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DRUG & ALCOHOL POLICY, HARASSMENT AND INJURY & ILLNESS PREVENTION

DRUG AND ALCOHOL POLICY

Substance abuse has an adverse impact on an employee's work, as well as the ability of SDI Staffing to fulfill its mission to provide professional, skilled employees to our clients. Substance abuse can cause poor performance, decrease productivity, and create safety hazards. We are committed to establishing and maintaining an alcohol and drug-free workforce. We expect the understanding and cooperation of all employees in implementing this policy.

REQUIRED TESTING

Pre-employment: SDI Staffing must adhere to client policies in regards to pre-employment drug testing. Not all clients require passing a drug test before beginning work or receiving an offer of employment. However for clients whose policies do require this, refusal to submit to testing may result in disqualification of further employment consideration.

Reasonable Suspicion: Employees are subject to testing based upon (but not limited to) observations by the supervision of apparent workplace use, possession or impairment. SDI Staffing shall be consulted before sending an employee for testing. Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A member of supervision/management must escort the employee; the supervisor/manager will make arrangements for the employee to be transported home. Refusal to submit to reasonable-suspicion testing can result in immediate termination and disqualification of further employment consideration.

Post-accident: Employees are subject to testing when they cause or contribute to accidents that seriously damage to client vehicles, machinery, equipment, or property and/or result in an injury to themselves or another employee requiring off-site medical attention. In any of these instances, the investigation and subsequent testing must take place within two (2) hours following the accident, if not sooner. Refusal to submit to post-accident testing can result in immediate termination and disqualification of further employment consideration.

Follow-up: Employees who have tested positive, or otherwise violated this policy, are subject to discipline, up to and including discharge. Depending upon the circumstances and the employee's work history/record, SDI Staffing may offer an employee who violates this policy or tests positive the opportunity to return to work on a last chance basis pursuant to mutually agreeable terms, which could include follow-up drug testing at times and frequencies determined by SDI Staffing for a minimum of one (1) year but not more than two (2) years as well as a waiver of the right to contest any termination resulting from a subsequent positive test. If the employee either does not complete their rehabilitation program or tests positive after completing the rehabilitation program, they will be subject to immediate discharge from employment and disqualified for future employment consideration.

CONSEQUENCES

Applicants and/or employees who refuse to cooperate in a drug test or who test positive will not be hired and will not be allowed to re-apply in the future. Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture or dispense an illegal drug in violation of this policy will be terminated. If the employee refuses to be tested yet we believe they are impaired, under no circumstances will the employee be allowed to drive himself or herself home. The first time an employee tests positive for alcohol or illegal drug use under this policy, the result will be discipline up to and including discharge. Employees will be paid for time spent in alcohol/drug testing and then suspended pending the results of the drug/alcohol test. After the results of the test are received, a date/time will be scheduled to discuss the results of the test; this meeting will include a member of SDI Staffing's management team.

CONFIDENTIALITY

Information and records relating to positive test results, drug and alcohol dependencies and legitimate medical explanations shall be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files. Such records and information may be disclosed among managers and supervisors on a need-to-know basis and may also be disclosed where relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant.

HARASSMENT

SDI Staffing is committed to providing a work environment free of unlawful harassment. SDI Staffing prohibits sexual harassment, and harassment based on pregnancy, race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation or any other basis protected by federal, state or local law, ordinance, or regulation. Harassment is unwelcome when an individual did not solicit or incite it, and when the victim regards the conduct as undesirable or offensive. **All such harassment is unlawful.** SDI Staffing anti-harassment policy applies to all persons involved in day to day operations and prohibits unlawful harassment by any client, regular employee, temporary employee, or management. If you believe that you have been harassed, provide a verbal or written complaint to SDI Staffing as soon as possible after the incident. Your complaint should include details about the incident(s), name(s) of the individual(s) involved and names of any witnesses. SDI Staffing will immediately undertake an effective, thorough and objective investigation of the harassment allegations. If SDI Staffing determines that harassment has occurred, effective action will be taken in accordance with the circumstances involved.

INJURY AND ILLNESS PREVENTION

It is our policy that everything possible will be done to protect employees, customers, and visitors from accidents. Safety is a cooperative undertaking requiring participation by every employee. Failure by any employee to comply with safety rules will be grounds for corrective discipline. Supervisors shall insist that employees observe all applicable Company, State and Federal safety rules and practices and take action as is necessary to obtain compliance.

To carry out this policy employees shall follow these codes of safe practices:

1. Report all unsafe conditions and equipment.
2. Report all accidents, injuries and illnesses.
3. Means of egress shall be kept unblocked, well-lighted and unlocked during work hours.
4. In the event of fire, sound alarm and evacuate.
5. Upon hearing the fire alarm, stop work and proceed to the nearest clear exit. Gather at a designated location.
6. Exit doors must comply with fire safety regulations during business hours.
7. Stairways should be kept clear of items that can be tripped over and all areas under stairways that are egress routes should not be used to store combustibles.
8. Materials and equipment will not be stored against doors or exits, fire ladders or fire extinguisher stations.
9. Aisles must be kept clear at all times.
10. Work areas should be maintained in a neat, orderly manner. Trash and refuse are to be thrown in proper waste containers.
11. All spills shall be wiped up promptly.
12. Files and supplies should be stored in a safe manner with heaviest items stored closest to the floor and lightweight items stored above.
13. All cords running into walk areas must be taped down or inserted through rubber protectors.
14. Never stack material precariously on top of lockers, file cabinets or other high places.
15. Never leave desk or cabinet drawers open that present a tripping hazard. Use care when opening and closing drawers to avoid pinching fingers.
16. Do not open more than one upper drawer at a time.
17. Always use the proper lifting technique. Push objects; do not pull. Never attempt to lift or push an object which is too heavy. You must contact your supervisor when help is needed to move a heavy object.
18. When carrying material, caution should be exercised in watching for and avoiding obstructions, loose material, etc.
19. All electrical equipment should be plugged into appropriate wall receptacles or into an extension of only one cord of similar size and capacity. Three-pronged plugs should be used to ensure continuity of ground.
20. Individual heaters at work areas should be kept clear of combustible materials such as drapes or waste from waste baskets. Newer heaters which are equipped with tip-over switches should be used.
21. Appliances such as coffee pots and microwaves should be kept in working order and inspected for signs of wear, heat or fraying of cords.
22. Equipment such as scissors, staplers, etc., should be used for their intended purposes only and should not be misused as hammers, pry bars, screwdrivers, etc. Misuse can cause damage to the equipment and possible injury to the user.
23. Cleaning supplies should be stored away from edible items on kitchen shelves.
24. Avoid prolonged awkward neck posture such as keeping head tilted forward, backward or to one side.
25. Avoid lower back strain while seated by adjusting chair height and / or by using a foot rest to maintain a 90 degree angle relationship between the back and upper leg.
26. Avoid shining harsh light into the eyes.
27. Avoid constant bending.
28. Keep ears, shoulders and hips in a straight line when bending.
29. Get close to an object before reaching for it.
30. Position any monitor at eye level and an arm's length away.
31. Get up and walk for a couple minutes every hour.
32. Extend your legs and wiggle your toes to increase circulation while sitting.



The definition of sexual harassment includes many forms of offensive behavior.



Department of Fair Employment and Housing

such as a lead, supervisor, manager or agent;

- the employer had no knowledge of the harassment;
- there was a program to prevent harassment; and
- once aware of any harassment, the employer took immediate and appropriate corrective action to stop the harassment.

Filing a Complaint

Employees or job applicants who believe that they have been sexually harassed may file a complaint of discrimination with DFEH within **one year** of the harassment.

DFEH serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes.

If DFEH finds sufficient evidence to establish that discrimination occurred and settlement efforts fail, the Department may file a civil complaint in state or federal court on behalf of the complaining party. The DFEH may seek punitive damages is entitled to attorney's fees and costs if it prevails in litigation.

Remedies include:

- Fines or damages for emotional distress from each employer or person found to have violated the law
- Hiring or reinstatement
- Back pay or promotion
- Changes in the policies or practices of the involved employer

Employees can also pursue the matter through a private lawsuit in civil court after a complaint has been filed with DFEH and a Right-to-Sue Notice has been issued.

For more information, see publication DFEH-159 "Guide for Complainants and Respondents."

For more information, contact DFEH toll free at
(800) 884-1684
TTY number at **(800) 700-2320**
or visit our Web site at www.dfeh.ca.gov

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State of California
Department of Fair Employment & Housing

Sexual Harassment

The Facts About Sexual Harassment

The *Fair Employment and Housing Act* (FEHA) defines sexual harassment as harassment based on sex or of a sexual nature; gender harassment; and harassment based on pregnancy, childbirth, or related medical conditions. The definition of sexual harassment includes many forms of offensive behavior, including harassment of a person of the same gender as the harasser. The following is a partial list of types of sexual harassment:

- Unwanted sexual advances
- Offering employment benefits in exchange for sexual favors
- Actual or threatened retaliation
- Leering; making sexual gestures; or displaying sexually suggestive objects, pictures, cartoons, or posters
- Making or using derogatory comments, epithets, slurs, or jokes
- Sexual comments including graphic comments about an individual's body; sexually degrading words used to describe an individual; or suggestive or obscene letters, notes, or invitations
- Physical touching or assault, as well as impeding or blocking movements
- Sexual desire is not necessary



The mission of the Department of Fair Employment and Housing is to protect the people of California from unlawful discrimination in employment, housing and public accommodations, and from the perpetration of acts of hate violence.

Employers' Obligations

All employers must take the following actions against harassment:

- Take all reasonable steps to prevent discrimination and harassment from occurring. If harassment does occur, take effective action to stop any further harassment and to correct any effects of the harassment.
- Develop and implement a sexual harassment prevention policy with a procedure for employees to make complaints and for the employer to investigate complaints. Policies should include provisions to:
- Fully inform the complainant of his/herrights and any obligations to secure those rights.
- Fully and effectively investigate. The investigation must be thorough, objective, and complete. Anyone with information regarding the matter should be interviewed. A determination must be made and the results communicated to the complainant, to the alleged harasser and, as appropriate, to all others directly concerned.
- Take prompt and effective corrective action if the harassment allegations are proven. The employer must take appropriate action to stop the harassment and ensure it will not continue. The employer must also communicate to the com-

plainant that action has been taken to stop the harassment from recurring. Finally, appropriate steps must be taken to remedy the complainant's damages, if any.

- Post the Department of Fair Employment and Housing (DFEH) employment poster (DFEH - 162) in the workplace (available through the DFEH publications line [916] 478-7201 or Web site).
- Distribute an information sheet on sexual harassment to all employees. An employer may either distribute this pamphlet (DFEH 185) or develop an equivalent document that meets the requirements of Government Code section 12950(b). This pamphlet may be duplicated in any quantity. **However, this pamphlet is not to be used in place of a sexual harassment prevention policy, which all employers are required to have.**
- All employees should be made aware of the seriousness of violations of the sexual harassment policy and must be cautioned against using peer pressure to discourage harassment victims from complaining.
- Employers who do business in California and employ 50 or more part-time or full-time employees *must* provide at least two hours of sexual harassment training every two years to each supervisory employee and to all new supervisory employees within six months of their assumption of a supervisory position.

- A program to eliminate sexual harassment from the workplace is not only required by law, but is the most practical way for an employer to avoid or limit liability if harassment should occur despite preventive efforts.

Employer Liability

All employers, regardless of the number of employees, are covered by the harassment section of the FEHA. Employers are generally liable for harassment by their supervisors or agents. Harassers, including both supervisory and non-supervisory personnel, may be held personally liable for harassing an employee or coworker or for aiding and abetting harassment.

Additionally, the law requires employers to take "all reasonable steps to prevent harassment from occurring." If an employer has failed to take such preventive measures, that employer can be held liable for the harassment. A victim may be entitled to damages, even though no employment opportunity has been denied and there is no actual loss of pay or benefits.

In addition, if an employer knows or should have known that a **non-employee** (e.g. client or customer) has sexually harassed an employee, applicant, or person providing services for the employer and fails to take immediate and appropriate corrective action, the employer may be held liable for the actions of the non-employee.

An employer might avoid liability if

- the harasser is not in a position of authority,