

Western Colorado Center for the Arts

Employee Handbook

Approved by the Board of Directors

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I. HISTORY OF THE ART CENTER

The Art Center evolved from a small organization formed in 1930 by a group of Grand Junction citizens interested in the arts. By 1940, this group had purchased six paintings and continued to add to the collection. These art works were stored for safe keeping at the Grand Junction Public Library and at Mesa County Junior College. The Mesa County Art Center was incorporated as a nonprofit corporation under the laws of the state of Colorado in February 1953 with the stated purpose of operating a public art center and acquiring objects of art by "gift, lease or purchase." In 1957, the corporation was designated as a 501 (c)(3) organization by the IRS. A permanent home for The Art Center was established in 1960 when a two-story frame house on Seventh Street was purchased.

The present name was adopted in 1968. In 1970 a new building was constructed with a kitchen, classrooms, and an octagonal room with walls designed for exhibits. This room also included a stage for music and dance performances and productions of a community theater group. The first director was hired in 1978 when the programs were broadened to include more classes and some major juried shows. In 1982 with \$100,000 from the Grand Junction Lions Club and matching funds from the community, the large entrance lobby, courtyards, North Gallery, storage areas, and a ceramics studio were added to the initial structure. Both the house and the building were owned free and clear.

In 1990 Dr. Arch Gould offered a gift of Navajo rugs valued at \$100,000 providing the community raise a matching endowment of \$100,000 for support of The Art Center plus the funds necessary to convert part of the courtyard into a new gallery. This gallery was dedicated in January 1991 - named the Gould Gallery -- and it is devoted to rotating displays from The Art Center's permanent collection.

The current Art Center facility boasts 17,000 square feet housing 3 dedicated exhibition galleries, a combination gallery/classroom space, multiple classrooms, expanded ceramics studio with outdoor kiln area, a sculpture garden, a Japanese garden, Gift Shop, kitchen, administrative offices, permanent collection room and two outdoor parking lots.

II. MISSION OF THE ART CENTER

Western Colorado Center for the Arts mission statement

The Art Center is a community arts organization dedicated to improving quality of life by promoting the enjoyment and understanding of the visual arts and related arts through studio art instruction, educational programs for children and adults, exhibitions and the acquisition, care and display of a permanent art collection

III. PURPOSE OF THE ART CENTER

The Art Center mission focuses on three major areas in fine arts - education, exhibitions, and permanent collection. The year round education program offers a diverse choice in classes for adults and children. Exhibitions feature artists from the local area, region and throughout the United States as well as arts organizations, schools, and professional groups. The exhibition schedule changes regularly with an average of 30 exhibits each year. Over 300 items are catalogued in The Art Center's permanent collection with a focus on the rich Colorado history and culture, and the West.

One of the outstanding aspects of The Art Center is that it is unique in its program from any other organization within the region. These services are not duplicated by another organization.

The Art Center is a nonprofit corporation which is tax exempt as a 501(c)(3) charitable organization under the Internal Revenue Code. Funding of The Art Center is through its annual memberships, financial gifts, grant awards, class tuition, art and Gift Shop sales, and special event fund raising.

IV. EMPLOYMENT POLICIES

SECTION 100. GENERAL INFORMATION POLICIES

Policy 100 Employment At-Will

1. This Employee Handbook contains guidelines for Employees regarding personnel issues, and identifies certain benefits that Employer currently offers. This Handbook **IS NOT INTENDED TO CREATE, AND SHALL NOT BE CONSTRUED TO CREATE, A CONTRACT BETWEEN EMPLOYEES AND EMPLOYER, EITHER EXPRESS OR IMPLIED. IT MAY BE CHANGED AT THE DISCRETION OF EMPLOYER WITHOUT PRIOR NOTICE TO, OR APPROVAL BY, EMPLOYEES.** Only the Board of Trustees has authority to modify this Handbook. This Handbook repeals and replaces all prior handbooks, statements and guidelines regarding the subjects covered by this Handbook.
2. **ALL EMPLOYMENT WITH EMPLOYER IS AT-WILL, MEANING THAT EITHER THE EMPLOYEE OR EMPLOYER MAY TERMINATE THE EMPLOYMENT RELATIONSHIP AT ANY TIME, WITH OR WITHOUT CAUSE, OR PRIOR NOTICE.** Nothing contained in this Handbook is intended to change or can be interpreted as changing this basic nature of the employer-employee relationship, nor can the verbal or written statements by supervisors or other management change the fact that employment with Employer is at-will. Only the Board of Trustees has authority to approve a contract of employment for a defined period or that is not at-will, and such approval must be in writing.
3. **Resignation.** Employment may terminate, voluntarily or involuntarily, at any time, with or without prior notice and is at-will. Nevertheless, it is requested that Regular Employees give at least two (2) weeks notice of their intent to resign so that The Art Center can maintain orderly staffing, uninterrupted service, and timely recruitment and appointment of replacement employees.

Policy 110 New Hire Documents

1. **W-4.** All new Employees must accurately complete a W-4 Form required by the federal government and provide all information, including Social Security number, necessary for Employer to properly withhold and report income taxes on Employee's earnings with Employer. Failure to complete a W-4 will result in Employer withholding from Employee's earnings for income taxes as if Employee is single without any allowances or exemption. The W-4 must be updated whenever Employee's allowances or exempt status change. It is Employee's responsibility to report such changes to the Employer and revise the W-4.
2. **Social Security Card.** Employer is required by the IRS and Fair Labor Standards Act to record

in its records the name and social security number of each Employee as they appear on the social security card. New Employees are, therefore, required to present their social security card so that Employer can verify accuracy.

3. **I-9 Form.** Employer adheres to the requirements concerning verification of Employee eligibility to work in the United States set forth in the Federal Immigration Reform and Control Act of 1986, as amended. An I-9 Form (Employment Eligibility Verification Form) must be completed on the first day of work. Employer is required to have all new hires provide documentation establishing identification and eligibility to work in the United States within three business days from the first day of work. The I-9 Form designates the types of documents acceptable for this purpose. If, for some reason, the new Employee is unable to present the required documentation, the Employee must produce within this 3-business-day period a receipt showing that he or she has applied for replacement documentation. If Employee cannot produce the actual documents required within 90 calendar days of hire, Employee will be terminated. Employees who have temporary immigration status must update the I-9 and provide documentation of any extensions of the temporary status by the expiration date. Employer will retain a copy of documentation presented by the Employee for establishing right-to-work, as required by law.
4. **Accuracy of Application Information.** Employer relies upon the representations of applicants prior to employment in deciding whether to make a job offer. If false information is provided on the application for employment, resume, during the pre-employment interview or otherwise in the hiring process, upon Employer's discovery of the falsification, regardless when this occurs, the Employee will most likely be discharged.

Policy 120 Anti-Discrimination & Harassment

1. **Equal Employment Opportunity.** There shall be no unlawful discrimination or harassment against Employees or applicants for employment because of race or color, religion or creed, sex or gender, sexual orientation, national origin or ancestry, age, physical or mental disability, military status, genetic information or other protected status. Equal employment opportunity, as required by law, shall apply to all personnel actions including, but not limited to, recruitment, hiring, upgrading, promotion, demotion, layoff, or termination.
2. **"Age"** as used above refers to the age group 40 to 70 years old. If Employer has 20 or more Employees for 20 or more weeks during the current or preceding calendar year, then the protected age group is 40 and above as specified by the Age Discrimination in Employment Act.
3. **"Sex", "Gender" and "Sexual Orientation."** Sex and Gender discrimination includes unlawful discrimination on the basis of sex, gender, pregnancy, and sexual harassment. Colorado law defines "sexual orientation" as "a person's orientation toward heterosexuality, homosexuality, bisexuality, or transgender status or an employer's perception thereof."
4. **"Genetic Information."** Genetic information includes: 1) information about a person's genetic tests; 2) information about the genetic tests of that person's family members; 3) a person's family medical history (i.e., the manifestation of a disease or disorder in a person's family members, often used to determine if a person has an increased risk of getting a disorder, disease or condition in the future); 4) a person's request for, and receipt of, genetic services; 5) a person's participation in clinical research that includes genetic services (or the person's family

members participation); 6) the genetic information of a fetus carried by a person or a family member of the person; 7) the genetic information of an embryo legally held by a person or a family member using assisted reproductive technology.

5. **“Sexual Harassment”** occurs when an Employee is subjected to **unwelcome conduct based on sex or gender that is severe or pervasive** and: (1) which conduct is either an explicit or implicit condition of an individual’s employment; (2) submission to, or rejection of, such conduct by an individual is used as a basis for employment decisions affecting the individual, e.g. salary increases; (3) or such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment. Unprofessional conduct may rise to the level of sexual harassment if it is unwelcome, based on sex, and severe or pervasive. Unprofessional conduct includes, but is not limited to, unwelcome sexual advances or propositioning, jokes of a sexual nature, unwelcome sexual comments about someone’s clothing or appearance, intimate stories about one’s sex life, sexually explicit photographs or drawings, unwelcome touching of a sexual nature, and adverse treatment based on gender. Unprofessional conduct may result in discipline or discharge, regardless whether it rises to the level of unlawful sexual harassment.
6. **“Harassment”** on the basis of any protected status listed above is unlawful where it is unwelcome, severe or pervasive, and unreasonably interferes with an individual’s work performance or creates an intimidating, hostile or offensive working environment. Slurs, derogatory statements or demeaning treatment, jokes and stereotyping based on protected status are unprofessional and may result in discipline or discharge, regardless of whether they rise to the level of unlawful harassment.
7. **Treat Unwelcome Conduct as Unwelcome.** If you find someone’s conduct sexually harassing, or harassing on another protected basis, do not encourage that person to continue by indicating that you like or approve of the conduct. Do not reciprocate by engaging in similar conduct. For example, don’t tell jokes that you wouldn’t want someone to tell you; don’t hug others if you don’t want them to hug you.
8. **Disability and Religious Accommodation.** Employer will make reasonable accommodation for qualified individuals with known disabilities and Employees whose work requirements interfere with a religious belief, unless doing so would result in an undue hardship to Employer or create a direct threat to the Employee or others. Requests for reasonable accommodation must be directed to the Executive Director.
9. **Non-Employees.** Employees shall not in the course or scope of their employment, unlawfully discriminate against, or harass, or engage in unprofessional conduct toward non-Employees based on the non-Employee’s race or color, religion or creed, sex or gender, sexual orientation, national origin or ancestry, age of 40 or over, physical or mental disability, genetic information, military or other protected status. Such conduct may result in discipline or discharge.
10. **Reporting Discrimination or Harassment.** Any Employee who is subjected to or who observes conduct that the Employee honestly believes is in violation of this policy must report it to the Executive Director. If the Executive Director is the alleged offender, the conduct must be reported to the Chair of the Board of Trustees. This includes conduct by co-workers, supervisors, management, officers or trustees agents, clients, suppliers or others encountered during the course and scope of your employment. It is Employer’s desire to maintain a

professional working environment and to prevent any unlawful discrimination or harassment in employment. Employees are strongly advised that they should not quit employment because of conduct that violates this policy rather than reporting such conduct. Please give Employer a reasonable opportunity to investigate and correct any violations of this policy. Upon receiving a report of conduct that may violate this policy, Employer will investigate the circumstances and take appropriate action. Because of the need to investigate and take action, Employer cannot promise confidentiality regarding a reported violation of this policy.

11. **Discipline/Discharge.** An Employee engaging in any unlawful discrimination or harassment against another Employee shall be subject to disciplinary action that may include termination, demotion, or suspension, or whatever disciplinary action Employer deems appropriate under the circumstances. Employees may be disciplined or discharged for unprofessional conduct in violation of this policy, even if the conduct is not so severe or pervasive that it is unlawful conduct.
12. **Cooperation/No Retaliation.** Employees must cooperate fully during an investigation and must provide the investigator with honest and complete responses. No Employee shall be retaliated against for making a report of conduct that the Employee honestly and reasonably believes is in violation of this policy or the law, or for participating in an investigation of such conduct. Any retaliatory conduct against the Employee must be reported using the above procedure for reporting discrimination and harassment. Employer will investigate the circumstances and take appropriate action.
13. **Statutory Rights.** The provisions of this Handbook regarding the Employer's responsibilities and duties as an equal opportunity employer are intended to comply with Federal and State laws applicable to Employer and do not create contractual rights or in any way expand the applicable statute of limitations under the civil rights laws for pursuing claims of unlawful discrimination or harassment with the appropriate Federal or State agencies (the Equal Employment Opportunity Commission, and the Colorado Civil Rights Commission).

Policy 130 Personnel Information

1. **Employee Personnel Records.** Employees are to report changes in the following personnel information, in writing, to the Executive Director by the next business day:
 - a. Name
 - b. Address
 - c. Telephone number
 - d. Marital status
 - e. Dependents
 - f. Person(s) to notify in case of emergency
 - g. Health insurance coverage

- h. Status of any license, certification or other criteria required for the job
 - i. Charged or convicted of any crime.
2. **Failure to timely report changes** regarding the above-information could result in loss of wages or benefits, liability to third parties (e.g. IRS, insurance), discipline, or discharge.
 3. **Personnel files are the property of Employer.** Personnel files are the property of Employer and Employees have no right to access the file or receive a copy of the file, except by court order or subpoena. Employees may be required to pay a reasonable copy charge for any personnel file documents provided by Employer to Employee.

Policy 140 Employment Categories

The Art Center has established the following categories of Employees:

Regular Full Time. An individual employed to work a workweek of forty (40) hours or more, with no specified term of employment.

Regular Part Time. An individual employed to work a specified number of hours per workweek, less than full time, with no specified term of employment.

Temporary. An individual employed for a limited period of time, a specific project, or on a fill-in or as-needed basis, or to work less than 10 hours per workweek. Temporary Employees are not entitled to any benefits except those required by law (e.g. unemployment insurance, workers' compensation insurance).

Exempt Employee. An "Exempt" Employee is not entitled to overtime pay under the Fair Labor Standards Act (FLSA) or Colorado's Minimum Wage Order. Exempt Employees are paid a guaranteed salary each pay period that covers all hours worked, whether more or less than 40 hours per workweek.

Non-exempt Employee – A "Non-exempt" Employee is one required to receive overtime pay for work hours in excess of 40 per workweek under the FLSA. If the Employee is Non-exempt under Colorado's Minimum Wage Order, the Employee is also entitled to overtime for working in excess of 12 hours per workday.

Policy 150 Use of Employer's Electronic Services

1. **Employer's Electronic Services.** Employer has e-mail, Internet access, computers, voice mail, telephones, cell phones and various other devices that record verbal or written messages. These devices are owned or leased by Employer and are for Employer's business purposes. They are provided to enhance productivity and work-related information sources for the performance and fulfillment of job responsibilities. These electronic devices and services are not for personal use by Employees.
2. **No Privacy for Employees.** Employer has the right to review, copy, disseminate and use for its

own purposes any information on its computers, cell phones, pagers with texting capability, any e-mail or voice mail. Employees have no reasonable expectation of privacy when using Employer-owned or leased computers, cell phones, pagers with texting capabilities, e-mail, voice mail or other electronic devices. Employees should not use these electronic devices for any communication that would be embarrassing or humiliating to Employee if reviewed by persons who were not a party to the communication. Employees should not give out their work e-mail address to family and friends and should discourage family and friends from sending e-mail messages to the work place. Employees should advise family and friends who might, nevertheless, communicate with them at work on these electronic devices that all recorded information is subject to Employer's review, copying and dissemination, so do not send messages of a highly personal nature that would be embarrassing or humiliating if disclosed. Recorded materials may also be subject to subpoena, discovery and review in any litigation by outside agencies, entities or persons, or by governmental agencies. Regarding non-work-related usage of Employer's computers:

- a. Do not play computer games on Employer's equipment;
 - b. Do not surf the Internet for recreation, shopping or other personal purposes unrelated to your job duties;
 - c. Do not use Employer's equipment to search for another job, or to solicit money for religious, political or other non-Employer purposes.
3. **No Offensive or Obscene Usage.** Employees shall not use cell phones, pagers, voice mail, e-mail, the Internet or other computer features or electronic devices for obscene, offensive, harassing or any other type of communications that are against the Anti-Discrimination and Harassment policy, against the law, or otherwise not in the best interests of the Employer. Do not access or download pornography on the Internet using Employer's property or while at work or at Employer's facilities. Any Employee who is harassed by another Employee or outsider sending e-mail messages that are threatening or offensive or by displaying offensive Internet information, should report this to the Executive Director.
4. **Copyrighted or Confidential Information.** Information published on blogs, forums and social networking sites must comply with the Employer's policies regarding confidentiality and trade secrets. Respect copyright laws, and reference or site sources appropriately, as plagiarism applies online, as well. Employees shall not use Employer's computers to transmit or download copyrighted images, games or text belonging to third parties without the copyright holder's permission; or to transmit Employer's confidential information to third parties without permission from the Executive Director. Pirated software is illegal and counter to the interests of the Employer. The Art Center's logos and trademarks may not be used without consent of the Executive Director.
5. **Preventing Viruses.** Do not put software onto Employer's computers without approval from the Executive Director, or download any file received from any source outside of Employer without scanning for viruses using an Employer-approved virus-checking program. Viruses can be lethal to our computer system and many can get past even the best virus-checking program. Do not open any attachments received an e-mail unless you recognize who sent the attachment, know what is in the attachment, and that it is virus-free. Only business-related attachments may be opened. If you receive personal e-mail at work with attachments, delete or forward the

attachment to your home without opening. Employer has installed anti-virus software that will automatically scan all incoming attachments before they are opened to ensure they are virus-free. In the event the scan detects a virus, report this immediately to the Executive Director. Do not open the file.

6. **No Copying onto Private Computers.** Employees shall not copy Employer's computer data or programs onto Employees' private computers or other computers or electronic devices not owned or leased by Employer, without prior written permission from the Executive Director.
7. **Message Forwarding.** Recognizing that some information is intended for specific individuals and may not be appropriate for general distribution, Employees must exercise caution when forwarding messages. Sensitive information must not be forwarded to any party outside Employer without the prior approval of the Executive Director. Blanket forwarding of messages to parties outside Employer is prohibited unless prior permission of the Executive Director has been obtained. The security of the computer equipment is paramount. Use caution and diligence when transferring files and data to and from the Internet, or from non-Employer diskettes. Do not transfer sensitive or confidential files via the Internet without using approved encryption or other approved security measures.
8. **Purging Electronic Messages.** Messages that are no longer needed for business purposes must be periodically purged by the Employee from their electronic messages storage areas. This includes the Inbox and Sent Items folders. However, a hard copy of any message that concerns business obligations or rights of Employer in relation to members, customers, vendors or Employees should be maintained in the appropriate physical file before the message is deleted. If Employer is involved in a litigation, all electronic messages pertaining to that litigation must be preserved and must not be deleted until Employer's designated representative has communicated that it is legal to do so. When in doubt, do not purge any message without consulting with the Executive Director.
9. **Personal Blogs.** Personal blogs should have clear disclaimers that the views expressed by the author in the blog are the author's, alone, and do not express the views of the Employer. Employees must be clear and write in first person, making clear that the Employee is speaking for himself or herself and not on behalf of the Employer. Employees may also be required by law to disclose that they are an employee of the Employer when making positive comments about the Employer that encourage others to use the Employer's services. Remember that information an Employee places on personal blogs, Facebook, Twitter and other social networking sites may come to the attention of the Employer, be reviewed by the Employer and used in making employment-related decisions.
10. **Always Be Respectful.** Employees should always be respectful to the Employer, other employees, members, customers, partners and competitors. Employees should speak respectfully about the Employer and our current and potential employees, members, customers, partners, and competitors. Employees will not engage in name calling or behavior that will reflect negatively on the Employer's reputation. Unfounded or derogatory statements, or misrepresentation will not be tolerated by the Employer and can result in disciplinary action up to, and including, termination. Employees may also have personal liability for commentary that is defamatory to others; threatening; that unlawfully discloses confidential or trade secret information; or that invades the privacy of others.

11. **Employees are Employer Ambassadors.** An Employee's online presence can reflect on the Employer; the Employee is, in essence, an online ambassador for us. Employees must be aware that an Employee's actions, captured via images, posts or comments, have the ability to reflect positively or negatively on the Employer, directly. If an Employee makes positive remarks about the Employer in a blog or other social networking source, the Employee may be required by law to identify that the Employee is an employee of the Employer. Employees owe a duty of loyalty to the Employer during their employment, which duty is violated by conduct that reflects negatively on the Employer.
12. **Network Etiquette.** All Employees are expected to abide by the generally accepted rules of network etiquette. These include, but are not limited to, the following:
 - a. Be polite. Do not get abusive in your messages to others.
 - b. Do not send messages in all CAPS.
 - c. Verify punctuation and spelling correctness as this reflects on the professionalism of the individual and Employer.
 - d. Use appropriate language. Do not swear, use vulgarities, or any other inappropriate language.
 - e. Bear in mind the recipient cannot see you or hear your tone of voice. Word your messages carefully.
 - f. To prevent errors, verify the auto-complete feature has chosen the correct recipient, and if an attachment is referenced in the message, confirm that it is actually attached.
 - g. Do not engage in activities that are prohibited under state or federal law.
 - h. Do not use the network in such a way that you would disrupt the use of the network by other Employees.
13. **Links.** Do not link from a personal blog or social networking site to the Employer's internal or external web site.
14. **Use of Login Name or Password.** Do not allow any other Employee or person to use your login name and/or password without the permission of the Executive Director. Do not tamper with your Network identification in order to misrepresent yourself and Employer to others. Do not attempt to gain entry (hacking) into another computer for which you have no authorized use. Any login or password you are using must be made known to the Executive Director at all times.
15. **Report Unusual Systems Behavior.** Because it may indicate a computer virus or other security problem, all unusual systems behavior, such as missing files, frequent system crashes, mis-routed messages, and the like, must be reported to the Executive Director immediately. The specifics of security problems should not be discussed widely but should instead be shared on a need-to-know basis.

16. **Adding Software.** Do not add software to the computer system without prior approval from the Executive Director. Any software added becomes the property of Employer. You may not use Employer's equipment to download, distribute or run software without a proper license and no supervisor has authority to authorize a violation of this restriction.
17. **Enforcement.** Violation of any provision of this policy will be considered misconduct, subject to disciplinary action up to and including immediate dismissal.

Policy 160 Speaking to the Media

The Executive Director must be made aware of media contacts and inquiries, especially if the media are in The Art Center facility or attending an Art Center event off-site. Employees will handle media requests only with prior approval of the Executive Director. Such approval may be contained in the Employee's job description. Unless such prior approval is clear, Employees must refer the media to the Executive Director.

Policy 170 Expense Reimbursement

1. **General.** Employer will reimburse Employees for expenses incurred on behalf of the Employer where such expenses are reasonable and approved in advance by the Executive Director.
2. **Application.** For all reimbursements, Employee's must receive prior approval from the Executive Director. Employees should seek normal business accommodations, because extra costs for lavish or luxury services will not be reimbursed. Record expenses on a reimbursement request form and attach receipts and an explanation for each expenditure, then submit the voucher to the Executive Director.
3. **Time Limits.** Employees must submit expense forms and supporting documentation within 30 calendar days of incurring the expense, unless otherwise specified. Employer has no obligation to reimburse Employees for expenses that are not properly reported and documented within the applicable time period.
4. **Travel Related Expenses.** All travel outside Mesa County lasting more than one (1) day must be approved in advance by the Executive Director. If an Employee needs a cash advance for lodging, meals, and miscellaneous expenses, the Employee must have it approved by the Executive Director at least one (1) week prior to start of the trip. Receipts for all expenditures and any excess money must be turned in to the Accountant within three (3) business days of the Employee's return. Actual expenses incurred as a necessary part of approved travel and paid by the Employee may be reimbursed. Such expenses include: official telephone calls, parking fees, taxi or bus fare, meals, and road or bridge tolls. Car rentals are allowed only with prior approval of the Executive Director. Liability and collision insurance need to be purchased with the rental. Receipts or other documentation are required for reimbursement and must be submitted to the Accountant within three (3) business days after the Employee's return. When Employees are authorized to use their own vehicles for Art Center business, The Art Center will reimburse the Employee for mileage at the current IRS rate. If an Employee's personal vehicle is damaged while being used for authorized Art Center business and the Employee is not responsible for the damage, the deductible portion of Employee's insurance (up to \$200) may be paid by The Art Center after review and approval by the Executive Director. All other

payments or claims regarding vehicular damage will be covered under the Employee's insurance.

Policy 180 Performance Evaluations

1. **Informal Evaluations.** Job performance evaluations do not have to be formal or in writing in order to put an Employee on notice of job performance goals, achievements and deficiencies. Employees must be receptive to their supervisors' input, instructions, and constructive criticism, whether verbal or in writing, on a day-to-day basis.
2. **Formal Evaluations.** Formal written evaluations of job performance may be done from time to time. Full-Time Employees who have not received a written evaluation for over a year and who desire one, may submit a written request to the Executive Director stating their desire for a formal evaluation. Changes in your level of compensation are not necessarily tied to the time of a formal evaluation and may be made at any time Employer deems appropriate.

Policy 190 Recording Conversations

Purpose. The secret recording of workplace conversations by electronic means can have a chilling effect on communications, breach confidentiality and violate state and federal wiretap and eavesdropping laws. The purpose of this policy is to prevent these results.

Secret Recording is Prohibited. The secret recording of workplace conversations by means of any electronic device is prohibited conduct by Employees. "Workplace" includes during work hours and paid breaks or while on Employer's premises, riding in Employer's vehicles or at any worksite of Employer.

Authorized Recording. This policy does not prohibit the recording of workplace conversations where the recording device is in plain view, the party recording the conversation is present, the party recording has prior consent from the Executive Director to record that conversation, and all persons being recorded are informed at the outset that the conversation is being recorded.

Policy 195 Confidentiality

Confidentiality is of the utmost importance at The Art Center. Member lists and contact information, member addresses, gift negotiations, donation amounts, and similar information are the sole property of The Art Center and must be kept confidential by Employees, except as otherwise authorized by the Executive Director. Failure to maintain confidentiality in accordance with this policy can result in disciplinary action or discharge.

Policy 196 Job References

All requests for information or references concerning a current or former Employee must be referred to the Executive Director. Other Employees are not authorized to give job references or letters of recommendation on behalf of the Art Center.

SECTION 200. WAGE AND HOUR POLICIES

Policy 200 Workday, Workweek, Pay Period, Pay Day and Time Sheets

Workday and Workweek. For purposes of computing overtime worked by Non-exempt Employees, the workday is a 24-hour period beginning at 12:00 a.m. and ending at 11:59 p.m. of the same calendar day. The workweek is seven consecutive workdays beginning on Monday and ending on Sunday.

Pay Period. The pay period is semi-monthly, beginning on the first of the month and ending on the 15th, and beginning on the 16th of the month and ending on the last day of the month.

Pay Day. Pay day is five calendar days after the end of the pay period. Pay checks may be distributed earlier, after the end of the pay period and before pay day, if time sheets are in and overtime pay has been computed. If the scheduled pay day falls on a weekend or holiday, the pay day shall be on the business day preceding the scheduled pay day.

Time Sheets. All Employees, whether Exempt or Non-Exempt, shall keep an accurate record of their work time, including hours worked each day, hours worked per workweek, and hours worked per activity category, as well as any leaves of absence (e.g. sick, vacation) on time sheets provided by Employer. The time sheet must be completed by the Employee, personally, and signed by the Employee to verify accuracy. The time sheet must be turned in to the Executive Director by the end of the work on the last day of the pay period. Employees shall not allow other persons to complete their time sheets. Time sheets are important business documents and must be accurate. They are subject to audit by regulatory agencies. Any falsification of a time sheet or other time report will result in discipline or discharge from employment.

Policy 210 Overtime/Compensatory Time

- Overtime.** Non-exempt Employees who work in excess of 40 hours in a workweek (or 12 hours in a workday if Non-Exempt from overtime under Colorado's Minimum Wage Order) will receive 1.5 times their regular rate of pay for the overtime worked. If the Employee has two or more job positions that are paid at different rates, overtime rate is based on the average rate earned for total hours worked. Non-exempt Employees who are paid a guaranteed salary are paid overtime on a fluctuating work-week basis, which means that the salary applies to all hours worked during the workweek. An additional .5 times the regular rate (salary/hours worked) for the workweek is paid for each overtime hour. Exempt Employees do not receive additional pay for overtime, but they also do not have pay deducted from their guaranteed salary for a partial day's absence even if the absence is for personal reasons, unless the deduction is permitted by the FLSA for exempt salary-basis Employees. However, they may be required to use accrued paid time off (sick leave, vacation leave, bereavement leave) benefits for full-day or partial-day absences.
- Compensatory Time.** Compensatory time is time-off in lieu of pay. It is available for Non-

exempt Employees on a limited basis. Use of compensatory time is limited to the same Pay Period in which the extra hours are worked. Compensatory time is hour-for-hour if the extra hours worked are not overtime hours; compensatory time for overtime hours worked in a workweek is equal to 1.5 hours of time off for each hour of overtime. No compensatory time may be carried over into the next pay period. Any overtime owed at the end of the pay period will be paid on pay day for that pay period. Compensatory time may only be used with the Executive Director's approval. Compensatory time is not applicable to Exempt Employees because their compensation is not determined by the number of hours worked.

3. **Non-Work Time.** Holidays, other leave days, and duty-free meal breaks are not work time. Even if the Employee is compensated for this time, the time does not count as hours worked when computing overtime. For example, if a Non-exempt Employee who is eligible for holiday pay works 38 hours on Monday through Thursday and has Friday off for a paid holiday, the Employee will be paid for the 46 hours (38 hours worked, plus 8 hours holiday pay), but no overtime premium will be paid because the work hours did not exceed 40 in the workweek.
4. **Pre-approval.** All overtime must be pre-approved by the Executive Director. If an emergency arises that requires the Employee to remain at work beyond the Employee's regular schedule and it is not possible to get the time pre-approved, the Employee must report the extra time worked to the Executive Director by the next work day. Non-exempt Employees who work overtime without authorization or an emergency situation may be disciplined or discharged.
5. **Mandatory Overtime.** Situations may arise that require the Employee to work overtime, at Employer's request. Employees must be willing to work whatever hours are necessary to perform the job and may be disciplined or discharged for refusing to work overtime.
6. **Reporting Errors in Pay.** Any Employee who believes that Employer has failed to properly compensate the Employee for all hours worked or for any paid leave, must report this error to the Executive Director immediately so that Employer can investigate the situation and correct any errors or improper compensation. Reporting should be in writing, dated and signed by the Employee, to avoid any miscommunication. This applies to improper deductions from salary, failure to pay overtime rate when applicable, missed hours and other errors resulting in under-compensation. It also applies to errors that result in over-compensation.

Policy 220 Breaks and Meal Periods

1. **Breaks.** Non-exempt Employees are entitled to one ten-minute rest period, insofar as is practicable, in the middle of each four-hour work period. This time is paid and is considered non-productive work time. The Supervisor sets break times. Breaks do not accumulate if not taken and cannot be used in combination with a meal period or for purposes of arriving late or leaving early. Breaks that are worked do not entitle the Employee to additional pay.
2. **Meal Periods.** If a Non-exempt Employee works longer than five consecutive hours in a workday, the Employee is entitled to an unpaid meal period of not less than thirty minutes. The Supervisor sets the time for meal periods. These meal periods are not compensated and are not treated as work time. When the circumstances prevent a meal period of at least 30 minutes, the Employee shall be permitted to consume an "on-duty" meal while performing duties. Non-exempt Employees shall be fully compensated for on-duty meal periods and such time shall be treated as work time. Non-exempt Employees must not work during their meal periods unless

required to do so by the Supervisor or other Management. Non-exempt Employees must report on-duty meal periods on their time cards so that they will be properly compensated.

Policy 230 Raises/Reductions in Pay Rate

Pay increases are not guaranteed. There is no guaranteed adjustment for changes in cost of living, or for length of employment. Raises may be based on any legal considerations, such as, but not limited to, merit, market, and budget. Similarly, pay rates may be reduced for any legal considerations, but not for work already performed. Employees will be informed of any increases or decreases in pay rates before the pay period to which the change applies. Compensation levels are determined by the Executive Director and must be within the budget as approved by the Board of Trustees.

Policy 240 Wage Deductions

Required Deductions. Employer shall automatically take the legally required deductions (e.g. FICA, income tax withholdings) from gross wages. Deductions for insurance premiums and other benefits shall require the prior written authorization from the Employee, except in cases of court order or where otherwise permitted by law.

Deductions from Exempt Employees' Salary. Exempt Employees are paid on a salary basis and, in general, must be paid their full salary for any workweek in which they perform work, according to the FLSA. Exceptions under the FLSA include:

- a. Exempt Employees who are absent for a full day for personal reasons or because of sickness or disability need not be paid for that day once they have exhausted all applicable paid leave benefits.
- b. Exempt Employees who are absent from work for jury duty, attendance as a witness at a trial, or temporary military leave will have their pay reduced by the amount of payment they receive in the form of jury fees, witness fees, or military pay (not including reimbursement of expenses). Their pay will not be reduced by the number of hours or days they are absent from work unless they perform no work for the Employer in a given workweek.
- c. If an Exempt Employee violates a safety rule of major significance, his or her pay may be reduced in an amount to be determined by the Employer as a penalty for that violation.
- d. Exempt Employees may be suspended without pay for violating workplace conduct policies, but only in full-day increments. Their pay will be reduced in an amount that is proportionate to the number of days suspended. "Workplace conduct" policies are related to misconduct in the workplace, like engaging in prohibited discrimination and harassment, dishonesty, horseplay, rudeness, etc. "Workplace conduct" does not include performance or attendance deficiencies.
- e. Exempt Employees who work less than 40 hours during their first or last work week of employment will be paid a proportionate part of their full salary for the time actually

worked.

Employer will reimburse any Exempt Employee whose pay is reduced in violation of this policy and who reports the improper deduction. Improper deductions must be reported immediately by the Employee to the Executive Director.

Deductions for Property Not Returned at Time of Termination. You are entrusted during your employment with property that belongs to the Employer and that has value. You are responsible for returning this property to the Employer upon request or at the time of termination of employment, whichever is first. Employer has the right to withhold your final pay check for up to 10 days in order to audit the return of all property and to determine the value of any property not returned.

- a. Deduction from Final Pay Check. Employer may require Non-exempt Employees to sign written authorization for Employer to deduct from their final pay check the value of any of the Employer's property that is not returned within the 10-day audit period, to the fullest extent permitted by law.
- b. Damages and Penalties. Employees are responsible for paying to the Employer the balance of any amount owed for property not returned to the Employer. Employees who convert or steal the Employer's property may be liable to the Employer for \$200 or three times the value of the property not returned (whichever is greater), plus the Employer's costs and attorneys' fees incurred in obtaining a judgment for the damages and penalties, pursuant to Colorado's civil theft statute (§18-4-405), as amended from time to time.

SECTION 300. LEAVES OF ABSENCE

Policy 300 Holidays

The following holidays are observed by The Art Center. Regular Employees will receive holiday pay for these days and The Art Center facility will be closed to the public.

New Year's Day
President's Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Thanksgiving Day and the Friday following
Christmas Day

If a holiday falls on a Sunday, the Executive Director will determine if the holiday is observed on the preceding Saturday or the following Monday.

All Regular Employees will be eligible for paid time off on these holidays and will be paid at their regular rate of pay for the number of hours they are normally scheduled to work that day. Exempt Employees receive their guaranteed salary for holidays and no additional pay for working the holiday. Holidays during unpaid leaves of absence are not paid and do not entitle the Employee to another day

off. Similarly, if a holiday falls during an Employee's sick leave, no additional holiday pay or time off for the holiday are received by the Employee.

Some Employees may be required to work on a holiday because of scheduled classes or for other reasons. They will receive their regular rate of pay for working the holiday, except that Non-exempt Employees will receive overtime rates if the hours worked on the holiday are overtime hours. If possible, Employees who must work on a holiday will be allowed time off with pay during the same pay period to make up for the holiday. However, this depends on the needs of The Art Center. It is not a right and does not accrue or carry over to other pay periods.

Temporary employees are not eligible for holiday pay and are paid only for hours actually worked.

Policy 310 Sick Leave

Regular full-time Employees accrue sick leave at the rate of eight (8) hours per month up to a maximum of eighty (80) hours. Regular part-time Employees accrue sick leave in direct proportion of the amount of time regularly scheduled for such Employees as compared to regular full-time Employees. For example, if a regular part-time Employee is regularly scheduled to work 20 hours per workweek, that Employee will accrue four (4) hours of sick leave per month ($20/40 = .5$; $.5 \times 8 = 4$), up to a maximum of forty (40) hours. No sick leave accrues after the maximum accrual is reached until the accrued sick leave benefits fall below the maximum. Accrued sick leave benefits are forfeited without pay upon termination of employment, whether termination is voluntary or involuntary.

Sick leave benefits accrue as of the last day of the month for that calendar month. Sick leave benefits can not be used in advance of accrual.

Temporary employees are not eligible for paid sick leave.

Sick leave can be used only for an Employee's illness or injury, or the illness or injury of the Employee's immediate family (spouse, domestic partner, child) or parent that requires the Employee's presence as a caretaker. Upon request, the Employee must submit verification of the circumstances surrounding any use of sick leave.

Policy 320 Vacation Leave

1. **Eligible Employees.** Regular Employees are eligible to accrue paid vacation leave after they have been employed as a Regular Employee for six consecutive months. Temporary Employees are not eligible paid vacation.
2. **Accrual.** As of the first day of the month following completion of six consecutive months of employment as a Regular Employee, the Employee accrues six times the monthly accrual rate of vacation leave benefits. Thereafter, benefits accrue on the first day of each month at the monthly accrual rate then in effect, until the maximum accrual is reached. No additional benefits accrue until the accrued benefits fall below the maximum. The monthly accrual rate varies depending on number of consecutive years of employment as a Regular Employee. Regular Full-Time Employees accrue eight (8) hours of vacation time per month until they have

completed five years of employment as a Regular Employee. The rate then increases to twelve (12) hours per month until they have completed ten years of consecutive Regular Employment. The rate then increases to sixteen (16) hours per month. Regular Part-Time Employees accrue at a rate in direct proportion of the amount of time regularly scheduled for such Employees as compared to regular full-time Employees. For example, if a regular part-time Employee is regularly scheduled to work 20 hours per workweek, that Employee will accrue .5 times the rate of a regular full-time Employee, with a maximum accrual of .5 times the maximum for regular full-time Employees. Accrual rates change as of the first day of the month following an Employee's Anniversary Date of employment as a Regular Employee.

3. **Maximum Accrual.** Employees may not accrue more than one year of benefits. Thus, if an Employee's accrual rate is 12 hours per month, the maximum accrual for that Employee is 264 hours (12 hours x 12 months = 264 hours). No benefits accrue after this maximum is reached until accrued benefits fall below the maximum. If an Employee had accrued benefits in excess of the maximum accrual at the time this policy was adopted, Employee must use such excess benefits by the end of 2014 or will be paid for these benefits in January 2015.
4. **Mandatory Use.** Employer may require an Employee to use vacation leave benefits at times and for reasons specified by Employer.
5. **Approval of Use.** Employees must obtain prior written approval from the Executive Director before using vacation leave. Requests for vacation leave should be submitted at least two weeks in advance. Any request for vacation leave made with less than two weeks notice may be denied for insufficient notice. Employer may deny requests for vacation leave even though two weeks notice is given by the Employee. Vacation leave may be allowed with less than two weeks notice, in Employer's discretion, but unscheduled use, where the request is made less than one full work day before use, may result in discipline or discharge because of unreliable attendance. Employer may require proof of the need for any such unscheduled use, the same as for sick leave. Vacation leave must be used in a minimum of 4 hour increments.
6. **Payment upon Termination.** Upon termination of employment, whether voluntary or involuntary, Employees shall be paid their accrued vacation leave at their then current hourly rate of pay (for salaried Employees, the hourly equivalent rate is annual salary / 2080 hours).

Policy 330 Bereavement Leave

In the event of a death in the Employee's close family (spouse, domestic partner, child, parent, grandparent, grandchild) the Employee may take up to three paid workdays of bereavement leave to attend the funeral, memorial service or to take care of matters relating to the deceased. This leave is available only within thirty (30) calendar days following the date of death; it does not accrue if not used and is not paid if not used. It is subject to approval from the Executive Director. Bereavement leave will not be deducted from accrued vacation leave.

Policy 320 Statutory Leaves

1. **Purpose.** The following leaves are required by law. This policy is intended to comply with the legal requirements. It is not intended to provide rights or create obligations in addition to the legal requirements. Therefore, if the laws upon which these policies are based are changed, the

policies are automatically changed to comply with the revised laws.

2. **Jury Duty.** If you are served with a summons to jury duty, you must inform the Executive Director by the next regular work day and provide a copy of the summons. You will receive leave for jury duty. Non-exempt Employees will be paid their regular wages, up to \$50 per day, for the first three days of jury duty that they would otherwise have been scheduled to work. Thereafter, any pay they receive for jury duty is paid by the governmental entity. Exempt Employees will receive their regular salary during jury duty but must remit to the Employer any pay (not including expense reimbursement) received from the government for jury duty that covers the same period for which the Exempt Employee is receiving pay from Employer. The Employer has no obligation to pay wages for jury duty until and unless the Employee tenders to the Employer a juror service certificate provided by the Court confirming that the Employee was on jury duty during that period. Employees are expected to return to work on any day or portion of a day they are released from jury duty.
3. **Voting Leave.** Employees who are registered, eligible electors entitled to vote in an election shall be entitled to two hours off, with pay, for the purpose of voting on the day of the election during the time the polls are open, if they apply for the leave of absence prior to the day of election and if they have less than three hours between the time of opening and the time of closing of the polls during which they are not required to be on the job for Employer. Employer may specify the hours during which the Employee may be absent.
4. **Military Duty.** Employees will be allowed leave of absence for military duty in compliance with applicable Federal and State laws. Employees must present official documentation of the military duty prior to the leave and upon returning from leave. Military leave for Non-Exempt Employees is without pay. Exempt Employees will be paid their salary, unless no work is performed for Employer during the workweek, and subject to reduction for wages received from the Military for the same period.

Civil Air Patrol Mission Leave. Any Employee (except Casual Employees hired only on a temporary basis), who is a member of the Civil Air Patrol, Colorado Wing, and who is called to duty for a Civil Air Patrol Mission is entitled to an unpaid leave of absence for the time when the Employee is engaged in the mission, not to exceed a total of fifteen work days in any calendar year. The leave shall be allowed only if the Employee gives evidence to Employer of the satisfactory completion of the Civil Air Patrol service. This period of leave shall in no way affect the Employee's rights to other paid leaves for which the Employee is eligible, bonuses, advancement, or other employment benefits or advantages relating to and normally to be expected for the Employee's particular employment. Leave is allowed only if the Employee returns to his or her job as soon as practicable after being relieved from service for the Civil Air Patrol Mission. The Employee satisfying these requirements and all statutory requirements set forth in CRS §28-1-102 through §28-1-106, as amended from time to time, shall be entitled to return to the same or a similar position as held before leave began.

SECTION 400. BENEFITS

Policy 400 Flexible Benefit Plan

Employer does not offer a flexible benefit plan. There are no health, life, disability or other insurance, savings or pension benefits for Employees, except as required by law (e.g. Worker's Compensation, Social Security and Unemployment).

Policy 410 Discounts for Art Classes

Regular Employees are currently eligible for one (1) tuition-free class per education session (Winter, Spring, Summer, Fall, Holiday) on an as-available basis. Registration needs to be timely and completed before the registration deadline. Any class art supplies not included in the registration fee must be purchased by the Employee. Employees can not replace a paying student. This means that Employees can not use this class discount benefit for any class that fills with paying students by the registration deadline. Employees may transfer this class discount to an otherwise qualified immediate family member (spouse or child of employee) for an education session.

Policy 420 Worker's Compensation Insurance

1. **Eligibility.** Employees who suffer job-related injuries or disease may be entitled to workers' compensation benefits for medical expenses and lost wages, in accordance with State law.
2. **Verbal Report.** Employee must verbally report the injury or disease to the Executive Director immediately. Alcohol and Drug testing may be required if the Employee's own actions or omissions could possibly have caused the accident that led to injury. Failure to report the injury and to timely submit to testing, if required, could result in discipline or discharge.

3. **WARNING:**

IF YOU ARE INJURED ON THE JOB, WRITTEN NOTICE OF YOUR INJURY MUST BE GIVEN TO EMPLOYER WITHIN FOUR WORKING DAYS AFTER THE ACCIDENT, PURSUANT TO SECTION 8-43-102(1), COLORADO REVISED STATUTES. DELIVER THE NOTICE TO THE EXECUTIVE DIRECTOR.

IF THE INJURY RESULTS FROM YOUR USE OF ALCOHOL OR CONTROLLED SUBSTANCES, YOUR WORKERS' COMPENSATION DISABILITY BENEFITS MAY BE REDUCED BY ONE-HALF IN ACCORDANCE WITH SECTION 8-42-112.5, COLORADO REVISED STATUTES.

4. **Treatment.** Employer has the right to require that Employees are treated by a treating physician selected from a list of physicians designated by Employer. Failure to use a physician from the designated list may result in loss of medical benefits. Contact the Executive Director to arrange an appointment with the designated treating physician.
5. **Limited Duty:** The treating physician may recommend that an injured Employee return to work on limited duty. In such event, Employer may require the Employee to return to work performing duties within the medical restrictions even if such work is different than the Employee's regular job duties. An Employee's refusal of limited duty may result in termination of temporary disability benefits and is a basis for discipline or discharge.

Policy 430 Workplace Accommodations for Nursing Mothers

1. **Reasonable Time.** Employer shall provide reasonable unpaid break time or permit an Employee to use paid break time, meal time, or both, each day to allow the Employee to express breast milk for her nursing child for up to two years after the child's birth.
2. **Space Accommodation.** Employer shall make reasonable efforts to provide a room or other location in close proximity to the work area, other than a toilet stall, where an Employee can express breast milk in privacy.
3. **“Reasonable efforts”** means any effort that would not impose an undue hardship on the operation of the Employer’s business.
4. **“Undue hardship”** means any action that requires significant difficulty or expense when considered in relation to factors such as the size of the business, the financial resources of the business, or the nature and structure of its operation, including consideration of the special circumstances of public safety.

SECTION 500. WORK RULES

Policy 500 Unacceptable Conduct

1. **Purpose.** The list below contains examples of conduct that are considered below minimum standards and unacceptable. **This list is not all inclusive and does not, in any way, change the fact that employment with Employer is at will.** This means that Employer has the right to terminate employment for reasons not listed, or for no reason. Always use common sense and good judgment to perform the job assigned in a manner that is in the best interests of the Employer. Your cooperation is appreciated.
2. **Non-Exclusive List.** Unacceptable conduct includes, but is not limited to:
 - a. Insubordination;
 - b. Disloyalty to Employer;
 - c. Agitation against Employer or other Employees that is, or may be, harmful to morale or work performance and is not protected concerted activity;
 - d. Violation of a statute or an Employer rule which results, or could result in, damage to Employer’s property or interests or could endanger the life, health or well-being of the Employee or others;
 - e. Immoral or other conduct that has an adverse effect on the Employee’s job or otherwise conflicts with the Employer’s business interests;
 - f. Divulging of confidential information that could or does damage the Employer’s interests;

- g. Failure to observe safety or other work rules;
- h. Falsification of records or reports or other acts of misleading by omission or by misrepresentation;
- i. Removal or attempted removal of Employer's property from the premises without prior and proper authority;
- j. Off-the-job use of non-medically prescribed intoxicating beverages to a degree resulting in interference with job performance or the Employee smelling of alcohol on the job;
- k. On-the-job use or possession of intoxicating beverages;
- l. Testing positive for intoxicating beverages (at State legal level for DWI or DUI) or controlled substances during work hours;
- m. Possessing or using illegal drugs or controlled substances at any time while employed by Employer unless the use is in accordance with a prescription provided by a licensed medical provider to the Employee and the possession or use is otherwise legal;
- n. Theft, fraud, or other act of dishonesty;
- o. Incarceration after conviction of a violation of any law or incarceration that interferes with performance of job duties;
- p. Loss of license, certification, credential, or other professional designation that is essential to job performance or otherwise makes the Employee unqualified for the job;
- q. Assaulting or threatening to assault another person; engaging in horseplay on the job or on Employer's premises or the premises of a client; engaging in any act of violence or threat of violence toward any other Employee, supervisor, client or other person, which conduct occurs on the job or has an adverse impact on the work place;
- r. Neglect or damage to Employer's property or interests; failure to properly safeguard, maintain, or account for Employer's property when this obligation is part of the job;
- s. Rudeness, insolence, harassing, or offensive behavior toward a member, customer, client, supervisor or fellow Employee, or other person while on the job or that adversely affects the work place;
- t. Careless or shoddy work;
- u. Taking unauthorized vacations or other leave, or failing to return at the end of an authorized vacation or leave;
- v. Refusal to work a different shift, or overtime, or to perform any reasonable work request;

- w. Unexcused or excessive absenteeism or tardiness;
- x. Sleeping or loafing on the job;
- y. Failure to meet job performance standards;
- z. Possessing a firearm or other dangerous weapon on Employer's premises or at anytime while on duty or while acting within the course or scope of employment;
- aa. Violation of any policy in this Handbook.

Policy 510 Absenteeism & Tardiness

Employer's Expectation. Reliable and punctual attendance is an essential job function for every Employee. Employees are expected to be at their job, on time, each business day. If Employees are unable to report to work or will be late to work for any reason, they must notify the Executive Director as soon as possible, but no later than the start of the scheduled work day. Employees are asked to phone the Executive Director at home or at the office so work duties may be reassigned as necessary.

Abuse of Leave or Excessive Tardiness. Abuse of leave, falsifying the need for leave, or excessive absence or tardiness will result in discipline or discharge even though the Employee may not have used all accrued leave benefits.

Verification of Reasons for Absence or Tardiness. Employer has the right to require Employee to provide proof of the need, or reasons for, any absence or tardiness. This proof may include, without limitation, a medical provider's statement of the need for absence and a statement regarding fitness to return to duty after any absence for medical reasons.

Policy 520 Conflicts of Interest

1. **Purpose.** Certain conduct by Employees during their employment is prohibited because it creates a conflict of interest or the appearance of a conflict of interest with the Employee's responsibilities to Employer (referred to jointly as "conflict of interest"). This policy covers some of the circumstances and situations that the Employer considers a conflict of interest and, therefore, restricts or prohibits.
2. **Outside Employment/Business Ownership.** Employer does not prohibit Employees from having outside employment or business ownership except if the outside employment or ownership creates a conflict of interest with the Employee's responsibilities to Employer. No Employee will provide services to a competitor of The Art Center, directly or indirectly, as an owner, employee or independent contractor of a competing business during employment, or work for a substantial vendor or supplier of Employer, without first advising Employer of the relationship and obtaining Employer's written approval.
3. **Confidential and Intellectual Property, Trade Secrets.** Employer has confidential,

proprietary information and trade secrets, including, but not limited to, membership and customer lists, contract terms and negotiations, supplier and subcontractors lists, costs, mark-ups, plans, methods, techniques and skills, pricing methods, financial information, computer programs and software, business records, forms and manuals, and personnel information (referred to jointly as “trade secrets”) that are peculiar to Employer, its security and growth, and that the Employer may have expended large sums of money and time in developing, advertising, and cultivating. These trade secrets are the property of Employer, as is all work product of an Employee created while working for Employer. Employees shall not use trade secrets or work product to compete with Employer, during or after employment, and shall not disclose or misappropriate such trade secrets at any time for Employees’ own purposes that are not in furtherance of the best interests of Employer. Further, Employees must not retain any trade secrets or other property of Employer after termination of employment, and must return all such property and all copies of such information immediately upon termination of employment. Employees shall not divulge confidential information of Employer to others except as necessary to fulfill Employee’s job duties in the best interests of Employer.

4. **Intimate Relationships between Employees.** Intimate relationships between Employees where one is a supervisor of the other or one has audit controls over the other, can adversely affect morale, operations, and productivity because of bias, favoritism, or unfair treatment, or the appearance of bias, favoritism, or unfair treatment by the person in the position of control, and can expose Employer to claims of unlawful discrimination or harassment. Such relationships are a conflict of interest and are prohibited by Employer. Any Employee who is in an intimate relationship (dating, married to, or cohabiting as domestic partners or significant others) with another Employee where supervisory or audit authority exists by one over the other, is responsible for reporting this to the Executive Director. Employer will take steps to resolve the conflict by restructuring responsibilities, reassigning positions, requesting resignation or terminating one or both Employees; whatever action the Employer deems appropriate.
5. **Accepting Perks.** Employees must not solicit or accept gifts or other perks from current or potential suppliers, vendors, contractors, or customers of Employer. Gifts or perks of any kind that are given to an Employee by suppliers, vendors, contractors or customers of Employer because of the Employee’s position with Employer or because of services that have been, or will be, provided by Employee through their employment, are the property of Employer. Employees are required to notify the Executive Director of the offer or receipt of such gifts. Failure to do so may result in disciplinary action or discharge.
6. **Acts of Disloyalty.** Employees have a legal and ethical duty not to engage in conduct that is disloyal to Employer during the period of their employment, whether on-duty or off-duty. Conduct that is harmful to the reputation, financial success or best interests of Employer is disloyal. For example, discouraging a current or prospective customer or member of Employer from using the services of Employer; competing with Employer or assisting others to compete; defaming Employer; taking property of Employer for personal use; disclosing Employer’s confidential information to others who have no legitimate need to know; making negative statements about Employer to the media, or to the owners or employees of members or customers of Employer are acts of disloyalty and may result in discipline or discharge where the acts are not otherwise protected activities.

Policy 530 Smoking

To ensure the safety of The Art Center's collections, smoking is not permitted at any time at any Art Center site or in any Art Center structure. This applies to all staff, volunteers, Art Center members, public visitors, and rental groups. No exceptions will be made under any circumstances. Employees are advised that The Colorado Clean Indoor Air Act prohibits smoking inside any place of employment and in any entryway. In compliance with this Act, Employer prohibits Employees from smoking inside the Employer's facilities and outside the facilities within 15 feet of any entryway to the facilities. Employer also prohibits smoking in any Employer vehicles. Any Employee who smokes outside shall not leave debris (cigarette butts, wrapping paper, matches, etc.) on Employer's property or adjacent properties. Violations will result in discipline or discharge.

Policy 540 Equipment and Other Property

Tools and Equipment. The Art Center normally provides Employees with the tools and equipment required to perform their jobs. Employees are held accountable for assigned tools and equipment, and should report any malfunctioning or lost items to their immediate supervisor.

Misuse of Art Center Property. Employees are not to use any Art Center vehicle, equipment, or other property, supplies, or services for private gain, use, or convenience, or in any manner that might damage the property. Art Center property may not be removed from The Art Center without approval by the Employee's supervisor.

SECTION 600. SAFETY POLICIES

Policy 600 Safety and Security

Employees' Responsibility. Employees who observe a potentially hazardous condition to the public or staff are required to report the condition to their immediate supervisor who will take corrective action. If corrective action is not possible or can not be achieved promptly and safely, the supervisor must report the condition to the Executive Director.

Security. The Art Center holds in trust artwork in the permanent collection. This is a serious and enormous responsibility and all the Employees are expected to give security top priority in their daily Art Center operations.

Doors Locked. All outside doors to all Art Center facilities must remain locked unless a staff member is in attendance. All doors to The Art Center's collections and offices must remain locked unless a staff member is present to control admission.

Keys. No employee may loan a key that has been issued to him/her to anyone else. Lost keys must be reported immediately to the Employee's supervisor. Keys to the outer doors of all sites will be issued only to essential staff. Volunteers will not be issued keys. It is the responsibility of their staff supervisors to give them access to their work areas. Any Employee who makes a duplicate copy of an Art Center key, or loans his/her key to somebody else, or leaves an outside, collection, or office door unlocked in violation of this policy, will be subject to disciplinary action up to and including termination.

Consent to Search. Employer reserves the right to conduct searches or inspections of its own desks, lockers, vehicles, and other Employer property at any time and any location. Employer may conduct searches of personal property of Employees located on the Employer's premises or work sites, including but not limited to coats, lunch boxes, purses, backpacks, containers, and private vehicles, in any situation where the Employer is concerned about theft of Employer property or the presence of weapons, alcohol, illegal drugs or other contraband on the premises. An Employee consents to such searches and inspections by continuing employment with Employer, using Employer's property for storage, or entering onto the Employer's premises with items capable of storing, hiding or transporting Employer's property, weapons, alcohol, illegal drugs or other contraband on the premises. Employees interfering with a search by Employer as provided above, may be disciplined or discharged.

Policy 610 Workplace Violence Prevention

1. **Policy Objective.** Employer strives to prevent workplace violence and to maintain a safe work environment. Employees must cooperate with Employer to maintain a work environment free from violence, threats of violence, and behavior that makes others reasonably fearful for their safety.
2. **Dangerous Devices/Substances Prohibited.** Employees are prohibited from engaging in fighting, horseplay, or other conduct that may be dangerous to others. Firearms, knives, and other dangerous weapons or hazardous devices or substances are prohibited on the premises of Employer, or in Employer's vehicles, or in the possession of Employees during work time unless there is a work-related necessity for the device or substance and the Executive Director has authorized its use.
3. **Threatening Conduct Prohibited.** Conduct that is intended to, or can reasonably be expected to, threaten the physical safety of another Employee, manager, member, a customer, or a member of the public, or that effectively causes another to fear for physical safety is prohibited when it occurs on-the-job, and when it occurs off-the-job with actual or potential adverse impact on the workplace. Bizarre or frightening comments regarding violent events, even if made in jest, and bizarre or frightening behavior on the telephone, in faxes, e-mails, texts, or other communications are prohibited. Such behavior includes oral or written statements, gestures, or expressions that reasonably could, or do, communicate a threat of physical harm.
4. **Reporting Required.** Employer needs your cooperation to effectively implement this policy and maintain a safe working environment. Do not ignore violent, bizarre, frightening, or threatening behavior that occurs in the workplace, threatens to spill-over into the workplace, or has an adverse impact on the workplace. All threats of violence or actual violence in violation of this policy of which you have first-hand knowledge must be reported immediately to your Supervisor and as soon as possible to the Executive Director. If the threat of harm is immediate, call 911. Do not place yourself in peril by attempting to intercede when the threat is immediate.
5. **Investigation.** Employees will be responsible for cooperating with any investigation conducted by Employer or by any investigative or law enforcement agency of conduct that is alleged to violate this policy. This may include providing interviews, testimony, and written statements of the events observed.

6. **Examples.** Threats of violence can include verbal, written or physical threats. Statements to the effect that you intend to shoot, maim, kill, strangle, or otherwise cause physical harm to another are not to be made, even if there is no intent to actually engage in this conduct. Threatening conduct can include blatant insubordination, loud arguing, swearing at others, expressions of hostility, clenched fists, glaring or staring at another, threatening or harassing phone calls, texts or e-mail, surveillance or stalking another person, pushing or poking another person, throwing items or slamming doors, intentional or reckless destruction of property, among other violent acts.
7. **Consequences of Conduct.** Anyone determined to be responsible for threats of violence or actual violence or other conduct that is in violation of this policy will be subject to disciplinary action up to, and including, termination of employment. Employees who engage in conduct in violation of this policy may also have personal liability for the damages caused to others by their conduct.

Policy 620 Alcohol and Drug-Free Workplace

1. **Purpose.** The use of controlled substances and the misuse of alcohol increase the risk of accidents and jeopardize the safe work environment for Employees, customers, volunteers, and the public in general. The goal of Employer is to provide a safe and healthy workplace. Therefore, Employer is committed to an alcohol and drug-free workplace to promote the safety and well-being of those affected by the conduct of Employees during the course and scope of their employment.
2. **Alcohol and Controlled Substances Prohibited.** The following conduct by Employees is prohibited on any premises owned, leased or used by Employer for performing Employer's services, or any place while Employee is performing services for Employer: 1) alcohol possession or use, with limited exception for social events where Employer is serving alcohol and Employee engages in moderate use with knowledge and approval of the Executive Director (drinking to the point where Employees are perceived by others as impaired or under the influence is not acceptable), 2) the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, 3) having detectable amounts of alcohol or controlled substances in the Employee's system, or 4) smelling of alcohol on the job, regardless whether the Employee is under the influence.
 - a. "Drugs" or "controlled substances" means a controlled substance listed in Schedules I through V of 21 U.S.C. 812 and as further defined by federal regulations (21 CFR Section 1300.11 through 1300.15). This list includes but is not limited to marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP). It does not include over-the-counter medications taken in accordance with the manufacturer's instructions, or drugs prescribed by a physician for the Employee when taken in the manner, combination and quantity prescribed, unless possession or use is illegal despite a prescription. Employees who are using over-the-counter or medically prescribed drugs that could impair their ability to perform work in a safe manner must notify their Supervisor prior to starting work. The Employee may be required to provide a physician's certification that it is safe for the Employee to perform the essential job functions while using the medications as a condition of continuing to work.

- b. **WARNING ABOUT MARIJUANA:** Although the Colorado Constitution has decriminalized Marijuana for medical and recreational purposes, Colorado does not require employers to accommodate the use of marijuana by their Employees. Further, use of marijuana is illegal under federal law. Employer prohibits marijuana use by Employees and will treat its use the same as any other use of controlled substances. Testing positive for marijuana during work hours will likely result in immediate discharge.
 - c. Any Employee who is convicted of a drug-related crime for any violation occurring within the course or scope of employment by Employer, must notify Employer of the conviction no later than five (5) days after such conviction. "Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violation of federal or state criminal drug statutes. Notice of such conviction should be given to the Administrator.
 - d. Sanctions will be imposed on any Employee so convicted. Within thirty (30) days after receiving notice of the conviction, Employer will take appropriate disciplinary action against the Employee, up to, and including, termination.
 - e. Sanctions may be imposed if Employer has reasonable suspicion of a violation of this policy, regardless of whether the Employee is convicted or criminally prosecuted.
3. **Basis for Testing.** Testing will be required as a condition of employment under the following circumstances:
- a. **Reasonable Suspicion Testing.** If, in Management's opinion, reasonable suspicion exists that an Employee is in violation of this policy, the Employee may be required to submit to testing for alcohol and/or controlled substances. Some of the circumstances that might provoke reasonable-suspicion testing are: evidence of repeated errors on the job, sleeping on the job, slurred speech, uncharacteristic appearance or behavior, or unsatisfactory time or attendance patterns, if coupled with specific events that indicate probable drug/alcohol use. Reasonable suspicion for testing may also exist if other individuals have first-hand knowledge relating to an Employee's violation of this policy and report this to Employer.
 - b. **Post-Accident Testing.** Any Employee injured while on duty, which injury requires any medical examination or treatment, will be subject to an alcohol and drug test if the Employee's own conduct could possibly be a contributing cause of the accident or injury.
 - 1) Although testing should never delay necessary and immediate medical treatment, testing must be performed as soon as possible following an accident. The Employee must submit to an alcohol and drug test within 2 hours following an accident. If testing cannot be completed within the 2 hour time allowed, Employee must provide the Executive Director with a written explanation as to why the Employee did not comply with this requirement.
 - 2) Any Employee whose injuries prevent him or her from providing a specimen in a

timely manner shall, as soon as able, provide to Employer the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were any controlled substances in the Employee's system and the alcohol concentration level.

- c. **Return to Duty and Follow-Up Testing.** An Employee who has failed a drug/alcohol test will likely be terminated for a first offense. At the sole discretion of Employer, the Employee may be allowed to return to duty or be rehired after the Employee submits to return-to-duty testing and tests negative for alcohol and controlled substances. Any Employee who tested positive during the past 12 months is subject to unannounced, follow-up testing.
4. **Consequence of Violation.** Any violation of this policy will likely result in immediate termination.
5. **Refusal to Submit to Testing.** The following behavior constitutes a "refusal" to take a test:
 - a. Express refusal to take the test.
 - b. Failure to provide sufficient quantities of breath or urine to be tested without a valid medical explanation for the failure, or engaging in conduct that clearly obstructs the testing.
 - c. Tampering with, or attempting to adulterate, the specimen or collection procedure.
 - d. Not reporting to the collection site in the time allotted.
 - e. Leaving the scene of an accident without a valid reason and not submitting to the test as required in this policy.

Refusal to submit to required testing is considered a violation of this policy and the consequences will be the same as though there has been a positive test result.

6. **Testing Facility.** Testing will generally be by urinalysis. Results of blood tests or Breathalyzer (for alcohol) may also be relied upon by Employer. The testing will be performed by an approved lab and administered by a qualified testing facility.
7. **Employment at will.** Nothing in this policy changes the fact that all employment with Employer is at will and can be terminated at any time by the Employee or Employer, with or without cause, or prior notice. Nothing in this policy requires Employer to test before terminating an Employee for violation of this policy.

Policy 630 Use of Vehicles

1. **Valid Driver's License and Insurance.** Employees who do not have a valid Colorado driver's license or who are not insured against liability for driving, as required by state laws, are not authorized to drive any vehicle during the course or scope of their employment with Employer. Employee's driving record must be acceptable to Employer's insurance carrier or Employee is not authorized to drive in the course or scope of employment. Before an Employee may drive

on Art Center business, s/he must submit proof of both a valid driver's license and current insurance to the Accountant.

2. **Change in Driver Status.** If Employee's job duties include driving, then any change in the Employee's driver's license status, driving record or insurance coverage must be reported in writing by the Employee to the Executive Director by the next business day.
3. **Passengers.** Transportation of non-business-related passengers is prohibited when driving any vehicle on Employer business.
4. **Safety.** Safe and lawful driving practices must be used by Employees at all times while driving an Employer-owned vehicle or driving on Employer business. Seat belts must be worn at all times while traveling in an Employer-owned vehicle or while driving on Employer business. It is the Employee-driver's responsibility to ensure that all passengers buckle-up before beginning to operate the vehicle.
5. **Alcohol.** Open containers of alcohol are not allowed in vehicles being used for Employer business.
6. **Work-Related Vehicle Accidents.** Employees involved in a work-related vehicle accident resulting in personal injury or property damage must immediately report the accident to their supervisor and to the appropriate law enforcement agency. Any witnesses to the accident should be identified for reporting purposes. Employees must provide a copy of the police report to the Executive Director.