRA leave.

Coverage will terminate on the 1st of the month after the twelve weeks, and the employee will receive notice of benefits pursuant to federal COBRA guidelines. Benefits from the short term disability plan will be coordinated with leave benefits pursuant to state and federal law. If you have been approved for a leave of absence, see the Human Resources Director/Department for details regarding continuation of insurance coverage consistent with these policies and state and federal laws.

5.6.1. PERSONAL LEAVE (Not Medical Related)

Requests for leaves of absence for personal reasons will be considered on a case-by-case basis. A written request for a personal leave of absence must be presented to the Supervisor at least one month before the leave is to begin. The request will be considered on the basis of the reason given, business requirements, and the employee's total performance record. It is at the discretion of the Officer or Director to approve such leaves. Please be advised that any leaves of absence taken, are to run concurrently pursuant to Federal and State laws. This includes but is not limited to, where applicable, pregnancy disability leave, family leave pursuant to the Family Medical Leave Act and California Family Rights Act, workers compensation leave, and disability leave. This provision does not create a right to any of the above leaves of absence that would not otherwise exist under applicable law.

Compensation During Leave. JWCH will require an employee to use his or her accrued vacation and sick leave before being placed on leave without pay. If a holiday falls within the period the employee is on personal leave, the employee will not receive holiday pay.

Job Reinstatement. A determination of whether, on return from a leave of absence, an employee will be reinstated to his or her original job, or to an equivalent job with equivalent pay, benefits and other employment terms and conditions, will be made on a case by case basis depending on

circumstances at the time and applicable state and federal law. However, an employee has no greater right to reinstatement than if the employee had been continuously employed rather than on leave. For example, if employees on a leave would have been laid off had they not gone leave or if their jobs had been eliminated while they were on leave, and there are no equivalent jobs available, then the employees would not be entitled to reinstatement. If an employee returning from medical leave taken for the employee's own serious health condition is unable to perform the essential functions of the job because of a physical or mental disability, JWCH's obligations to the employee may be governed by the American With Disabilities Act or Fair Employment and Housing Act. Failure to return to work on the expiration of an employee's leave may be deemed a voluntary resignation of his/her employment with JWCH.

The time absent is not counted as time worked for purposes of calculating vacation or sick leave accrual or retirement benefits.

Other Employment While On Leave. If an employee has been granted a personal leave of absence, the employee may not accept other work during such leave without prior written approval of Supervisor, Manager, Director, Officer, or Human Resources Director, except as otherwise provided by state or federal law.

5.6.2. FAMILY CARE AND MEDICAL LEAVE

A. The Leave Policy

As an employee, you 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 is intended to provide you with information concerning FMLA/CFRA entitlements and obligations you may have during such leaves. If you have any questions concerning FMLA/CFRA leave, please contact the Human Resources Director.

B. Eligibility

The FMLA and CFRA provide eligible employees with a right to leave, health insurance benefits and, with some limited exceptions, job restoration. To be an "eligible employee", you must (1) have been employed by JWCH for at least 12 months (which need not be consecutive); (2) have worked for at least 1250 hours during the 12 month period immediately preceding the commencement of the leave; and (3) at a worksite where 50 or more employees are located within 75 miles of the worksite.

C. Employee Entitlements for FMLA/CFRA Leave

The FMLA 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 by a "rolling" 12-month period measured backwards from when an employee first uses FMLA/CFRA leave. In some instances, leave may be counted under the FMLA but not CFRA or CFRA but not the FMLA. 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 leave and California Pregnancy Disability Leave ("PDL") leave entitlements);
- 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, domestic partner, child, or parent (but not in-law) with a **serious health condition**; (counts toward FMLA and CFRA leave entitlements except for time to care for an employee's 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; and/or (counts toward FMLA and CFRA leave entitlements);
- Because of any **qualifying exigency** arising out of the fact that an employee's spouse, son, daughter or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty status in the National Guard or Reserves in support of contingency operations) (counts toward FMLA leave entitlement only).

A **serious health condition** is an illness, injury, impairment, or physical or mental condition that involves either 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 essential functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 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, and attending post-deployment reintegration briefings.

D. Additional Military Family Leave Entitlement

In addition to the basic FMLA/CFRA leave entitlement described above, an eligible employee who is the spouse, domestic partner, son, daughter, parent or next of kin of a **covered service member** is entitled to take up 26 weeks of leave during a 12-month period to care for the service member with a serious injury or illness. Leave to care for a service member 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 service member.

A "covered service member" means a 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. A member of the Armed Forces would have a serious injury or illness if he/she has incurred an injury or illness in the line of duty while on active duty in the Armed Forces provided that the injury or illness may render the service member medically unfit to perform duties of the member's office, grade, rank or rating.

E. 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 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 service member. Intermittent leave can also be taken for any qualifying exigency.

Employees are also eligible for intermittent leave for bonding with a child following birth or placement. Intermittent leave for bonding purposes generally must be taken in two-week increments, but JWCH permits two occasions where the leave may be for less than two weeks.

F. Health Insurance Benefits

During FMLA/CFRA leave, eligible employees are entitled to receive group health plan coverage while on leave for up to 12 weeks by making monthly payments for the amount of the relevant employee's portion of the premium. Once FMLA or FMLA/CFRA leave exceeds 12 weeks (for example, in cases of FMLA/PDL leave followed by CFRA birth bonding leave), an employee will be notified of his or her right to continue group health insurance benefits at the employee's cost under COBRA.

G. Restoration of Employment and Benefits

At the end of FMLA/CFRA leave, subject to some exceptions including situations where job restoration of "key employees" will cause JWCH substantial and grievous economic injury, employees generally have a right to return to the same or equivalent positions they held before the FMLA/CFRA leave. Whether one is a "key employee" is a fact-specific determination that will be made by JWCH on a case-by-case basis. JWCH 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.

Furthermore, an employee has no greater right to reinstatement with equivalent pay, benefits and other employment terms and conditions than if she or he had been continuously employed rather than on leave.

H. Notice of Eligibility for, and Designation of, FMLA/CFRA Leave

Employees requesting FMLA/CFRA leave are entitled to receive written notice from JWCH telling them whether they are eligible for FMLA and/or CFRA leave and, if not eligible, the reasons why they are not eligible. When eligible for FMLA/CFRA leave, employees are entitled to receive written notice of: 1) their rights and responsibilities in connection with such leave; 2) JWCH's designation of leave as FMLA/CFRA-qualifying or non-qualifying, 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.

JWCH may retroactively designate leave as FMLA/CFRA leave for a period of up to 10 days with appropriate written notice to employees, provided JWCH's failure to designate leave as FMLA/CFRA-qualifying at an earlier date did not cause harm or injury to the employee. In all cases where a leave qualifies only for FMLA protection, JWCH and employee can mutually agree that leave be retroactively designated as FMLA leave.

I. Employee Obligations for FMLA/CFRA Leaves

a. Provide Notice of the Need for Leave

Employees who take FMLA/CFRA leave must timely notify JWCH of their need for FMLA/CFRA leave. The following describes the content and timing of such employee notices.

i. Content of Employee Notice

To trigger FMLA/CFRA leave protections, employees must inform JWCH's Human Resources Director 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 JWCH to determine that the leave is FMLA/CFRA-qualifying. For example, employees might explain that:

- a medical condition renders them unable to perform the essential 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 cause by a covered military member being on active duty or called to active duty status; or
- if the leave is for a family member, that the condition renders the family member unable to perform daily activities or that the family member is a covered service member 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 JWCH'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 JWCH has previously provided FMLA/CFRA -protected leave, they must specifically reference the qualifying reason for the leave or the need for FMLA/CFRA leave.

ii. 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 JWCH 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.

b. Cooperating in the Scheduling of Leave

When planning medical treatment for the employee or family member or requesting to take leave on an intermittent or reduced schedule work basis, employees must consult with JWCH and make a reasonable effort to schedule treatment so as not to unduly disrupt JWCH's operations. Employees must consult with JWCH prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of both JWCH 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 service member, JWCH 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.

c. 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 JWCH with timely, complete and sufficient medical certifications. Whenever JWCH requests employees to provide FMLA/CFRA medical certifications, employees must provide the requested certifications within 15 calendar days after JWCH's request, unless it is not practicable to do so despite an employee's diligent, good faith efforts. JWCH shall inform employees if submitted medical certifications are incomplete or insufficient and provide employees at least seven calendar days to cure deficiencies. JWCH will deny FMLA/CFRA leave to employees who fail to timely cure deficiencies or otherwise fail to timely submit requested medical certifications.

With the employee's permission, JWCH (through individuals other than an employee's direct supervisor) may contact the employee's health care provider to authenticate or clarify completed and sufficient medical certifications. If employees choose not to provide JWCH with authorization allowing it to clarify or authenticate certifications with health care providers, JWCH may deny FMLA/CFRA leave if certifications are unclear.

Whenever JWCH deems it appropriate to do so, it may waive its right to receive timely, complete and/or sufficient FMLA medical certifications.

i. Initial Medical Certifications

Employees requesting leave because of their own, or a covered relation's, serious health condition, or to care for a covered service member, 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 JWCH has reason to doubt initial medical certifications regarding an employee's own serious health condition, it may require employees to obtain a second opinion at JWCH's expense. If the opinions of the initial and second health care providers differ, JWCH may, at its expense, require employees to obtain a third, final and binding certification from a health care provider designated or approved jointly by JWCH and the employee. JWCH will reimburse employees for any reasonable "out of pocket" travel expenses incurred to obtain second or third medical opinions. Except in very rare circumstances, JWCH will not require employees to travel outside normal commuting distance for purposes of obtaining second or third medical opinions.

ii. Medical Recertifications

Depending on the circumstances and duration of FMLA/CFRA leave, JWCH may require employees to provide recertification of medical conditions giving rise to the need for leave. JWCH 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 only be requested when the original certification has expired.

iii. Return to Work/Fitness for Duty Medical Certifications

Unless notified that providing such certifications is not necessary, employees returning to work from FMLA/CFRA leaves that were taken because of their own serious health conditions that made them unable to perform their jobs must provide JWCH medical certification confirming they are able to return to work and the employees' ability to perform the essential functions of the employees' position, with or without reasonable accommodation. JWCH may delay and/or deny job restoration until employees provide return to work/fitness for duty certifications.

d. Submit Certifications Supporting Need for Military Family Leave

Upon request, the first time employees seek leave due to qualifying exigencies arising out of the active duty or call to active duty status of a covered military members, JWCH may require employees to provide: 1) a copy of the covered military member's active duty orders or other documentation issued by the military indicating the covered military member is on active duty or call to active duty status and the dates of the covered military member's 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 active duty or call to active duty status of the same or a different covered military member.

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

e. Providing Medical Recertification Upon Request

Depending on the circumstances and duration of FMLA leave, JWCH may require employees to provide recertification of medical conditions giving rise to the need for leave every thirty days (or more frequently in special circumstances). For chronic or long term conditions, JWCH may require certifications every six months. For leave that also qualifies under CFRA, extensions will be requested only when a prior medical certification has expired or is about to expire. JWCH will notify employees if recertification is required and will give employees at least 15 calendar days to provide medical recertification.

f. 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 JWCH with reasonable notice (i.e., within 2 business days) of the employee's changed circumstances and new return to work date. If employees give JWCH unequivocal notice of their intent not to return to work, they will be considered to have voluntarily resigned and JWCH's obligation to maintain health benefits (subject to COBRA requirements) and to restore their positions will cease.

g. Substitute Paid Leave for Unpaid FMLA 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 leave for unpaid family/medical leave. Employees may make a written request to substitute accrued, unused vacation or paid time off ("PTO") 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 vacation, PTO or sick leave 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 vacation or PTO for unpaid family/medical leave. Once vacation or PTO is exhausted, upon written request an employee can substitute paid sick leave for unpaid FMLA/CFRA leave for such purposes except an employee cannot use sick leave to bond with a child where the employee's child is not ill or sick since sick leave is contingent on the illness of the employee, child, parent, spouse or domestic partner.

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, JWCH 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 leaves and the paid time off runs concurrently with the FMLA/CFRA entitlement.

h. Pay Employee's Share of Health Insurance Premiums

Please see Section 5.6 above where the employee's share of health insurance premiums is explained in further detail.

J. Coordination of FMLA Leave with Other Leave Policies

The FMLA does not affect any federal, state or local law prohibiting discrimination, or supersede any State or local law which provides greater family or medical leave rights. However, whenever permissible by law, JWCH will run FMLA leave concurrently with any other leave provided under state or local law. For additional information concerning leave entitlements and obligations that might arise when FMLA/CFRA leave is either not available or exhausted, please consult JWCH's other leave policies in this handbook or contact Human Resources.

K. Questions and/or Complaints About FMLA/CFRA Leave

If you have questions regarding this policy, please contact Human Resources. JWCH 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 the Human Resources Department immediately. JWCH 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.

L. Additional Definitions:

"Spouse" means a husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides, including common law marriage in States where it is recognized.

"Parent" means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a child, son or daughter as defined in paragraph (c) of this section. This term does not include parents "in law."

"Child, son or daughter" means, for purposes of FMLA/CFRA leave taken for birth or adoption, or to care for a family member with a serious health condition, a biological, adopted, or foster child, a stepchild (including children of a domestic partner), a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability" or an adult dependent child at the time that FMLA/CFRA leave is to commence.

(1) "Incapable of self-care" means that the individual requires active assistance or supervision to provide daily self-care in three or more of the "activities of daily living" (ADLs) or "instrumental activities of daily living" (IADLs). Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

(2) "Mental or physical disability" means a physical or mental impairment that limits one or more of the major life activities of an individual. Regulations at 29 CFR 1630.2(h), (i), and (j), issued by the Equal Employment Opportunity Commission under the Americans with Disabilities Act (ADA), 42 U.S.C. 12101 et seq., define these terms.

(3) Persons who are "in loco parentis" include those with day-to-day responsibilities to care for and financially support a child, or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

"Adoption" means legally and permanently assuming the responsibility of raising a child as one's own. The source of an adopted child (e.g., whether from a licensed placement agency or otherwise) is not a factor in determining eligibility for FMLA/CFRA leave.

"Foster care" is 24-hour care for children in substitution for, and away from, their parents or guardian. Such placement is made by or with the agreement of the State as a result of a voluntary agreement between the parent or guardian that the child be removed from the home, or pursuant to a judicial determination of the necessity for foster care, and involves agreement between the State and

foster family that the foster family will take care of the child. Although foster care may be with relatives of the child, State action is involved in the removal of the child from parental custody.

"Son or daughter on active duty or call to active duty status" means the employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on active duty or call to active duty status, and who is of any age.

"Son or daughter of a covered service member" means the service member's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the service member stood in loco parentis, and who is of any age.

"Parent of a covered service member" means a covered service member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. This term does not include parents "in law."

"Next of kin of a covered service member" means the nearest blood relative other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member's next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered service member's only next of kin.

"Health Care Provider" means: (1) A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; (2) podiatrists, dentists, clinical psychologists, optometrists, chiropractors (limited treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-Ray to exist) authorized to practice under the State law and performing within the scope of their practice as defined by State law; (3) nurse practitioners, nurse-midwives, clinical social workers and physician assistants authorized under State law and performing within the scope of their practice as defined by State law; (4) Christian Science practitioners (may be required to submit to second or third certification through examination - not treatment of a health care provider); (5) any other health care provider from whom the employer or the employee's group health plan benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits; and (6) a health care provider who practices in a country other than the United States who is authorized to practice in accordance with the laws of that country and is performing within the scope of his or her practice as defined under such law. For purposes of leave taken to care for a covered service member, any one of the following health care providers may complete such a certification: (1) a United States Department of Defense ("DOD") health care provider; (2) a United States Department of Veterans Affairs ("VA") health care provider; (3) a DOD TRICARE network authorized private health care provider; or (4) a DOD non-network TRICARE authorized private health care provider.

"Domestic Partner" mean two adults who have established a registered domestic partnership in accordance with the requirements of California law.

"Key Employees," are highly compensated employees (i.e., highest paid 10% of salaried employees within 75 miles of the employee's worksite) that may not be returned to their former or equivalent position following a leave if restoration of employment will cause substantial and grievous economic injury to JWCH.

5.6.3. PREGNANCY DISABILITY LEAVE OF ABSENCE

If an employee is disabled by pregnancy, childbirth or related medical conditions, the employee is eligible to take a pregnancy disability leave ("PDL"). If an employee is affected by pregnancy or a related medical condition, the employee also is eligible to transfer to a less strenuous or hazardous position or to less strenuous or hazardous duties, if such a transfer is medically advisable and can be reasonably accommodated. Employees disabled by qualifying conditions may also be entitled to a reasonable accommodation where doing so is medically necessary. In addition, if it is medically advisable for the employee to take intermittent leave or work a reduced leave schedule, the Company may require the employee to transfer temporarily to an alternative position with equivalent pay and benefits that can better accommodate recurring periods of leave.

5.6.3.1. Reasons for Leave. PDL is for any period(s) of actual disability caused by the employee's pregnancy, childbirth, or related medical condition - per pregnancy. Time off needed for prenatal or postnatal care; doctor-ordered bed rest; gestational diabetes; pregnancy-induced hypertension; preeclampsia; childbirth; postpartum depression; loss or end of pregnancy; or recovery from childbirth or loss or end of pregnancy are all covered by this PDL policy.

5.6.3.2. Duration of Leave. An employee is entitled to up to four months of PDL while the employee is disabled by pregnancy, childbirth or related medical condition. For purposes of this policy, "four months" means time off for the number of days the employee would normally work within the four calendar months (one-third of a year, or 17.3 weeks or 122 days), following the commencement date of taking a pregnancy disability leave. For a full time employee who works five eight-hour days per week, or 40 hours per week, "four months" means 88 working and/or paid eight-hour days 692 hours of leave entitlement, based on an average of 22 working days per month for 17.3 weeks in four months times 40 hours per week. Employees working a part-time schedule will have their PDL calculated on a pro-rata basis.

5.6.3.3. Notice Requirements. To receive reasonable accommodation, obtain a transfer, or take a PDL, you must provide sufficient notice so the Company can make appropriate plans – 30 days' advance notice if the need for the reasonable accommodation, transfer or PDL is foreseeable, otherwise as soon as practicable if the need is an emergency or unforeseeable.

5.6.3.4. Medical Certification. An employee is required to obtain a certification from her health care provider of her need for PDL, or the medical advisability of an accommodation or a transfer. For leave, the certification should include: (1) the date on which the employee became disabled due to pregnancy or the date of the medical advisability of a transfer; (2) the probable duration of the period(s) of disability or the period(s) for the advisability of a transfer; and, (3) a statement that, due to the disability, the employee is either unable to work at all or to perform any one

or more of the essential functions of their position without undue risk to the employee or to other persons, or a statement that, due to their pregnancy, a transfer to a less strenuous or hazardous position or duties is medically advisable. Upon request, the Human Resources Department shall provide you with a medical certification form that you can take to your doctor.

As a condition of the employee's return from PDL, the Company requires the employee to obtain a release to return to work from their health care provider stating they are able to resume their original job duties.

5.6.3.5. Leave is Unpaid. PDL leave is unpaid. However, at the employee's option, the employee may use any accrued vacation time or other accrued paid time off (e.g., paid sick time or newborn/adoption Leave) as part of their PDL before taking the remainder of their leave on an unpaid basis. The use of any paid leave will not extend the duration of the employee's PDL. The Company encourages employees to contact the EDD regarding eligibility for state disability insurance for the unpaid portion of their leave. Employees may be eligible to receive pay pursuant to the Company's newborn/adoption leave, which runs concurrently with leave taken under the PDL policy.

5.6.3.6. Leave Concurrent with Family and Medical Leave and Newborn/Adoption Leave. If an employee is eligible for leave under the federal Family and Medical Leave Act, or the Company's newborn/adoption Leave policy, their PDL will also be designated as time off under the family and medical leave policy or the newborn/adoption leave policy, as applicable. Employees should refer to the family and medical leave and newborn/adoption leave policies in this Handbook for additional information.

5.6.3.7. Return to Work. If an employee does not return to work on the originally scheduled return date or request in advance an extension of the agreed upon leave with appropriate medical documentation, the employee may be deemed to have voluntarily terminated his/her employment with the Company. Failure to notify the Company of his/her ability to return to work when it occurs, or his/her continued absence from work because their leave must extend beyond the maximum time allowed, may be deemed a voluntary termination of the employee's employment with the Company, unless the employee is entitled to Family and Medical Leave. Upon the employee's return from PDL, the employee will be reinstated to their same position in most instances.

Taking PDL may impact certain benefits and the employee's seniority date. If an employee wants more information regarding their eligibility for a leave and the impact of the leave on his/her seniority and benefits, the employee should contact the Human Resources Department.

5.6.3.8. Request for Additional Time Off. Any request for leave after the employee's disability has ended will be treated as a request for Family and Medical Leave under the California Family Rights Act and the federal Family and Medical Leave Act, if the employee is eligible for such leave. Employees should refer to the "Family and Medical Leave" policy in this Handbook for additional information.

5.6.3.3.9. Continuation of Health Insurance Benefits. Employees who participate in the Company's group health insurance plan shall continue to participate in the plan while on PDL under the same terms and conditions as if they were working. Employees should make arrangements with Human Resources for payment of their share of the insurance premiums.

5.7. PAID FAMILY LEAVE AND STATE DISABILITY INSURANCE FUND

Effective July 1, 2004, an employee who is off work to care for a child, spouse, parent, or registered domestic partner with a serious health condition, or to bond with a new child, may be eligible to receive benefits through the California "Paid Family Leave" ("PFL") program, which is administered by the Employment Development Department ("EDD").

These benefits solely are financed through employee contributions to the PFL program. That program is solely responsible for determining if an employee is eligible for such benefits. There generally is a waiting period during which time no PFL benefits are available. The EDD can provide additional information about any applicable waiting period.

If an employee needs to take time off work to care for a child, spouse, parent, or registered domestic partner with a serious health condition or to bond with a new child, the employee should advise the Human Resource Director, and the employee will receive information about the EDD's PFL program and how to apply for benefits (EXHIBIT XLIX – Paid Family Leave Insurance Program pamphlet). Employees also may contact their local Employment Development Department Office for further information. Employees should maintain regular contact with the Human Resources Director during the time they are off work so JWCH may monitor the employee's return-to-work status. In addition, the employee should contact the Human Resources Director when the employee is ready to return to work so JWCH may determine what positions, if any, are open.

When an employee applies for PFL benefits, the Human Resources Department will determine if the employee has any accrued but unused vacation time available. If the employee has accrued but unused vacation time available, then the employee will be required to use up to two (2) weeks of such time before becoming eligible for PFL benefits.

Please note, employees taking time off work to care for a child, spouse, parent, or domestic partner with a serious health condition or to bond with a new child are not guaranteed job reinstatement unless they qualify for such reinstatement under federal or state family and medical leave laws. Any time off for Paid Family Leave purposes will run concurrently with other leaves of absence [such as Family Care and Medical Leave,] if applicable. [Please see the "Family and Medical Leave" policy in this Manual for eligibility requirements].

Employees may be eligible for temporary disability benefits payable from the State of California Disability Fund. Benefits are paid in accordance with state guidelines, which can be found at http://www.edd.ca.gov/.

5.8. LEAVE OF ABSENCE REQUEST PROCEDURE

Employees may apply for a leave of absence by submitting a request (EXHIBIT XXIV - Request for Time Off form). The leave request must be approved by the Officer, Director, Manager or designee. The employee is to receive a copy of the form once a decision on the request is made, a copy is to be filed in the employee's record on site, and the original is to be sent to the Finance Department.

It is unlawful for JWCH to interfere with, restrain, or deny the existence of any right provided by state or federal law. It is also unlawful for the Company to refuse to hire or to discharge or discriminate against any individual for opposing any practice, or because of involvement in any proceedings, related to family medical leave.

5.9. RELIGIOUS ACCOMMODATIONS

Reasonable accommodations will be made for the religious needs of employees, when the Agency does not observe the religious holidays of such employees. Employees may use accrued vacation time to receive compensation during the period of leave.

5.10. VOTING TIME OFF

In the event an employee does not have sufficient time outside of working hours to vote in a statewide election, the employee may take off enough working time to vote. This time should be taken at the beginning or end of the regular work schedule. An employee will be allowed a maximum of two hours on Election Day without loss of pay. Where possible, the Supervisor should be notified at least two days prior to the voting day.

5.11. JURY DUTY ABSENCE

It is the employee's civic duty to serve on a jury panel. For this reason, the employee will be granted a temporary leave of absence if the employee is called for jury duty. JWCH will pay up to five (5) days wages for non-exempt employees serving on Jury Duty. The employee may use accrued vacation time to receive compensation for jury duty in excess of five (5) days. Exempt employees will receive their full weekly salary for any week in which they perform any work and also serve on a jury.

Employees must present their jury summons to their Supervisor as soon as they receive it. Of course, employees are expected to report for work during hours or days their presence is not required on the jury panel. An employee who does not report to work when available will not receive pay for the day. Verification of attendance at Jury Duty is required. In order to receive up to five (5) days of wages, the non-exempt employee must forward the payment for Jury Duty by courts to JWCH.

5.12. COURT APPEARANCE AS WITNESS

JWCH does not pay the wages of non-exempt employees serving as a witness during a court appearance unless that court appearance is within the scope of JWCH employment. Non-exempt employees may use accrued vacation time to receive compensation during the period of leave. Exempt employees will receive their full weekly salary for any week in which they perform any work and also serve as a witness. An employee who is required by law to appear in court may take unpaid time off for such purpose provided he/she provides JWCH with reasonable advance notice.

5.13. MILITARY RESERVE DUTY

Employees called to active duty in the U.S. military or California National Guard is eligible for an unpaid military leave of absence in accordance with state and federal law.

Employees should give their Supervisor as much advance notice as possible of the need so that JWCH may arrange for appropriate coverage in their absence. During their absence, their length of service accumulates, and their benefits will continue as required by applicable law. Upon application within the appropriate time period after their date of termination from military service, they will receive the then-current rate of pay and the then-current benefits.

If employees are required to attend yearly Reserves or National Guard duty, they can apply for an unpaid temporary military leave of absence not to exceed 17 days (including travel). However, if the employees prefer, they may use their earned vacation time for this purpose.

5.14. TIME OFF FOR SCHOOL CHILDREN

Parents, guardians, or grandparents having custody of school children from kindergarten through Grade 12, or who attend licensed child day care facilities, are provided unpaid time off to participate in school or day care activities. JWCH may require proof the employee participated in the school activities. The employee may use accrued vacation time or take unpaid time off for this purpose. If the employee elects not to use such time, or such time does not accrued, the time off will be taken without pay if the employee is non-exempt. The salary of an exempt employee will not be affected if the employee misses a portion of a day of work under this policy. Reasonable notice must be given to the Supervisor or Manager before taking any time off for school children. Parents or guardians of school children who have been suspended are also allowed to take unpaid time off to appear in the school of the pupil pursuant to a request from the school. The employee may not take more than forty (40) hours off for this purpose in any single year or more than eight (8) hours off in any calendar month of the year.

If both parents of a child are employed by JWCH at the same work site, only one parent may take time off at a time under this policy. In some cases, the Human Resources Department may agree to provide both parents the opportunity to take time off at the same time.

5.15. TIME OFF FOR VICTIMS OF DOMESTIC VIOLENCE AND OTHER SERIOUS CRIMES

An employee who is a victim of domestic violence or sexual assault is provided unpaid time off to attend to any of the following: (1) to seek medical attention for injuries caused by domestic violence; (2) to obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence; (3) to obtain psychological counseling related to an experience of domestic violence; and, (4) to participate in safety planning and take other actions to increase safety from future domestic violence, including temporary or permanent relocation.

Reasonable advance notice should be given to an employee's supervisor or to the Human Resources Director before taking any time off, unless advance notice is not feasible. When advance notice is not feasible resulting in an unscheduled absence from work, an employee, within a reasonable time after the absence, should provide a certification to the Human Resources Director which can take any of the following forms: (1) a police report indicating that the employee was a victim of domestic violence; (2) a court order protecting or separating the employee from the perpetrator of an act of domestic violence, or other evidence from the court or prosecuting attorney that the employee appeared in court; or, (3) documentation from a medical professional domestic violence advocate,

health care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting from an act of domestic violence.

Employees may elect to use accrued paid vacation time or paid sick leave time off for the absence. If the employee does not elect to use paid time off, the absence will be unpaid. Exempt employees will be paid their full salary for any workweek interrupted by the need for time off under this policy.

Under certain circumstances, employees who are victims of serious crimes may take time off from work to participate in judicial proceedings. Qualified family members of such crime victims may also be eligible to take time off from work to participate in judicial proceedings. The law defines a serious crime to include felonies, such as felonies involving theft or embezzlement. Same notice and pay policies apply as above in this section.

5.16. VOLUNTEER FIREFIGHTER OR EMERGENCY PERSONNEL LEAVE

Any employee who also works as a volunteer firefighter, reserve peace officer or emergency rescue personnel may be entitled to time off for the performance of these public services. In addition, employees may be entitled to take up to 14 days per calendar year off for the purpose of engaging in fire or law enforcement training. Employees shall provide Human Resources Director with as much advance notice as possible when the need for leave arises.

Employees may use accrued vacation time to receive compensation during the period of leave.

5.17. TIME OFF FOR CIVIL AIR PATROL PERSONNEL

An employee who has been employed 90 days or more is permitted to request up to 10 calendar days of unpaid leave per calendar year to respond to an emergency operational mission of the California Wing of the Civil Air Patrol. Such leave is limited to three 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 unused vacation days, paid time off, or paid personal days for otherwise unpaid Civil Air Patrol Leave.

5.17a ORGAN DONATION LEAVE

An employee who has been employed for at least 90 days may request a leave of absence for up to 30 business days in any one-year period to undergo a medical procedure to donate an organ. The

one-year period is measured from the date the employee's leave begins and shall consist of 12 consecutive months.

Employees seeking organ donation leave must provide a certification from their physician stating that he or she is an organ donor and that there is a medical necessity for the donation of the organ. An employee must use up to two weeks of accrued vacation for this leave, but the use of paid vacation does not extend the term of the leave. If accrued vacation is not available, the time off for such procedure shall be paid, however the paid time off shall not exceed 30 business days. Organ donation leave will not be designated as FMLA or CFRA leave time. Employees will receive health benefits for the duration of their organ donation leave, the time off does not impact their seniority, vacation accrual or eligibility for salary adjustments. Employees returning from such leave will have a right to return to the same or equivalent positions they held before such leave.

5.17b BONE MARROW DONATION LEAVE

An employee who has been employed for at least 90 days may request a leave of absence for up to five business days in any one-year period to undergo a medical procedure to donate bone marrow. The one-year period is measured from the date the employee's leave begins and shall consist of 12 consecutive months.

Employees must provide a certification from their physician stating that he or she is a bone marrow donor and that there is a medical necessity for the donation of the bone marrow. An employee must use any accrued vacation time for this leave, but the use of vacation does not extend the term of this leave. If accrued vacation is not available, the time off for such procedure shall be paid, but the paid time off shall not exceed five days. Bone marrow donation leave will not be designated as FMLA or CFRA leave time. Employees will receive health benefits for the duration of their organ donation leave, the time off does not impact their seniority, vacation accrual or eligibility for salary adjustments. Employees returning from such leave will have a right to return to the same or equivalent positions they held before such leave.

5.18. CLOSURES

JWCH may be closed for the following reasons:

- When Los Angeles County offices are officially closed.
- On days proclaimed as special holidays by the President of the United States or the Governor of California, or other days approved by the Board of Directors.
- Special circumstances, e.g. disasters

6. RULES OF CONDUCT, DRUG FREE WORK PLACE, AND GRIEVANCE PROCEDURES

6.1. RULES OF CONDUCT

People working together must abide by certain rules of conduct based on honesty, good taste, fair play, and safety. This is essential if everyone is to work together efficiently.

While it is neither possible nor desirable to identify every possible rule of conduct, all employees must observe reasonable standards of conduct and may be disciplined when they do not. Some examples of misconduct include, but are not limited to the following:

- Inefficient, careless or unsatisfactory performance of duties and responsibilities.
- Excessive unexcused absenteeism and/or tardiness.
- Any act of dishonesty.
- Failure to comply with work or safety rules, appearance standards, or the rules in the Employee Handbook or JWCH Policies and Procedures Manual.
- Harassment of any employee or client if related to all protected characteristics including national origin, race, color, religion, gender, age, disability, illness, veteran, or marital status.
- Willfully damaging property belonging to JWCH work facility, employees, patients, clients or vendors.
- Misuse of JWCH property or removal of JWCH property from the premises without express authorization.
- Engaging in or provoking any act of violence.
- Any act of insubordination.
- Violation of confidentiality (written or verbal).
- Failure to report to work without notification.
- Obscene gestures or language.
- Possession, use or sale or offering of alcohol or drugs on JWCH premises during work time or reporting for work while under the influence of drugs or alcohol.
- Possession of weapons of any kind.
- Inappropriate conduct on the job.

JWCH will address violations of these rules of conduct and other violations of JWCH policy on an individual basis. Pursuant to JWCH's at-will employment policy, JWCH reserves the right to impose whatever form of discipline it chooses, or none at all, in a particular instance. Disciplinary action generally could include verbal counseling, written warnings (EXHIBIT XXIII - Employee Warning Report), suspension, demotion, performance improvement plans, or involuntary termination. Nothing in this Manual or the Employee Handbook should be construed as a promise of specific treatment in a given situation.

Officers, Directors, Managers and Supervisors will consult with the Human Resources Director before terminating employees under their supervision

The Supervisor is to complete the Termination Report (EXHIBIT XXX). See Checklist (EXHIBIT X) for other forms to be completed.

If an employee is discharged (non-disciplinary or disciplinary termination), the wages earned and unpaid at the time of discharge are due and payable immediately.

6.2. CORRECTIVE ACTION

Employees are expected to conduct themselves on the job in a manner that contributes to operating effectiveness, productivity, safety and a harmonious working environment, in accordance with all Agency policies. If employees do not meet the Agency's expectations of performance and/or conduct, they may be subject to corrective action, up to and including termination. It is within the discretion of the Officer, Director, Manager or Supervisor to determine what measures are appropriate in each circumstance. For example, employees whose performance is not at a satisfactory level may receive verbal counseling, a written warning (EXHIBIT XXIII - Employee Warning Report), be placed on a Performance Improvement Plan (PIP), or terminated. Employees may be placed on a Performance Improvement Plan at any time, not necessarily in conjunction with regularly scheduled performance appraisals. Nothing in this Manual or the Employee Handbook should be construed as a promise of specific treatment in a given situation. JWCH does not have a progressive discipline policy.

6.3. DRUG FREE WORKPLACE

JWCH intends to maintain a drug free workplace. Therefore, all employees are to be provided with the Drug Free Workplace Notice (EXHIBIT XXXI).

JWCH is committed to providing assistance to employees to overcome substance abuse problems. JWCH will reasonably accommodate any employee who wishes to voluntarily enter and participate in an alcohol and/or drug rehabilitation program. This accommodation may include time off without pay and/or an adjusted work schedule, provided the accommodation does not impose an undue hardship on the JWCH. An employee also may use accumulated sick leave for this purpose.

An employee should notify his/her Supervisor, Manager, Director or Officer if he/she needs such as accommodation. JWCH will take reasonable steps to safeguard the employee's privacy with respect to the fact that the employee is enrolled in an alcohol or drug rehabilitation program.

6.4. GRIEVANCES

JWCH believes its employee should have an opportunity and a means to raise grievances the employee feels have not been resolved.

Listed below are three successive levels at which an employee may air his/her concerns. However, if an employee would like to discuss his/her grievance prior to formally beginning the grievance process, then he/she may always contact the Human Resources Director. If a specific grievance procedure is mandated by the program the employee is assigned to, the program's grievance procedure should take precedence. However, if the program's grievance procedure does not provide for the same protections provided herein, this procedure applies.

It is important for an employee to understand that nothing in this grievance procedure is intended to create an express or implied agreement that alters the employment at-will relationship that exists between JWCH and the employee, as set forth in the section of this Policies and Procedures Manual entitled "Introduction."

The followings steps are provided to all employees for the resolution of a grievance:

- Step 1: Employee discusses the grievance or concern with his/her immediate Supervisor. Should results prove unsatisfactory, or if an employee feels he/she cannot discuss his/her concern with the immediate Supervisor, he/she should take the grievance to the second step.

- Step 2: Employee discusses the grievance or concern with the individual who represents the second level of supervision. If the problem remains unresolved, or if the employee feels he/she cannot discuss his/her concern with the second level of supervision, proceed to the third step.

- Step 3: Employee may file a formal written grievance with the Human Resources Director or the Chief Executive Officer, JWCH Institute, Inc., 1910 W. Sunset Blvd., Suite #650, Los Angeles, CA 90026. If the employee needs assistance in preparing a written grievance, please contact the Human Resources Director. (EXHIBIT XXVIII - Grievance Form).

The Human Resources Director or a designated representative will provide the employee with a verbal or written response within ten (10) working days unless the Human Resources Director determines additional time is required under the circumstances.

Employees are encouraged to utilize this procedure without fear of reprisal. No employee will be discriminated or retaliated against because the employee has elected to use this procedure.

This policy does not apply to claims involving sexual or other forms of unlawful harassment, retaliation, or discrimination. Such claims should be filed immediately with the Human Resources Director pursuant to the JWCH's "Equal Employment Opportunity" policy and "No-Harassment" policy and will be addressed in accordance with the provisions of the applicable policy.

6.5. TERMINATION/EXIT INTERVIEW

If termination is involuntary, the Supervisor, Manager or Director will complete the Termination Report (EXHIBIT XXX), which will be reviewed and approved by the Human Resources Director. If the employee is resigning, the employee should complete the Voluntary Termination Notice (EXHIBIT XXIX). On or before the last day of employment (involuntary or voluntary termination), the Human Resources Director will schedule an exit interview with the employee whenever possible. The employee will complete the Exit Interview form (EXHIBIT XLI). If scheduled on the final workday, the final paycheck will also be present at this time, if appropriate notice has been given. See Checklist (EXHIBIT X) for other forms and procedures to be completed.

6.6. STAFF REDUCTIONS

Should the cancellation of a project occur, the employees of such project may be terminated. Layoff decisions will be conducted on a program basis. In the event of the termination of a program or a project contract, the Officer, Director, Manager or Supervisor may choose to layoff the affected project employees or reorganize the department. Based on the program's objective, the number and

classification of necessary positions will be decided. From time to time and for reasons including but not limited to operational needs, compliance with laws and contracts with affiliates, JWCH may reorganize its operations including but not limited to departments, programs and clinics. Such reorganization may require the elimination of positions resulting in a layoff.

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