



MODERN AESTHETICS

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It is your responsibility and obligation to understand this Handbook and its policies. If you cannot understand English, it is your obligation to have it translated.

Es su responsabilidad y obligación comprender este Manual y sus políticas. Si no puede entender inglés, tiene la obligación de traducirlo.

MODERN AESTHETICS
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CA 95661

Modern Aesthetics Employee Handbook

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GENERAL EMPLOYMENT POLICY

This is your employee handbook. It was prepared for you to help you better understand what you can generally expect from **Modern Aesthetics**. This handbook replaces any and all earlier personnel or employee handbooks, policies and procedures, benefit statements, and memoranda, whether written, oral, or established by practice.

The information in this handbook is important to all of our employees. Read the handbook now and keep it in a convenient place. You will want to refer to your handbook when you have questions about **Modern Aesthetics's** policies and benefits.

Naturally, you won't find answers to all your questions in the handbook. It is neither a law book nor a catalog of personnel policies. In preparing this handbook, we have not tried to give you the minute details of each policy. Instead, we have attempted to present a summary of some of the more important policies. No written statement, no matter how complete, can be a substitute for direct daily contact with your immediate supervisor.

Throughout your handbook, you will be urged to check with your supervisor or **the Office Manager** for complete information on employee policies and benefits. This advice is continually repeated because its importance can't be overemphasized. If your supervisor or **the Office Manager** doesn't have an immediate response to your question, he or she will get the information you seek and pass it along to you promptly.

Circumstances will obviously require that the policies, practices, and benefits described in the handbook, other than the employment at-will policy, will change from time to time. **Modern Aesthetics** reserves the right to amend, modify, rescind, delete, supplement, or add to the provisions of this handbook, other than with regard to the employment at-will policy, as it deems appropriate from time to time in its sole and absolute discretion. **Modern Aesthetics** will attempt to provide you with notification of any other changes as they occur.

I further understand that my employment is at will and can be terminated at any time without notice or cause by either myself or **Modern Aesthetics**, and no manager, supervisor, or other employee of **Modern Aesthetics**, other than the President of **Modern Aesthetics** can enter into an agreement for continued or indefinite employment, or employment for a specific term, position, or rate of pay, and that any such agreement must be in a writing signed by the President of **Modern Aesthetics**.

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DISCRIMINATION, HARASSMENT, VIOLATION OF THE LAW

Non-Harassment Policy

Modern Aesthetics is committed to maintaining a work environment that is free of prohibited harassment and retaliation based on race, color, religious creed, sex (which includes pregnancy, childbirth, breastfeeding, or related medical conditions), gender (which includes gender identity and expression), transgender status, age, sexual orientation, national origin (includes employees who hold or present a driver's license issued under section 12801.9 of the Vehicle Code), ethnicity, citizenship, ancestry, religion (which includes all aspects of religious belief, observance, and practice including religious dress and grooming practices), marital status, military service/veteran status, physical or mental disability, genetic information, medical

condition (which includes genetic characteristics, cancer or a record or history of cancer), employees requesting accommodation of a disability or religious belief, or any other legally protected class (collectively referred to as “protected classifications” or “protected class”). **Modern Aesthetics** also prohibits harassment based on the perception that someone is a member of a protected class or is associated with a member of a protected class. These protections apply to all employees, unpaid interns and volunteers, and persons performing services pursuant to a contract as defined by law, although the remainder of this policy, for ease, will refer only to employees. Consistent with state and federal law, reasonable accommodation will be provided to qualified applicants and employees with disabilities, for pregnant employees, and/or to accommodate religious practices of employees, unless doing so would result in an undue hardship.

Harassment includes unwelcome verbal, written, physical, visual, or other conduct that creates an intimidating, offensive, or hostile working environment, or that interferes with an employee’s work performance. In the case of sexual harassment, such conduct constitutes harassment when (1) submission to the conduct is made either an explicit or implicit condition of employment; (2) submission or rejection of the conduct is used as the basis for an employment decision; or (3) the harassment interferes with an employee’s work performance or creates an intimidating, hostile, or offensive work environment.

Harassing conduct can take many forms and may include, but is not limited to, the following when based upon an employee’s protected status: slurs, jokes, statements, gestures, assault, impeding or blocking another’s movement or otherwise physically interfering with normal work, pictures, drawings, or cartoons, violating someone’s “personal space,” foul or obscene language, leering, stalking, staring, unwanted or offensive letters, poems, offensive email or voicemail messages.

Sexual Harassment includes unwanted sexual advances, requests for sexual favors, graphic, verbal, or physical conduct of a sexual nature. Sexual harassment may occur between members of the same or opposite sex. Further, harassment based on a person’s sex is not limited to instances involving sexual behavior. That is, harassment on the basis of sex may occur without sexual advances or sexual overtones when conduct is directed at individuals because of their sex. This is often referred to as sex or gender harassment, and such conduct violates this Policy.

The following is a partial list of prohibited types of offensive behavior which could constitute sexual harassment:

1. Unwanted sexual advances;
2. Offering employment benefits in exchange for sexual favors;
3. Making or threatening reprisals after a negative response to sexual advances;
4. Visual conduct, including leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons, or posters;
5. Verbal conduct, including making or using derogatory comments, epithets, slurs, and jokes;
6. Verbal sexual advances or propositions;

7. Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, or invitations; and
8. Physical conduct, including touching, assault, impeding or blocking movements.
9. Managers and supervisors are prohibited from providing favorable treatment to employees with whom they are involved with in a consensual sexual relationship.
10. All employees are prohibited from using nicknames or terms of endearment with a racial or sexual orientation, or based on any characteristic protected by law.

Regardless of whether the action occurred on or off **Modern Aesthetics's** premises, if you believe that you have been harassed by a co-worker, supervisor, agent, vendor, or customer, or if you believe that another employee has been harassed, you have a duty to promptly report the facts of the incident or incidents and names of the individuals involved to your supervisor. Any supervisory or managerial employee who receives such a complaint must promptly report it to **the Office Manager**. Employees may make complaints either verbally or in writing. Please note that no special form is required.

The matter will be immediately and thoroughly investigated, and confidentiality will be maintained to the extent possible. It is the obligation of all employees to cooperate fully in the investigation process. Based upon **Modern Aesthetics's** conclusions from the investigation, which conclusions will be communicated to the primary parties involved as determined by **Modern Aesthetics**, **Modern Aesthetics** will take appropriate corrective and disciplinary action. Corrective action may include, for example, training or referral to counseling. Disciplinary action may range from a verbal or written warning to termination of employment, depending on the circumstances.

Retaliation against any employee, or that employee's family members, for reporting or opposing harassment, or who in good faith uses the internal complaint procedure or any external complaint procedure described in this policy, for assisting in the investigation of such a complaint, or for otherwise assisting in such a complaint, is strictly prohibited.

If any employee believes that the above procedure has not resolved his or her situation, that employee may contact the California Department of Fair Employment and Housing (DFEH) at (916) 445-9918 to determine the location of the branch of the DFEH that is nearest to the employee to file a claim within one year of the date that the harassment occurred. The DFEH serves as a neutral fact-finder and will attempt to assist the parties to voluntarily resolve their dispute. No action will be taken against any employee in any manner for opposing harassment or for filing a complaint with, or otherwise participating in an investigation, proceeding or hearing conducted by the DFEH or the Fair Employment and Housing Council (FEHC) with respect to harassment.

All managerial employees, including administrators, directors, managers and supervisors, as well as human resources professionals, and persons with lead responsibilities, will also be held accountable for failing to take appropriate action to address harassment or retaliation.

If 50 or more employees are part of Modern Aesthetics as part of **Modern Aesthetics's** commitment to provide a harassment free workplace, **Modern Aesthetics** provides and requires

training for all managers and supervisors on sexual and all other forms of prohibited harassment, as well as “abusive conduct” at least once every two years. While it is nearly impossible to prevent all employee conflict in any business, we believe that training our management staff how to recognize and prevent harassment goes a long way to eliminating it in our workplace altogether.

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Equal Employment Policy

Modern Aesthetics is an equal opportunity employer and makes employment decisions **and** decisions regarding unpaid interns or volunteers, or persons performing services pursuant to a contract) on the basis of merit and other legitimate business reasons. We want to have the best available people in every job. Therefore, **Modern Aesthetics** does not discriminate, and does not permit its employees to discriminate, against other employees or applicants or unpaid interns or volunteers, or persons performing services pursuant to a contract because of race, color, religious creed, sex (which includes pregnancy, childbirth, breastfeeding, or related medical conditions), gender (which includes gender identity and expression), transgender status, age, sexual orientation, national origin (includes employees who hold or present a driver’s license issued under section 12801.9 of the Vehicle Code), ethnicity, citizenship, ancestry, religion (which includes all aspects of religious belief, observance, and practice including religious dress and grooming practices), marital status, military service/veteran status, physical or mental disability, genetic information, medical condition (which includes genetic characteristics, cancer or a record or history of cancer), employees requesting accommodation of a disability or religious belief, or any other legally protected class (collectively referred to as “protected classifications” or “protected class”).

Equal employment opportunity will be extended to all persons in all aspects of the employer-employee relationship, including recruitment, hiring, upgrading, training, promotion, transfer, compensation, benefits, discipline, layoff, recall, and termination. These protections apply to all employees, unpaid interns, and volunteers, although the remainder of this policy, for ease, will refer only to employees

Employment discrimination may occur when an employer treats applicants or employees less favorably than others because of their protected classification. Examples of employment discrimination include making decisions regarding hiring, firing, advancement, wages, discipline, or promotion, based on a protected class. Employment discrimination can also occur when an employer adopts a neutral job policy which disproportionately affects members of a protected class and is not job-related or a business necessity.

Regardless of whether the action occurred on or off **Modern Aesthetics’s** premises, if you believe that you or another employee has been subjected to any form of discrimination, you have a duty to promptly report the facts of the incident or incidents, names of the individuals involved, and the names of any witnesses to your supervisor, **Office Manager**. Any supervisory or managerial employee who receives such a complaint must promptly report it to **Office Manager**. Employees may make complaints either verbally or in writing. Please note that no special form is required.

The matter will be immediately and thoroughly investigated, and confidentiality will be maintained to the extent possible. It is the obligation of all employees to cooperate fully in the

investigation process. Based upon **Modern Aesthetics's** conclusions from the investigation, which conclusions will be communicated to the primary parties involved as determined by **Modern Aesthetics**, **Modern Aesthetics** will take appropriate corrective and disciplinary action. Corrective action may include, for example, training or referral to counseling. Disciplinary action may range from a verbal or written warning to termination of employment, depending on the circumstances.

It is the policy of **Modern Aesthetics** that discrimination or harassment in any of its forms is inconsistent with the policies of **Modern Aesthetics** and is prohibited. Such activity is considered to be improper conduct, and subjects any employee found to be participating in discrimination or harassment to disciplinary action up to and including immediate dismissal.

Retaliation against any employee, or that employee's family members, for reporting or opposing discrimination, or who in good faith uses the internal complaint procedure or any external complaint procedure described in this policy, for assisting in the investigation of such a complaint, or for otherwise assisting in such a complaint, is strictly prohibited.

If any employee believes that the above procedure has not resolved his or her situation, that employee may contact the California Department of Fair Employment and Housing (DFEH) at (916) 445-9918 to determine the location of the branch of the DFEH that is nearest to the employee to file a claim within one year of the date that the discrimination occurred. The DFEH serves as a neutral fact-finder and will attempt to assist the parties to voluntarily resolve their dispute. Employees may also contact the federal Equal Employment Opportunity Commission (EEOC). No action will be taken against any employee in any manner for opposing discrimination or for filing a complaint with, or otherwise participating in an investigation, proceeding or hearing conducted by the DFEH or EEOC with respect to discrimination, retaliation, or harassment.

All managerial employees, including administrators, directors, managers, and supervisors, as well as human resources professionals and persons with lead responsibilities, will also be held accountable for failing to take appropriate action to address discrimination or retaliation.

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Violations Of The Law

Regardless of whether the action occurred on or off **Modern Aesthetics's** premises, if you believe that **Modern Aesthetics** or another employee or an unpaid intern or volunteer has violated any applicable law in the conduct of **Modern Aesthetics's** business, you have a duty to promptly report the facts of the incident or incidents, and names of the individuals involved, to your supervisor, Office Manager. Any supervisory or managerial employee who receives such a complaint must promptly report it to Office Manager

The matter will be immediately and thoroughly investigated, and confidentiality will be maintained to the extent possible. It is the obligation of all employees to cooperate fully in the investigation process. Based upon **Modern Aesthetics's** conclusions from the investigation, which conclusions will be communicated to the primary parties involved as determined by **Modern Aesthetics**, **Modern Aesthetics** will take appropriate corrective and disciplinary action. Corrective action may include, for example, training or referral to counseling. Disciplinary

action may range from a verbal or written warning to termination of employment, depending on the circumstances.

Retaliation against any employee, or that employee's family members, for reporting or opposing an alleged violation, or who in good faith uses the internal complaint for assisting in the investigation of such a complaint, or for otherwise assisting in such a complaint, is strictly prohibited.

Modern Aesthetics will not tolerate violations of the law, illegal infringement on the rights of others, lying, cheating, stealing, gross negligence, misconduct, unethical behavior or any action which, in the judgment of Management, is contrary to the best interests, security, safety and well-being of **Modern Aesthetics**, its employees, patients, or others with whom it does business.

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REASONABLE ACCOMMODATION

Disability Accommodation

Modern Aesthetics will make reasonable accommodations for the known physical or mental disabilities of an otherwise qualified applicant for employment or employee, **or unpaid interns or volunteers, or those performing services pursuant to a contract** unless undue hardship would result or as otherwise excepted by law. Any applicant or employee who requires accommodation in order to perform the essential functions of a job should contact **Office Manager**. The applicant or employee should advise **Modern Aesthetics** what accommodations he or she believes are needed in order to perform the job. Together with the applicant or employee, **Modern Aesthetics** will engage in an interactive process to determine effective, reasonable accommodations, if any. Medical substantiation of the requested accommodation may be required. If such an accommodation is reasonable and will not impose undue hardship upon **Modern Aesthetics**, will not constitute a direct threat to the health or safety of the employee or of others, or is not otherwise excepted by law, **Modern Aesthetics** will make the accommodation. Among other exceptions, **Modern Aesthetics** is not required to accommodate an employee if the requested accommodation requires the use of medical marijuana.

Modern Aesthetics also reserves its right to require an employee to undergo a fitness for duty medical examination, at **Modern Aesthetics's** expense, if **Modern Aesthetics** believes or suspects that the employee may not be able to perform the essential duties of the job. In such an instance, **Modern Aesthetics** will so advise the employee, in writing, of the need for the examination. Depending on the situation, **Modern Aesthetics** reserves the right to suspend employment pending the results of the examination.

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Pregnancy Accommodation

A pregnant employee may request a reasonable accommodation of her condition. You must timely provide a medical certification from your health care provider of the medical need for your reasonable accommodation or transfer, within 15 calendar days. **Modern Aesthetics** has an obligation to transfer you to a less strenuous or hazardous position (where one is available) or duties if medically needed because of your pregnancy. **Modern Aesthetics** also has an obligation to reasonably accommodate your medical needs related to pregnancy, childbirth or related

conditions (such as, for example, temporarily modifying your work duties, providing you with a stool or chair, or allowing more frequent breaks). Pregnancy disability leave rights are contained in a different policy entitled Pregnancy Disability Leave of Absence. If such a transfer can be reasonably accommodated, a pregnant employee will be transferred for the duration of her pregnancy. However, **Modern Aesthetics** will not undertake to create additional employment that **Modern Aesthetics** would not otherwise have created to meet its own business needs. **Modern Aesthetics** will not be required to discharge any employee, transfer any employee with more seniority than the pregnant employee, or to promote any employee who is not qualified to perform the job. Upon transfer, an employee will receive the salary and benefits which are regularly provided to employees in the position to which the employee has transferred. To receive reasonable accommodation or to obtain a transfer, you must give your employer sufficient notice for your employer to make appropriate plans – 30 days’ advance notice if the need for the reasonable accommodation or transfer is foreseeable, otherwise as soon as practicable if the need is an emergency or unforeseeable. Please note that if you fail to give your employer reasonable advance notice or written medical certification of your medical need, **Modern Aesthetics** may be justified in delaying your reasonable accommodation or transfer. Pregnancy disability leave rights are contained in a different policy entitled Pregnancy Disability Leave of Absence.

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Lactation Accommodation

For employees who wish to express breast milk at work, **Modern Aesthetics** will provide a reasonable amount of break time and use of a room or other location in close proximity to the employee’s work area to express breast milk in privacy.

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Accommodation Of Religious Dress And Grooming

Modern Aesthetics will reasonably accommodate the religious dress and grooming practices of employees (similar to accommodation of other religious practices), unless it would create an undue hardship.

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COMMUNICATION AND PROBLEM SOLVING

Open Door Policy

Modern Aesthetics recognizes that in any employee group, problems, difficulties, and misunderstandings may arise. It is the desire of **Modern Aesthetics** to see that every problem is handled promptly. To this end, **Modern Aesthetics** will endeavor:

To invite employees to talk frankly with their supervisor, the Office Manager, or to anyone else in authority, if they have a problem of any kind, with the assurance that it will not be held against them by their supervisor or anyone else in authority.

To provide an open door at all times for employees to discuss with upper management any decision they feel to be unfair.

Modern Aesthetics is most sincere in encouraging any employee who feels he or she has not been treated properly, or who has a problem of any kind, to make it known to management through the “open door policy.”

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Bulletin Board

The bulletin board has notices required by law, company announcements, memoranda and similar material. This bulletin board is provided to keep you informed of events important to all of us. You should examine it frequently. If a notice appearing on the bulletin board is not clear, or if you wish further information about it, ask your supervisor or **Office Manager**. The bulletin board is reserved for company business, and no one other than management is authorized to post or remove any material from it.

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SAFETY AND SECURITY

General Safety

Safety is everybody’s business. Safety is to be given primary importance in every aspect of planning and performing all company activities. We want to protect you against industrial injury and illness, as well as minimize the potential loss of production. Safety violations will be taken seriously, and employees who violate safety rules will be disciplined accordingly, up to and including termination of employment. Report any safety hazards or dangerous conditions to your supervisor immediately. All hazardous conditions will be investigated and appropriately corrected. Your supervisor or Office Manager may post other safety procedures in your department or work area. Below are some examples of safety rules that you are expected to follow:

- Ask for assistance when lifting heavy objects or moving heavy furniture. You are not expected to do such things alone.
- Avoid overloading electrical outlets with too many appliances or machines.
- Keep cabinet doors and file and desk drawers closed when not in use.
- Keep your work area and the aisles clean and orderly.
- Report to your supervisor if you or a co-worker becomes ill or is injured.
- Sit firmly and squarely in chairs that roll or tilt.
- Smoke only in designated smoking areas; there is no smoking in any company office. Smoking includes traditional cigarettes or cigars as well as electronic cigarettes and vaping.

- Stack materials only to safe heights.
- Start work on any equipment only after safety procedures and requirements have been explained and you understand them.
- Use flammable items, such as cleaning fluids, with caution.
- Use the right tool for the job, and use it correctly.
- Use stairs one at a time.
- Walk - don't run.
- Watch out for the safety of fellow employees.
- Wear appropriate personal protective equipment, e.g., shoes, shoe covers, hats, masks, gloves, goggles, etc., in designated areas or as required.
- Do not enter Modern Aesthetics property after normal working hours for any reason without the express approval of your supervisor or Office Manager.

Remember, failure to adhere to these rules will be considered serious infractions of safety rules and may result in disciplinary action, up to and including immediate dismissal.

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Hazardous Substance Training

Modern Aesthetics has established Occupational Safety and Health Act (OSHA) programs to minimize safety hazards in the workplace. You are responsible for reading and abiding by any such programs.

Trained members of **Modern Aesthetics's** staff may need to use chemicals for various procedures. OSHA requires each chemical to have a Safety Data Sheet (SDS) to show a chemical's content and potential hazards. OSHA regulations state that all employees must know where to find these sheets in the event of an emergency.

You will receive training related to the use of hazardous substances in our workplace. The training will include an explanation of the SDS covering each substance in your workplace; the location of the SDS's for all substances used in **Modern Aesthetics** is accessible to employees at all times; an explanation of the types of safety labels used in the workplace; and any special handling instructions or special protective equipment to be used or worn if the employee has to work with the substance. The completion of this training will require you to sign an acknowledgment indicating you have received the training.

SDS sheets are available to employees in the SDS Catalogue located in the office. If you need access, please speak to your immediate supervisor or Office Manager. It is important for you to remember that if an OSHA representative visits our company, he or she may ask an employee where our SDS sheets are kept. It is an employee's responsibility to reply with the correct location.

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Injury And Illness Prevention Program

Modern Aesthetics has a written injury and illness prevention program. The program includes not only general safety rules, of which all employees must comply, but also Codes of Safe Practices for specific operations being performed by employees. Further, the program includes safety inspections and accident investigations of any job-related injury or illness, which occurs. You are encouraged to bring your safety suggestions to management and should do so without fear of retaliation. All employees are required to follow the general safety rules as well as the specific rules set forth for individual operations in the codes of safe practices.

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Hepatitis Inoculation

You may come in contact with many people during the course of work at **Modern Aesthetics**. Employees are encouraged to receive an annual hepatitis, flu and other potential inoculations at **Modern Aesthetics's** expense to ensure they remain healthy if potentially exposed to hepatitis.

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Bloodborne Pathogens

As part of its continuing commitment to employee safety and health, **Modern Aesthetics** has adopted a comprehensive policy for dealing with possible employee exposure to bloodborne pathogens. While possible employee exposure to bloodborne pathogens may have serious consequences, these measures are primarily intended to be precautionary.

An employee who renders first aid assistance in any situation involving the presence of blood or other potentially infectious materials will immediately be offered Hepatitis B vaccination. **Modern Aesthetics** will pay for this vaccination.

If rendering first aid results in an eye, mouth, or non-intact skin contact with blood or other potentially infectious materials, **Modern Aesthetics** will take the following actions. It will document the circumstances of the exposure. **Modern Aesthetics** will identify the person from whom the potentially infectious material came. It will inform the first aid provider about the symptoms that might develop from exposure, collect and test the first aid provider's blood (with the employee's consent and **Modern Aesthetics's** cost) for Hepatitis B and HIV serum status, provide post exposure treatment (if necessary), and provide employee counseling.

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Alcohol And Drug Policy

Modern Aesthetics strives to provide its employees with a safe workplace. The use of illegal drugs or abuse of prescription drugs or alcohol may put you or others at risk of harm or injury. You are expected to be in suitable mental and physical condition while at work, allowing you to perform your job effectively and safely. **Modern Aesthetics** has established the guidelines below with regard to use, possession, or sale of alcohol or illegal drugs.

Employees may be disciplined, up to and including immediate dismissal for any of the following:

1. Reporting to work and/or working with the presence of intoxicants in their bodies;
2. Bringing intoxicants into the workplace;
3. Possessing or ingesting intoxicants in the workplace during working hours, including meal and rest breaks;
4. Involvement in the manufacture, sale, purchase, transfer, distribution, or dispensation of intoxicants in the workplace and/or during working hours, including lunch and rest breaks;
5. Providing false or misleading information or failing to provide information about any of the foregoing with regard to themselves or others.

As used above, “workplace” includes any premises where an employee may be working on behalf of **Modern Aesthetics**. “Intoxicants” as used in this policy means any drug listed in 21 U.S.C. § 821 and other federal regulations, including, but not limited to, heroin, marijuana, cocaine, PCP and crack, narcotics, barbiturates, amphetamines, and any other controlled substance other than those taken under the direction and prescription of a licensed physician. Intoxicants also include legal drugs not taken under the direction and prescription of a licensed physician to the extent that their ingestion may affect the safety of co-workers or members of the public, the employee’s job performance, or the safe or efficient operation of **Modern Aesthetics** facility. Further, as mentioned above, marijuana remains included as an intoxicant under this policy even if the use of it is prescribed for medicinal purposes or is otherwise authorized or permitted under California law.

Drug/Alcohol Testing- To the extent allowed by applicable state law, **Modern Aesthetics** may maintain screening practices designed to prevent hiring individuals who use illegal drugs. **Modern Aesthetics** may require a blood test, urinalysis, or other drug/alcohol screening of those employees reasonably suspected of using or being under the influence of a drug or alcohol. “Reasonable suspicion” may be established by accident; physical and/or verbal altercation; a layperson’s opinion based upon specific personal observations concerning an employee’s appearance or behavior (including job performance); body odors; unusual employee behavior; possession of drugs or alcohol; or other factors. An employee’s consent to submit to such a test is required as a condition of employment and the employee’s refusal to consent shall result in termination, even for a first refusal.

Prescription Drugs- The legal use of controlled substances, such as prescription drugs prescribed by a licensed physician, or over-the-counter medications, is allowed. However, if an employee cannot do their job satisfactorily or safely because of such substances, **Modern Aesthetics** may require them to see a doctor, at **Modern Aesthetics’s** expense. An employee may be terminated or obligated to take an unpaid leave of absence if the doctor concludes that they cannot do their job safely and efficiently because of the use of prescription or over-the-counter drugs.

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Workplace Violence

Modern Aesthetics is committed to providing a workplace that is free from acts of violence or threats of violence. In keeping with this commitment, **Modern Aesthetics** has established a policy that provides “zero tolerance” for actual or threatened violence against co-workers, visitors, or any other persons who are either on our premises or have contact with employees in the course of their duties. Security and safety in the workplace is every employee’s responsibility. It is therefore essential that every employee understands the importance of workplace safety and security.

Prohibited conduct includes, but is not limited to:

- Injuring another person physically;
- Engaging in behavior that creates a reasonable fear of injury in another person;
- Engaging in behavior that may subject another individual to extreme emotional distress;
- Possessing any dangerous substances, including firearms, explosives and other weapons while on company premises or engaged in company business;
- Employees possessing protective sprays must comply with legal requirements governing their possession and use;
- Damaging property intentionally; or
- Threatening to injure an individual or damage property. Threats can be direct statements as well as intimidating remarks or gestures, “stalking”, or other menacing behavior

Modern Aesthetics encourages employees to promptly report incidents of potential violence or threats of violence and to suggest ways to reduce or eliminate risks. **Modern Aesthetics** requires records of incidents to assess risk and to measure progress.

Modern Aesthetics is committed to the policy that no reprisal is taken against any employee who reports or experiences workplace violence.

Employees who commit violent acts, make threats, or who otherwise violate this policy are subject to discipline and may be terminated. **Modern Aesthetics** may also seek the prosecution of those who engage in violence on its premises.

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Electronic Workplace Policy

Within **Modern Aesthetics’s** office(s), employees may be provided access to a variety of electronic devices designed to improve efficiency and productivity. Such devices include, but are not limited to, **Modern Aesthetics’s** practice management system, voice mail, electronic mail, personal computer, and/or Internet/Intranet access systems (collectively, “Electronic Media”).

Electronic Media are to be used for **Modern Aesthetics** business purposes only and may not, under any circumstances, be accessed or utilized for personal reasons. Additionally, all Electronic Media, including all files and messages sent, received, composed, and/or stored on

any computer system are the property of **Modern Aesthetics** and will be treated as such. Any employee who sends a personal message on these systems should be aware that such message will be viewed as a business message and not a personal, confidential message. Accordingly, all employees waive any right to privacy in communications via Electronic Media and acknowledge that **Modern Aesthetics** has the right to enter these systems and review, copy, or delete any messages with or without notice.

All employees who have access to **Modern Aesthetics's** Electronic Media and computerized capabilities are required to provide their supervisor with all pass codes/passwords and to immediately notify their supervisor whenever a pass code/password is changed or new pass codes/passwords are created. Private pass codes/passwords do not guarantee confidentiality. The use of passwords to gain access to these systems is for the protection of **Modern Aesthetics**, not employees.

Modern Aesthetics's confidential information should not be transmitted via Electronic Media outside **Modern Aesthetics** or even to employees within **Modern Aesthetics** unless such recipients are authorized to receive such information. To protect **Modern Aesthetics's** proprietary information, employees should not leave Electronic Media on their screens when they leave their desks. Employees must not copy and send via Electronic Media any information or software that is protected by copyright or other intellectual property laws.

The use of Electronic Media to download, send, or forward to others any discriminatory or threatening messages, ethnic or racial slurs, indignities, obscenities, sexual or offensive comments, off-color jokes, lewd graphics or pictures, or anything that may be construed as harassment or disrespect for others is strictly prohibited. Furthermore, no employee may use Electronic Media to solicit others for commercial ventures, religious or political causes, outside organizations, or other non-business matter. Employees violating this policy or otherwise misusing Electronic Media will be subject to disciplinary action, up to and including immediate dismissal.

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Social Media Policy

These guidelines apply to all employees who participate in any form of personal social networking including, but not limited to, Instagram, WhatsApp, Pinterest, TikTok, Facebook, Twitter, MySpace, Yelp, Wikipedia, LinkedIn, or any other social networking sites. Except when expressly authorized in writing for use for business purposes, social media activities are not permitted at work or while on Practice time. When authorized, employees must consult with their manager, and receive approval for any posting, prior to any posting, and must abide by all Practice policies and applicable laws in such postings.

Employees are free to participate in such activities on personal time, subject to the information below, and subject to the understanding that this policy is not intended to cover internet activities that do not associate or identify the employee with **Modern Aesthetics**, do not use Practice e-mail addresses or equipment, do not discuss **Modern Aesthetics**, and are purely about personal matters. Employees are not allowed to use their personal work phone during working hours. Employee may access their personal phone during breaks and lunches.

Modern Aesthetics understands that employees may maintain or contribute to personal blogs, message boards, conversation pages, and other forms of social media (e.g., Facebook and Twitter) outside of their job function and may periodically post information about their job or **Modern Aesthetics's** activities on these outlets. If an employee identifies him or herself as an employee of **Modern Aesthetics** and/or uses his or her Practice email address (which should not be done if you are on such social platforms personally), then the employee must make it clear that the employee is not speaking for **Modern Aesthetics**, and what the employee says is representative of his or her individual personal views and opinions and not necessarily the views and opinions of **Modern Aesthetics**. Never represent yourself as a spokesperson for **Modern Aesthetics**.

Such employees should also take the following into consideration:

Employees are obligated to be aware of and comply with any applicable provisions set forth in **Modern Aesthetics's** employee handbook and all policies and procedures. Employees may not disclose trade secret or proprietary Practice information, protected legal or litigation information, or similar information of third parties who have shared such information with **Modern Aesthetics**. This includes, but is not limited to, trade secret, intellectual property and confidential employee and patient policies. Do not post internal reports, policies, procedures or other internal Practice-related confidential communications. Further, **Modern Aesthetics's** intellectual property, logos, trademarks, and copyrights may not be used in any manner. Even vague or disguised references to such information could violate **Modern Aesthetics's** policies and applicable laws.

Make sure you are always accurate and honest when posting information about **Modern Aesthetics**, and if you make a mistake, then correct it quickly. Never post any information or rumors that you know to be false about **Modern Aesthetics**, its employees, or patients.

Employees should not speak to the media on **Modern Aesthetics's** behalf without first contacting their manager/leadership and **Modern Aesthetics's** Office Manager before responding. All media or press inquiries should be directed to Office Manager

If a media inquiry is generated, it must be immediately directed to Office Manager without any comment either on or off the record.

Follow general civil behavior guidelines and always attempt to be fair and courteous to fellow employees. Integrity, accountability, and respect are core values. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or utilizing **Modern Aesthetics's** complaint procedures than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video, or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that maliciously disparages **Modern Aesthetics** or other employees, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of sex, race, disability, religion, or any other characteristic protected by law or Practice policy.

You are reminded that when you participate in public blogs or discussion activities, all posted content (even if deleted) is immediately, and at any time, subject to monitoring and review by

Modern Aesthetics and your co-workers. Employees bear full responsibility for the material they post on personal blogs or other social media.

For purposes of this policy, a “personal blog” or “social media” includes personal websites and all forms of on-line community activities such as on-line social networks, message boards, conversation pages, and chat rooms.

In general, please remember that what you publish is widely accessible, including by **Modern Aesthetics**, and will be around for a long time, so consider the content carefully and follow the guidelines in this policy.

Employees should realize that nothing in this Handbook or in this policy is intended to prevent them from freely discussing their own wages, hours, or working conditions with other employees, including in the context of social media.

If you have any questions regarding this policy and its application, please contact **Office Manager**.

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Voice Mail, E-Mail, And Computer Files

Practice provided voicemail, e-mail, computers, or other electronic or digital systems (“Systems”) are to be used for business purposes only, and may not be used for personal business. These Systems are **Modern Aesthetics’s** property and maintained by **Modern Aesthetics** in order to facilitate **Modern Aesthetics’s** business. Therefore, all messages or data sent, received, composed, and/or stored on these Systems even with offsite providers are the sole property of **Modern Aesthetics**.

Practice Systems should not be used to access on-line data bases or Internet services unless such access is for work-related purposes. **Modern Aesthetics** understands that on occasion, employees may need to conduct personal business using computing resources for personal reasons. Such use must be limited to break time and employees must not excessively use computing and network resources. Excessive use of computer and/or network resources includes but is not limited to listening to audio broadcasts (live or prerecorded) on the internet, viewing video broadcasts (live or prerecorded), and down-loading large data-files for personal use. Access to computing and network resources from the internet is strictly prohibited unless expressly authorized by (**Office Manager**) and the employee’s supervisor.

Modern Aesthetics understands that on occasion family members or others may need to leave personal messages on the voice mail system for an employee, and is willing to accommodate this to a limited degree. However, personal use of the voice mail system that interferes with an employee’s work performance will not be permitted.

Messages or communications on **Modern Aesthetics’s** voicemail, e-mail, computer, and any Systems are subject to the same policies regarding harassment, discrimination, and retaliation as are any other workplace communications. **Modern Aesthetics** will not tolerate offensive, harassing, discriminatory, or retaliatory content. Content that is considered offensive includes, but is not limited to, any message which contains sexual implications, racial slurs, gender-specific comments, or any other statement that offensively addresses someone’s age, sex,

sexual orientation, pregnancy status, marital status, religious or political beliefs, ancestry, national origin, citizenship, disability, or any other basis protected by local, state or federal law.

Employees should have no anticipation of privacy with respect to Practice provided voicemail, e-mail, text-messages, instant messages, or any other computer or electronically based electronic communications regardless of whether such information is stored on **Modern Aesthetics's** Systems or by an outside provider including, but not limited to, a phone company or off-site provider ("Electronic Communication"). **Modern Aesthetics** reserves the right to monitor, access, and inspect computers, e-mails, voice mails, and other electronically stored documents, systems and data, Systems, or Electronic Communication that are used by employees whether on the premises or elsewhere, including but not limited to laptops, employee computers used to telecommunicate, PDA's, smart-phones (including, Black-Berries and i-Phones), portable "jump" or USB drives, external hard drives, host computers, clouds, file servers, workstations, stand-alone computers, software, voice mail, fax transmissions, telephones of any type, and internal or external communication networks and all other Electronic Communications and Systems. This may be done without notice to an employee and in the employee's absence. Even when a message is erased, it may still be possible to retrieve it from a backup system. Therefore, employees should not rely on erasure of messages to guarantee that a message remains private. Nothing contained in this or any other materials generated by **Modern Aesthetics** or its employees, or any statement made by any employee of **Modern Aesthetics**, shall create an expectation of privacy to an employee's Electronic Communication or Systems. Only the President of **Modern Aesthetics** can modify this lack of expectation of privacy, and only then with a signed letter.

Notwithstanding **Modern Aesthetics's** right to retrieve and review such material, such material should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve any voicemail or e-mail messages or any other type of Electronic Communication that are not addressed to them.

Employees are prohibited from using passwords without prior authorization and registration. The existence of a password on company voicemail, e-mail or computer systems, or other Systems or Electronic Communication is not intended to indicate the messages or other communications will remain private.

Employees are prohibited from loading any software onto a Practice provided computer where such action would violate the software license. Employees are prohibited from loading any software onto a Practice provided computer without the express approval of their manager or supervisor.

All Electronic Communication or Systems should not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary information, or similar matter without prior written authorization from the President of **Modern Aesthetics**. Further no confidential, proprietary, copyrighted, or trade secret information may be sent to third parties or any person outside of **Modern Aesthetics**, without prior written authorization from the President of **Modern Aesthetics**, nor may such materials be used at any time for an employee's personal benefit or misused in any way.

[EDITOR'S NOTE: AB 1844 prohibits employers from requiring or requesting employees or job applicants to provide user names or passwords for personal social media accounts and from

requesting an employee or applicant to divulge personal social media. There are limited exceptions, including an exception relating to employer investigations.]

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PAID LEAVES OF ABSENCE

Organ And Bone Marrow Donor Leave

This policy applies only if **Modern Aesthetics** employs 15 or more employees. An employee will be granted a leave of absence due to their donation of an organ or bone marrow to another person.

Request for Leave- No employee shall be granted an organ or bone marrow leave unless they submit a written request for leave stating that they are an organ or bone marrow donor and showing a medical necessity for the donation of the organ or bone marrow. Failure to provide the above information is grounds for denial of this leave of absence.

Length of Leave- Leave time due to organ donation may not exceed thirty (30) days off in any 12-month period, commencing with the first day on which any such leave is taken.

Leave time due to bone marrow donation may not exceed five (5) days off in any 12-month period, commencing with the first day on which any such leave is taken.

Compensation and Benefits- Organ and bone marrow donor leave is with pay. As such, employees will be paid their usual and customary salary/daily rate while on such leave. **Modern Aesthetics** may require an employee who requests leave for bone marrow donation to take up to five (5) days of accrued paid sick, PTO, or vacation time. **Modern Aesthetics** may require an employee who requests leave for organ donation to take up to two (2) weeks of accrued paid sick, PTO, or vacation time. After that, or if the employee does not have accrued time, **Modern Aesthetics** will provide paid leave up to the time limits provided under the “Length of Leave” section above.

Time spent on an organ or bone marrow donor leave will not constitute a break in service for any reason. To the extent an employee receives benefits under a group health plan benefits, **Modern Aesthetics** will continue to pay the premium for the employee’s health insurance that **Modern Aesthetics** would have paid but for the employee’s leave.

Use of Vacation and Sick Leave- **Modern Aesthetics** requires employees taking leave to donate bone marrow to use no more than five days of earned but unused sick or vacation leave. **Modern Aesthetics** requires employees taking leave to donate an organ to use no more than two weeks of earned but unused sick or vacation leave.

Return from Leave- Upon return from such a leave of absence, **Modern Aesthetics** will use its best efforts to return the employee to the same position held prior to the leave of absence. If this position is not available, a comparable position will be offered.

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[Time Off To Vote](#)

Because **Modern Aesthetics** has a continuing interest in encouraging responsible citizenship, you are urged to vote for the candidates of your choice at local, state, and national elections either before or after your regular shift. In extreme cases, if you do not have sufficient time outside of working hours within which to vote, you will be allowed to take up to two hours off with pay for this purpose. Such time off should be taken at the beginning or end of your regular shift, whichever allows for more free time to vote.

To receive time off for voting, you must advise your supervisor that you will need time off at least three days before Election Day, receive approval from your supervisor, and present a voter's receipt to your supervisor.

No action will be taken against any employee in any manner for requesting or taking any time off as provided for in this policy.

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[UNPAID LEAVES OF ABSENCE](#)

Modern Aesthetics provides a variety of unpaid leaves of absence as set forth below. All paid and unpaid leaves will run concurrently to the maximum extent permitted by law.

[Family And Medical Care Leave Of Absence \(FMLA\)/California Family Rights Act \(CFRA\)](#)

Applicable only if Modern Aesthetics hires 50 or more employees

Eligibility- To be eligible for this leave, an employee must meet the following criteria:

1. The employee must be employed by **Modern Aesthetics** for at least one (1) year of aggregate employment. Any employment with **Modern Aesthetics** during the last seven (7) years will be counted towards the "one (1) year of aggregate employment";
2. The employee must have worked for **Modern Aesthetics** for at least 1,250 hours (excluding vacations, holidays, sick leave and leaves of absence) during the immediately preceding 12 month period. The hours that would have been worked by a person but for their military leave will be counted towards the 1,250 hour threshold when they return from active duty status; and
3. The employee must be employed at a location where fifty (50) of **Modern Aesthetics** workers are employed or work within seventy-five miles of each other.

Reasons for Leave- Leaves under this policy are available for the following reasons:

1. Child Bonding- Due to the birth of the employee's child or placement of a child with the employee by adoption or for foster care.
2. Serious Health Condition- To care for a child, spouse, registered domestic partner or parent with a serious health condition, or on account of the employee's own serious health condition, including work-related injuries or illness. For purpose of this policy,

a parent can mean someone who stands *in loco parentis* to the employee and a child can be someone for whom the employee stands *in loco parentis*.

3. Service-member's Serious Health Condition- To care for a current member of the Armed Forces, including a member of the National Guard or Reserves or a member of the Armed Forces who is on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on active duty for which they are undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or otherwise on the temporary disability retired list. Covered service members also include veterans who were previously members of the Armed Forces (including the National Guard and Reserves) and are undergoing medical treatment, recuperation, or therapy for a serious injury or illness within five years of active membership. The term "serious injury or illness" means an injury or illness incurred by the member in the line of duty while on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating, or one that existed before the beginning of active duty and was aggravated by service in the line of duty while on active duty. With regard to veterans, the injury or illness may manifest itself before or after the individual assumed veteran status. The employee must be the spouse, son, daughter, parent, or next of kin of a covered service member. For the purposes of this policy, a parent can mean someone who stands *in loco parentis* to the employee and a child can be someone for whom the employee stands *in loco parentis*.
4. Qualifying Exigency Involving a Service-member- To address a "qualifying exigency" as defined below.

Qualifying Exigencies- Federal law describes many circumstances that may be considered a "qualifying exigency". If there is any question on whether something is a qualifying exigency, **Modern Aesthetics** will use only such circumstance as are required by law and nothing in this policy should be considered to have granted any rights to leave that are not required by law. In any event, all qualifying exigencies require that the military member be the employee's spouse, son, daughter, or parent on active duty or call to active duty status. Military members covered by this policy also include the employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood *in loco parentis*, who is on active duty or call to active duty status, and who is of any age. For purposes of this policy, a "parent" can mean someone who stands *in loco parentis* to the employee and a "child", "son" or "daughter" can be someone for whom the employee stands *in loco parentis*. A qualifying exigency is, as defined by applicable law: 1) Short-Notice Deployment; 2) Military Events and Related Activities; 3) Childcare and School Activities; 4) Financial and Legal Arrangements; 5) Counseling; 6) Rest and Recuperation; 7) Post-Deployment Activities; 8) and Additional Activities as agreed to by **Modern Aesthetics** and employee.

Length of Leave- Leave time for child bonding, to care for a child, spouse, registered domestic partner (under CFRA), or parent with a serious health condition, or on account of the employee's own serious health condition, (other than a service-member's serious health condition), or a qualifying exigency may not exceed twelve (12) weeks off in any 12-month period, commencing with the first day on which any family and medical care leave is taken.

Leave time due to a “service-member’s serious health condition” may not exceed twenty-six (26) weeks off in any 12-month period, commencing with the first day on which any such leave is taken.

Thus, for example, an eligible employee may, during the single 12-month period take sixteen (16) weeks of leave to care for a covered service-member and ten (10) weeks of leave to care for a newborn child. However, the employee may not take more than twelve (12) weeks of leave to care for the newborn child during the single 12-month period even if the employee takes fewer than fourteen (14) weeks of FMLA leave to care for a covered service-member.

Each instance of leave time due to a short-notice “qualifying exigency” may not exceed seven (7) calendar days off. Each instance of leave time due to rest and relaxation qualifying exigency may not exceed the time agreed to by **Modern Aesthetics** and the employee.

A family and medical care leave may be taken in addition to any leave of absence to which an employee may be entitled on account of a disability resulting from pregnancy disability.

No more than a combined total of 12 weeks of family and medical care leave in a 12 month period will be granted to parents who both work for **Modern Aesthetics** where the leave is taken on account of the birth of a child or for placement of a child by adoption or for foster care.

If the leave is required due to a planned medical treatment, the employee must make a reasonable effort to schedule the treatment to avoid disruption of **Modern Aesthetics’s** operations.

Use of Vacation or Sick Leave- (Option 1): An employee who takes a Family and Medical Care Leave of Absence can mutually agree with **Modern Aesthetics** to substitute for such leave any sick leave or vacation time that the employee may have available. **Modern Aesthetics** will coordinate any state benefits received by the employee with any sick leave or vacation time to the maximum extent permitted by law. **(Option 2):** If an employee is receiving benefits from a disability leave plan, such as Paid Family Leave, state disability, or a disability benefit offered by **Modern Aesthetics** (such as Aflac or a long-term disability plan), **Modern Aesthetics** will not require an employee taking FMLA leave to use their vacation time; however, the employee may use vacation time to supplement the employee’s disability benefits if: (1) the employee requests the use of vacation time; and (2) the disability leave plan does not provide the employee with complete wage replacement.

Intermittent Leave- If the leave is due to a serious health condition in the employee’s family or the employee’s own health problems, it will, upon request, be granted to an employee on an intermittent basis. If the employee has requested intermittent leave, **Modern Aesthetics** may temporarily transfer the employee to another position which better accommodates recurring periods of leave, provided that the employee is qualified for the other position and that the employee continues to receive equivalent pay and benefits.

Request for Leave- No leave will be granted to an employee unless he or she submits a written request for a family and medical care leave stating the beginning date and length of such leave. You must give sufficient notice of at least 30 days’ advance notice if the need for leave is foreseeable, otherwise as soon as practicable if the need is an emergency or unforeseeable. Written updates may be required from time to time thereafter. Failure to comply with these requirements is grounds for delay and/or denial of a family or medical care leave.

Where the leave is requested to enable the employee to care for a seriously ill child, spouse, registered domestic partner or parent, or because of the employee's own serious health condition, the employee must furnish a doctor's written certification. (**Option:** on a form provided by **Modern Aesthetics**.) The doctor's written certification must include the date the serious health condition commenced, and an estimate of the probable duration of the condition. For leave to enable the employee to care for a seriously ill child, spouse, registered domestic partner, or parent, the written certification must also contain (1) an estimate of the amount of time that the doctor believes the employee needs to care for the family member, and (2) a statement that the serious health condition warrants participation of a family member to provide care during a period of treatment or supervision.

For leave because of the employee's own serious health condition, the written certification must also indicate if the employee is unable to perform work of any kind or is unable to perform the essential functions of the employee's job as set forth in the employee's written job description.

For leave because of a qualifying exigency, the first time that the employee requests such leave, **Modern Aesthetics** may request that the employee provide a copy of the covered military member's active duty orders or other documents issued by the military which indicate that the military member is on active duty or call to active duty status and dates of the active duty service. **Modern Aesthetics** then may require that the employee provide a signed certification stating, among other things, the need for leave, the approximate date for commencing the leave, the frequency and duration requested, and the contact information for third parties involved. If the qualifying exigency involves a third person, without the employee's permission, **Modern Aesthetics** may contact the third person to verify the employee's meeting or appointment with the third party. Without prior employee permission, **Modern Aesthetics** also may contact the Department of Defense to verify the military member's active duty.

For leave to care for a service-member with a serious injury or illness, **Modern Aesthetics** may require the employee to provide certification from the service-member's health care provider. This certification may request the health care provider to provide, among other things, the name, address and contact information of the health care provider, their medical practice type, their specialty, whether the service-member's injury or illness was incurred in the line of active duty, approximate date and probable duration of the condition, medical facts sufficient to ascertain the need for the leave and information about intermittent or reduced schedule treatment. **Modern Aesthetics** can also request information from the employee or service-member to ascertain the need for the leave and its duration. **Modern Aesthetics** may accept International Travel Orders or Invitational Travel Authorizations in lieu of **Modern Aesthetics's** certification form. **Modern Aesthetics** will not request second or third medical opinions or recertification when leave is requested for a service-member's serious injury or illness.

Second Medical Opinion- Prior to granting a leave because of an employee's own serious health condition, **Modern Aesthetics** may request a second medical opinion to be rendered by a doctor of its choice. If the opinions of the employee's and **Modern Aesthetics's** doctors differ, **Modern Aesthetics** may require a final and binding opinion from a third doctor, jointly approved by **Modern Aesthetics** and the employee.

Compensation and Benefits- Family and medical care leave is without pay from **Modern Aesthetics**. **Modern Aesthetics** will, however, continue to pay the premium for the employee's health insurance that **Modern Aesthetics** would have paid but for the employee's leave for a maximum of twelve (12) weeks in any 12-month period or if the leave is for service-members

illness or injury, for a maximum of twenty-six (26) weeks in any 12 month period. The employee will be responsible for paying for the employee portion of the health insurance premium, and such payment will be due at the same time as if it had been made by payroll deduction. Insurance may be cancelled if the employee fails to pay his or her portion while on leave.

Return from Leave- Where family and medical care leave has been taken by an employee on account of the employee's own serious health condition, before the employee returns to work, the employee must provide **Modern Aesthetics** with a written doctor's certification that the employee is able to resume work. **Modern Aesthetics** reserves the right to require a physical examination by a doctor of its choice to determine if the employee is able to perform the essential functions of the employee's job as set forth in the employee's written job description. Failure to return from leave of absence by the scheduled time may result in termination.

Upon return from an approved FMLA/CFRA leave of absence, **Modern Aesthetics** will return the employee to the same position held prior to the leave of absence, subject to law-required exceptions. If this position is not available, **Modern Aesthetics** will offer the employee a comparable position. Any personnel action (i.e. layoffs, salary actions, reorganizations, etc.) taken by **Modern Aesthetics** during the employee's leave will be applied to the employee as if the employee had not taken a leave.

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Personal (Non-Industrial) Medical Leave Of Absence

Request/Eligibility for Leave- Upon completion of **90** calendar days of continuous employment, an employee will be granted a leave of absence due to disability arising from a personal illness or injury, provided that he or she submits a written request for such leave. In addition, the employee must furnish a doctor's written certification stating the leave time is necessary due to a medical disability and the length of such leave. Written updates may be requested from time to time thereafter. Failure to provide the above information is grounds for denial of a personal medical leave of absence.

Length of Leave- A personal medical leave of absence shall be for a reasonable period of time during which an employee is disabled. The maximum amount of leave time per calendar year shall not exceed a maximum of **30** calendar days

Compensation and Benefits- Personal (Non-Industrial) Medical Leaves of Absence are without pay from **Modern Aesthetics**. **Modern Aesthetics** will, however, continue to pay the premium for the employee's health insurance that **Modern Aesthetics** would have paid but for the employee's leave.

The employee will be responsible for paying for the employee portion of the health insurance premium, and such payment will be due at the same time as if it had been made by payroll deduction. Insurance may be cancelled if the employee fails to pay his or her portion while on leave. **Modern Aesthetics's** premium payment will continue for a maximum of **30** calendar days of leave time. Employer payments for these benefits will cease immediately following the **30** calendar day period.

Use of Vacation and Sick Leave- An employee who takes a Personal (Non-Industrial) Medical Leave of Absence **may choose to** substitute for such leave any vacation or sick leave time that the employee may have accrued.

Return from Leave- An employee returning from this leave of absence must furnish a doctor's written certification of his or her fitness to perform the essential functions of his or her job, with or without reasonable accommodation. Failure to return from leave of absence by the scheduled time may result in termination.

Upon return from such a leave of absence, **Modern Aesthetics** will use its best efforts to return the employee to a position, which is the same, or similar to that previously held, but reinstatement is not guaranteed.

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Pregnancy Disability Leave Of Absence

Applies if Modern Aesthetics has 5 or more employees

Request for Leave- An employee will be granted a pregnancy disability leave of absence ("PDL") due to a disability arising from pregnancy or childbirth, provided that she submits a written request for such leave. **Modern Aesthetics** will also reasonably accommodate the employee's medical needs related to pregnancy, childbirth or related conditions (such as temporarily modifying her work duties, providing her with a stool or chair, or allowing more frequent breaks), or transfer her to a less strenuous or hazardous position (where one is available) or duties if medically needed because of her pregnancy. To receive reasonable accommodation, obtain a transfer, or take PDL, the employee must give sufficient notice of at least 30 days advance notice if the need for the reasonable accommodation, transfer, or PDL is foreseeable, otherwise as soon as practicable if the need is an emergency or unforeseeable. In addition, the employee must furnish a doctor's written certification stating the leave time is necessary due to pregnancy or childbirth and the length of such leave. Written updates may be requested from time to time thereafter. Failure to provide the above information is grounds for denial of a pregnancy or childbirth leave of absence.

Length of Leave- A pregnancy or childbirth leave of absence shall be for a reasonable period of time during which an employee is disabled, but the leave of absence shall not exceed a maximum of four months or 17 1/3 weeks, or 88 workdays (based on a 5 day workweek). Part-time employees will be granted a pro-rata amount of this maximum leave time. This leave does not need to be taken in one continuous period of time but can be taken on an as needed basis. Time off, certified by a physician as pregnancy or childbirth related, such as severe morning sickness, can be taken as part of the employee's maximum available leave time under this policy.

Compensation and Benefits- Pregnancy disability leave is without pay. **Modern Aesthetics** will, however, continue to pay the premium for the employee's health insurance that **Modern Aesthetics** would have paid but for the employee's leave, for the duration of the leave. The employee will be responsible for paying for the employee portion of the health insurance premium, and such payment will be due at the same time as if it had been made by payroll deduction.

Use of Vacation and Sick Leave- An employee who takes a Pregnancy/Childbirth Leave of Absence can choose to substitute for such leave any sick leave time that the employee may have accrued. The employee may request to substitute any vacation time accrued.

Return from Leave- An employee returning from this leave of absence must furnish a doctor's written certification of her fitness to perform the essential functions of her job, with or without reasonable accommodation. Failure to return from leave of absence by the scheduled time may result in termination.

Upon return from an approved PDL leave of absence, **Modern Aesthetics** will return the employee to the same position held prior to the leave of absence, subject to law-required exceptions. If this position is not available, **Modern Aesthetics** will offer the employee a comparable position. Any personnel action (i.e. layoffs, salary actions, reorganizations, etc.) taken by **Modern Aesthetics** during the employee's leave will be applied to the employee as if the employee had not taken a leave.

If you are CFRA-eligible, you have certain rights to take BOTH PDL and a separate CFRA leave for reason of the birth of your child. Both leaves guarantee reinstatement to the same or a comparable position at the end of the leave, subject to any defense allowed under the law.

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Time For Lactation Accommodation

Modern Aesthetics will provide eligible employees a reasonable amount of break time and use of a room or other location in close proximity to the employee's work area to express breast milk in private. Please see current rules and regulations for more details.

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Industrial Medical Leave Of Absence

Request for Leave- An employee will be granted a leave of absence due to disability arising from an industrial (work-related) illness or injury, provided that he or she submits a written request for such leave. In addition, the employee must furnish a doctor's written certification stating the leave time is necessary due to an industrial injury or illness and the length of such leave. Written updates may be requested from time to time thereafter. Failure to provide the above information is grounds for denial of an industrial medical leave of absence. Any leave taken under this provision qualifies as Family and Medical Care Leave and will be counted as such.

Length of Leave- An industrial medical leave of absence shall be for a reasonable period of time during which an employee is disabled, but the leave of absence shall not extend beyond the time that the employee is deemed "permanent and stationary" or as otherwise terminable by law.

Compensation and Benefits- Industrial Medical Leaves of Absence are without pay from **Modern Aesthetics**, but the employee may be entitled to disability payments under **Modern Aesthetics's** Workers' Compensation insurance policy. **Modern Aesthetics** will, however, continue to pay the premium for the employee's health insurance that **Modern Aesthetics** would have paid but for the employee's leave. The employee will be responsible for paying for the employee portion of the health insurance premium, and such payment will be due at the same

time as if it had been made by payroll deduction. Insurance may be cancelled if the employee fails to pay his or her portion while on leave. **Modern Aesthetics's** premium payment will continue for a maximum of **30** calendar days of leave time. Employer payments for these benefits will cease immediately following the **30** calendar day period.

Use of Vacation and Sick Leave- An employee who takes an Industrial Medical Leave of Absence can mutually agree with **Modern Aesthetics** to substitute for such leave any sick leave or vacation time that the employee may have available.

Return from Leave- An employee returning from this leave of absence must furnish a doctor's written certification of his or her fitness to perform the essential functions of his or her job, with or without reasonable accommodation. Failure to return from leave of absence by the scheduled time may result in termination.

Upon return from such a leave of absence, **Modern Aesthetics** will use its best efforts to return the employee to a position, which is the same, or similar to that previously held, subject to law permitted exceptions.

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Leave Of Absence For Emergency Service

Modern Aesthetics will give time off to an employee to perform emergency duty as a volunteer firefighter, reserve peace officer, or emergency rescue personnel. No action will be taken against any employee in any manner for requesting or taking any time off as provided for in this Section of the Handbook.

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Leave Of Absence For Emergency Service For Fire, Law Enforcement, Or Emergency Rescue Training

[**Editor's Note:** Mandatory policy for employers with 50 or more employees only.] An employee who is a volunteer firefighter, reserve peace officer, or emergency rescue personnel will be granted leaves of absence not to exceed a total of fourteen (14) days in any calendar year for the purpose of engaging in fire, law enforcement, or emergency rescue training or for disaster medical response. If you need time off on account of such training or disaster medical response, you should notify your supervisor as soon as possible so that arrangements to accommodate your absence may be made.

Time off to serve or train as a volunteer firefighter, reserve peace officer or emergency rescue personnel is unpaid, however, you may choose to use accrued vacation during this time off.

No action will be taken against any employee in any manner for requesting or taking any time off as provided for in this Section of the Handbook.

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Physical Examinations Following A Medical Leave Of Absence

An employee who returns to work following a leave of absence resulting from an injury or illness may be required to take a physical examination to: (1) release them to duty; (2) if released with restrictions, (a) determine if the employee is an “individual with a disability” for purposes of the Americans With Disabilities Act and any other applicable federal or state law, (b) determine if the employee can perform the essential functions of the job to which he or she is returning with or without reasonable accommodation and without posing a direct threat to the health or safety of his or herself or others, and (c) to identify an effective accommodation that would enable the employee to perform the essential functions of the job.

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Jury Duty Time Off

Any employee required to serve on jury duty may do so. No action will be taken against any employee in any manner for requesting or taking any time off as provided for in this policy. Non-exempt employees will receive no special jury duty pay for serving or for hours served on jury duty. An exempt employee’s salary will not be reduced for partial weeks of work missed due to service as a juror. However, **Modern Aesthetics** will not pay an exempt employee his or her weekly salary if he or she performs no work for **Modern Aesthetics** during an entire week while serving on jury duty. If desired, an employee can use any vacation time he or she has available while serving on a jury duty.

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Court Appearance

An employee, including a victim of a crime, may take time off to appear in court as a witness in order to comply with a subpoena or other order, or for certain specific crimes (including, but not limited to, solicitation for murder, vehicular manslaughter while intoxicated, and other serious felonies), in which any right of the victim is at issue. If you need time off to appear as a witness, you should bring the subpoena or court order to your supervisor immediately after it is received so that arrangements to accommodate your absence may be made. Time off taken by an employee to appear as a witness is unpaid. However, you may use any available vacation time. No action will be taken against any employee in any manner for requesting or taking any time off as provided for in this policy.

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Domestic Violence, Sexual Assault, Or Stalking

An employee who is a victim of domestic violence, sexual assault, or stalking may take time off in order to obtain judicial relief to help ensure the health, safety, or welfare of the employee or his or her child. If you need time off on account of domestic violence, sexual assault, or stalking, you should notify your supervisor as soon as possible so that arrangements to accommodate your absence may be made. If advance notice is not possible, you must provide appropriate written certification of the reason for your absence upon your return to work. **Modern Aesthetics** will make reasonable efforts to maintain the confidentiality of any employee requesting time off on account of domestic violence, sexual assault, or stalking. Time off on account of domestic violence, sexual assault, or stalking is unpaid. However, you may use any available vacation

time. No action will be taken against any employee in any manner for requesting or taking any time off as provided for in this policy.

You may also take time off for any of the following:

- to seek medical attention for injuries caused by domestic violence, sexual assault, or stalking;

- to obtain services from a domestic violence shelter, program or rape center as a result of domestic violence, sexual assault, or stalking;

- to obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking; or

- to participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking.

Modern Aesthetics will also engage in the interactive process and reasonably accommodate employees who disclose to Human Resources **or Office Manager** that they are victims of domestic violence, sexual assault, or stalking, subject to law exceptions. Reasonable accommodations may include, but are not limited to, implementation of safety measures. If circumstances change and an employee needs a new accommodation, the employee must request it. If an employee no longer needs an accommodation, he/she must also notify **Modern Aesthetics**. Certification may be required to document the need for a reasonable accommodation.

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Victims Of Crime

Employees who are a victim of a felony, or whose spouse, registered domestic partner, child, stepchild, sibling, step sibling, guardian, parent, or step parent is a victim of a felony, may take time off in order to attend judicial proceedings relating to the crime or those in which any right of the crime victim is at issue.

If you need such time off, you must give your supervisor a copy of the notice of the scheduled proceeding. If advance notice is not possible, you must provide a copy of documentation relating to the judicial proceeding within a reasonable period of time after your return to work.

Time off on account of **Modern Aesthetics's** Victims of Crime policy is unpaid. However, you may use any available vacation or sick leave when attending judicial proceedings relating to a crime. No action will be taken against any employee in any manner for requesting or taking any time off as provided for in this policy.

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School Activities Leave

Applies only if Modern Aesthetics has 25 or more employees

An employee who is the parent, guardian, grandparent, stepparent, foster parent or a person who stands *in loco parentis* to a child will be granted time off without pay for up to 40 hours per

calendar year, but no more than eight hours in any calendar month, to find, enroll or reenroll a child in a school or with a licensed child care provider or to participate in the activities of schools (K-12) or licensed child daycare facilities attended by their children. Employees must use accrued vacation, for purposes of a planned absence under this policy; otherwise the time off is unpaid.

You may also take off such additional time as may be necessary to attend your child's or grandchild's school in order to discuss your child's or grandchild's possible suspension or expulsion.

Such persons will also be granted time off to address a child care provider or school emergency. A child care provider or school emergency means that the employee's child cannot remain in a school or with a child care provider due to one of the following:

- The school or child care provider has requested that the child be picked up, or has an attendance policy (excluding planned holidays) that prohibits the child from attending or requires the child to be picked up from the school or child care provider;
- Behavioral or discipline problems;
- Closure or unexpected unavailability of the school or child care provider, excluding planned holidays; or
- A natural disaster, including, but not limited to, fire, earthquake or flood.

Employees wishing to take time off under this policy must provide their supervisors with reasonable notice of the planned absence. If both parents of a child are employed by the company at the same worksite, the request for time off under this policy will be granted to the first parent to provide notice of the need for time off. The request from the second parent will be accommodated if possible.

Modern Aesthetics reserves the right to request that the employee furnish written verification from the school or daycare facility as proof that the employee participated in school or daycare activities on the specific date and at a particular time. Failure to provide written verification is grounds for corrective action.

No action will be taken against any employee in any manner for requesting or taking any time off as provided for in this policy.

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Literacy Education Time Off

Applies only if Modern Aesthetics has 25 or more employees

Modern Aesthetics will reasonably accommodate and assist any employee who reveals a problem of literacy and requests assistance in enrolling in an adult literacy education. **Modern Aesthetics** will make all reasonable efforts to safeguard the privacy of the employee as to the fact that he or she has a problem.

Upon request, **Modern Aesthetics** will provide the location of local literacy education programs and arrange for the literacy education provider to visit the facility. Although **Modern Aesthetics** strongly encourages its employees to take advantage of this assistance, **Modern Aesthetics** will not compensate the employee for time off for the enrollment and participation in the adult literacy education program.

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Alcohol And/Or Drug Rehabilitation Leave Of Absence

Applies only if Modern Aesthetics has 25 or more employees

Modern Aesthetics wishes to assist employees who recognize that they have a problem with alcohol or drug use that may interfere with their ability to perform their job in a satisfactory manner.

If an employee has a problem with alcohol or drugs and decides to enroll voluntarily in a rehabilitation program, they will be given unpaid time off to participate in the program unless it would result in an undue hardship to **Modern Aesthetics**. If an employee requests time off to participate in such a program, **Modern Aesthetics** will also make reasonable efforts to keep confidential the fact they have done so.

The employee must furnish written certification demonstrating their enrollment in a rehabilitation program including the length of the leave. Failure to provide the above information is grounds for denial of an Alcohol and/or Drug Rehabilitation Leave of Absence.

This policy covering alcohol and drug rehabilitation leave does not affect **Modern Aesthetics's** treatment of or response to employees who violate **Modern Aesthetics** Drug and Alcohol policy. Rehabilitation is an option for an employee who acknowledges a chemical dependency and voluntarily seeks treatment to end their dependency.

Employees who are given a company leave to seek rehabilitation, but fail to overcome their dependency successfully, will not be given additional alcohol or drug rehabilitation leave time.

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Military Leave Of Absence

An employee who enters the armed forces of the United States will be granted a military leave of absence in accordance with applicable federal law.

Request for Leave- An employee must provide advance notice of the need for military leave unless prevented from doing so by military necessity or if providing notice would be impossible or unreasonable.

Length of Leave- **Modern Aesthetics** will grant up to a total of five years for an employee's military leave of absence, which includes the cumulative length of all absences from employment due to military service.

Compensation and Benefits- Military leaves of absence are without pay from **Modern Aesthetics**. All other rights and benefits will continue as if the employee had remained

continuously employed and will be available upon reinstatement. Vacation pay will not be earned during the military leave time but military service time will be counted towards years of service in **Modern Aesthetics's** vacation policy.

Return from Leave- Upon completion of military service, the employee will be reinstated with full seniority to his or her former position or to a comparable position if application for reemployment is made within ninety (90) calendar days from release from the service or hospitalization. However, the employee will not be reinstated if **Modern Aesthetics's** circumstances have so changed that re-employment is impossible or unreasonable.

National Guard Training Leave- An employee who is a member of the National Guard or a reserve component of the armed forces, upon furnishing a copy of the official orders or instructions, will be granted a military training leave. Training leaves shall not, except in an emergency or in the event of extenuating circumstances, exceed two weeks a year, plus reasonable travel time. The employee may choose to take earned vacation pay available during military training.

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Military Spouse Leave

[**Editor's Note:** Applies to all employers with 25 or more employees.] Any employee who works an average of twenty (20) or more hours per week is eligible for military spouse leave. Eligible employees who are the spouse or registered domestic partner of a member of the Armed Forces, National Guard or Reserves may take up to ten (10) days of unpaid time off while the military spouse is on leave from active duty during a period of military conflict.

An employee desiring to take this leave must provide **Modern Aesthetics** with written notice of intent to take time off within two (2) business days of the employee's receipt of notice that the military spouse will be on leave. The notice must indicate the days that the employee desires to take off and must attach written documentation certifying that:

1. The military spouse is deployed in an area the President of the United States has designated a combat zone or combat theater: and
2. That the military spouse will be on leave during the time that the employee is requesting to take off work.

This leave is in addition to and does not affect any other types of leave which the employee is allowed.

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Other Leaves Of Absence

Modern Aesthetics offers a wide variety of other unpaid leaves of absences as required by law, for (1) civil air patrol leave, and (2) other leaves that may be required by state and/or federal law. Eligibility and conditions of these leaves vary considerably, and if you are interested in any leave for any of these purposes, or for any other purpose, please contact Office Manager

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HOURS OF WORK/WORKING CONDITIONS

Hours Of Work

The hours of work and workweek for office personnel are generally as outlined in this policy and the overtime policy in this Handbook. However, management may alter or change the workday and workweek, for greater efficiency, to meet changing customer needs and services or for any other business related reason.

Modern Aesthetics operates from 9a.m. to 9 p.m. Monday through Sunday with schedule drive by appointment demand. Special Requests for work hours different from this normal work schedule must be approved by the Office Manager.

Office Personnel- Regularly scheduled for a 40 hour workweek from **(830)** a.m. to **(5)** p.m., or similar 8 hour continuous shift 5 days, with at least a one-half hour duty-free meal period and rest periods required by law, as set forth in the meal and rest period policies in this handbook.

The Office Manager will schedule the meal periods which should occur within the 4th hour of consecutive work

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Work Week

For the purposes of determining overtime for hourly non-exempt employees, the workweek consists of seven consecutive 24 hour periods on Sunday and ending the following Saturday. Hours worked during one workweek cannot be carried over into another workweek.

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Excessive Tardiness/Absenteeism

Absence from work or tardiness affects your income, causes an undue hardship on those employees who are present, and affects patient care. The ability of **Modern Aesthetics** to operate efficiently and meet its schedules depends upon your regular attendance. **Modern Aesthetics** recognizes that emergencies, illnesses, or pressing personal business that cannot be scheduled outside your scheduled work hours may arise. You are expected to be at your workstation and ready to work at the beginning of, but not before, your assigned shift. Habitual or excessive absenteeism and tardiness will not be tolerated. Tardiness of a few minutes does not require calling your supervisor, but an employee who expects to be delayed more than fifteen minutes must inform the supervisor immediately. Give your supervisor as much time as possible to arrange for someone else to cover your position until you arrive.

All employees are expected to call their supervisor within one half hour of reporting time on any day on which they expect to be absent. Be sure to call and request to speak with your supervisor directly. Notifying the switchboard operator, answering service, voicemail, or a fellow employee is not sufficient. If your supervisor is not available when you call, you may leave the information

with the Office Manager; however, you must leave a phone number where your supervisor may contact you. If a prolonged absence is anticipated, you should, in advance, contact your supervisor or **Office Manager** about a possible leave of absence. Regular and timely attendance is an essential function of every employee's job. Employees who are incarcerated or in custody and do not appear for work due to the incarceration or custody will be considered to have no called/no showed to work and the incarceration will not be considered a valid basis to have missed work

Any time you leave your worksite for reasons other than scheduled breaks or meal periods, let your supervisor know where you are going, the reason for leaving, and how long you expect to be gone.

Excessive absences or tardiness and absences with a pattern (Mondays and Fridays) are problematic and may be dealt with by disciplinary action, up to and including immediate dismissal.

If you are absent from work for three consecutive days without notifying your supervisor, you will be considered to have abandoned your position, and your employment may be terminated.

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Pay Day/Paycheck Accuracy

You are paid **Biweekly** day for work performed during the payroll period ending the **(15th)** day prior to the pay day. If payday falls on a holiday recognized by State of California, paychecks are distributed on the day.

Paychecks will not, under any circumstances, be given to any person other than the employee without prior written authorization. Paychecks may also be mailed to the employee's address or deposited directly into an employee's bank account upon request.

It is **Modern Aesthetics's** goal to ensure that all employees are properly paid for all of their work. Therefore, it is every employee's responsibility to examine his or her paycheck and paycheck stub to ensure that he/she is being properly paid for all work time and that the paycheck and pay stub are accurate. If an employee believes that he/she is not being properly paid for all his or her work, the employee must immediately inform **Office Manager**

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Deductions From Your Paycheck

Modern Aesthetics is required by law to make certain deductions from your paycheck. Among these are your federal, state, and any local income taxes and your contribution to Social Security and Medicare. These deductions will be itemized on your check stub.

The amount of these deductions will typically depend on your earnings and on the information you furnish on your W-4 Form regarding the number of dependents or exemptions you claim. Any change in name, address, marital status, or number of exemptions must be reported to your supervisor or Office Manager immediately to assure proper credit for tax purposes. The W-2

Form you receive for each year indicates the dollar amounts that were deducted for these purposes.

If you claim more than 10 exemptions, **Modern Aesthetics** is required by law to report your name and the number of exemptions you have claimed to the Internal Revenue Service.

Any other mandatory deductions to be made from your paycheck, such as court-ordered garnishments, will be explained whenever **Modern Aesthetics** is ordered to make such deductions.

Additionally, it is possible for you to authorize **Modern Aesthetics** to make additional deductions from your paycheck. The amount of these deductions will also be reflected on your pay stub. Examples could include employee benefits contributions and 401(k) deductions.

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Error In Pay

Every employee is expected to review the information on their paystub. If you believe an error has been made in your paycheck, tell your supervisor or Office Manager immediately. He or she will research the problem and correct any errors as soon as possible. Please review the Time Records policy below for additional guidance.

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Direct Deposit

Modern Aesthetics offers direct deposit. An employee's paycheck can be directly deposited into an account of your designation. For enrollment information, please contact your supervisor or Office Manager.

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Time Records

Employees are required to accurately record their own actual times in and out for the workday and the meal period(s). No one, regardless of circumstances, is permitted to record time for anyone else or to allow such an occurrence. Employees are to begin and end work on time as scheduled by their supervisor. Employees are not expected to, nor should they, work outside their regularly scheduled times and are not to work overtime without prior approval. Employees generally thus should clock in and out at their regularly scheduled start and end times, but must in all cases ensure they are accurately recording all work time. Employees must record their time in and out whenever they leave the premises for any reason, other than for Practice business and during bona fide rest periods.

Employees should carefully review their time records for accuracy and completeness. If there is a mistake on a time record, an employee should inform his or her supervisor and then make and initial the necessary correction. The supervisor should also initial any correction. Supervisors or managers are only authorized to change an employee's time record to accurately reflect the employee's actual work hours based on information provided by the employee. If you believe that a supervisor or manager has modified your time record to inaccurately reflect your actual

hours worked, you must immediately inform **Office Manager** of the alleged inaccuracy, in writing.

Please remember that no employees are permitted to work “off the clock” at any time. For the purposes of this policy, “off the clock” work is where an employee performs work for **Modern Aesthetics** but does not accurately record all such work time in **Modern Aesthetics’s** approved time record. Additionally, no supervisor or manager can permit, encourage, or require an employee to work “off the clock.” If your supervisor or manager asks you to work “off the clock”, or otherwise appears to encourage it, you must immediately bring this issue to **Office Manager**

Supervisors and managers are not permitted to require employees to sign any agreement or other statement of hours that falsely represents an employee’s time. Supervisors and managers who do so are subject to discipline, up to and including immediate dismissal.

It will be presumed that **Modern Aesthetics** is accurately compensating an employee for all hours worked, unless the employee brings a timely complaint pursuant to this policy.

Employees will not be subject to retaliation, discrimination, discharge, or other adverse action because they made a complaint regarding unpaid wages or wage theft.

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Remote Off-The-Clock Work Time

Modern Aesthetics does not want hourly non-exempt employees to perform any work outside the workplace. This includes, but is not limited to, checking e-mails, logging into **Practice** computers, checking voice mails, or texting others for work purposes. Thus, non-exempt employees are not expected to perform such activities and should not do so. Nevertheless, if an employee does perform such activities in violation of this policy, the employee must accurately record all such time worked, but will be subject to discipline for violating this policy. Hourly non-exempt employees cannot perform any work outside the workplace without prior advance approval from their supervisor. This includes as examples, for work purposes, sending or receiving e-mails, logging into **Practice** computers, checking voice mails, or texting others. The employee must inform **Modern Aesthetics** in writing the following business day the time(s) that such work was performed and must accurately record all such times worked on the employee’s time record, whether approved or not. **Modern Aesthetics** wants to make sure that all the time that an employee performs work is paid. Failure to obtain advance approval may, however, subject the employee to discipline, up to and including immediate dismissal.

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Overtime Authorization And Requirement

All overtime worked must be accurately recorded on time records and will be paid, but failure to have overtime authorized in advance of working the overtime is a violation of **Practice** policy. You will be expected to perform overtime work on occasion when scheduled. There may be times when you will be unable to work overtime when asked to do so. In this event, please notify your supervisor so that other arrangements can be made. Repeated refusal to work overtime is a violation of **Practice** policy.

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Overtime Pay

For non-exempt employees, all hours worked in excess of 40 hours in any workweek or 8 hours in any one workday, shall be paid at 1 ½ times each employee's regular rate of pay. If a non-exempt employee performs work on all seven days of **Modern Aesthetics's** workweek, 1½ times the employee's regular rate of pay will be paid for the first 8 hours worked on the 7th day worked.

Double time of the non-exempt employee's regular rate of pay will be paid for all hours worked in excess of 12 hours in any one workday. If a non-exempt employee performs work all seven days of **Modern Aesthetics's** workweek, double-time will be paid for any hours worked on the 7th day in excess of 8 hours worked.

The workweek, for the purpose of calculating overtime, starts on Sunday, and ends on Saturday. The workday, for purpose of daily overtime calculations, starts at **(end of 8 hour shift)** a.m./p.m. continues for 24 hours, to the following day at **(beginning of next shift)** a.m./p.m.

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Personal Makeup Time

Modern Aesthetics does not allow the use of make-up time when a non-exempt employee needs to take time off to tend to a personal obligation

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Reporting Time Pay

An employee who is required to report to work and is not put to work or works less than 4 hours due to **Modern Aesthetics's** actions, will be paid a minimum of 4 hours pay, except in the event of failure of utilities, fire, flood, explosion, bombing, storm, act of God, or other conditions beyond the reasonable control of **Modern Aesthetics**, or as otherwise excepted by law.

If an employee is scheduled to work, and reports to work, a second time in a scheduled workday or on his or her scheduled day off, he or she will receive a minimum of 2 hours of pay, unless excepted by law.

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Uniforms

Practice-specific uniforms required by **Modern Aesthetics** to be worn as a condition of employment, will be provided and maintained by **Modern Aesthetics**

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Meal Periods

Nonexempt employees who work more than five (5) hours will be provided with a 30-minute duty-free meal period. This duty-free meal period must be taken by no later than the end of the fifth hour of work.

If an employee works no more than 6 hours in a workday, he or she may waive their off-duty meal period in a written agreement with **Modern Aesthetics**.

If an employee works for a period of more than ten (10) hours in a workday, the employee will be provided with a second duty-free meal period of not less than 30 minutes. This duty-free meal period must be taken by no later than the end of the tenth hour of work. If the total hours the employee will work are no more than 12 hours in a workday, the second off-duty meal period may be waived by mutual written consent of the employee and **Modern Aesthetics**.

Employees must accurately record the times in and out for their meal period(s) on their time records.

You may not add your rest periods to your meal period so that you can take a longer meal period. You also should not use rest and meal periods to shorten the workday.

The law requires that you actually take your off-duty meal periods absent one of the waivers described above. Don't ask to work through your meal period so that you can either come in late or leave early. An employee who refuses to take his or her meal periods may be subject to discipline, up to and including termination of employment. If for some reason you believe you are prohibited from taking a full and continuous 30 minute meal period, you must advise Office Manager in writing within that payroll period; or it will otherwise be presumed that you have taken or received the required meal periods.

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Break Periods

Employees are authorized and permitted to take a paid break period of net, 10 consecutive minutes for each four hours worked or major fraction thereof which as far as practicable shall be taken in the middle of each 4-hour period. For example, full-time employees should take one rest period in the first half of their day and one in the second half. These 10-minute break periods should be taken by the employee on an informal basis. The employee will be relieved of all duties during the break period. If an employee's total daily work time is less than 3 ½ hours, no rest period will be authorized.

Employees are required to take their break periods. If you believe you are unable to take a break period, you must inform your supervisor immediately. The supervisor will adjust your schedule so you can take your break period. If for some reason you believe you are prohibited from taking a break period, you must advise **Office Manager** in writing within that payroll period; or it will otherwise be presumed that you have taken or received the required break periods.

Modern Aesthetics does not discourage or impede employees from taking the meal period(s) or rest breaks.

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BENEFITS

Sick Leave Pay/Kin Care

Modern Aesthetics provides paid sick leave to eligible employees. In order to be eligible for paid sick days, employees must work in California for 30 or more days within a year. The prescribed purposes for such sick leave permit use for an employee's own illness, quarantine of the employee for avoidance of spread of disease, a family member's illness, or if the employee is a victim of domestic assault, sexual violence, and/or stalking. Employees may use up to ½ their annual sick leave accrual to care for ill family members. Ill family members are defined as child, parent, spouse, registered domestic partner, grandparent, grandchild, or sibling.

Employees will accrue paid sick days at the rate of one hour for every 30 hours worked for **Modern Aesthetics**. Employees are entitled to use accrued paid sick days after completing (90) days of employment. Paid sick leave will carry over to the following year of employment. Employees total accrual of paid sick leave will not exceed 6 days or 48 hours and thus, carry over is limited to 6 days or 48 hours. Regardless of carryover and accrual, employees are limited in their use of paid sick days to 24 hours or three (3) days in each year of employment and no accrued, but unused sick leave will be paid out at termination of employment.

Verification of the employee's illness, or need to attend to an immediate family member or domestic partner who is ill, may be required by **Modern Aesthetics** in order for payment to be made.

Paid sick leave time is not counted as hours worked for the purpose of computing weekly overtime.

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Vacation Pay

Paid vacation is available to all full-time employees and is earned according to the following schedule. Part-time and temporary or casual employees do not earn vacation.

All full-time employees will earn vacation, from date of hire to the first anniversary of the hire date, at the rate of 40 hours of vacation pay for every **520 hours** worked during the year. Hours cannot roll over to the following year.

Employees who are entitled to paid vacation are encouraged to use all earned vacation each year. The maximum vacation accrual amount an employee may have at any time shall not exceed one and one quarter anniversary years' vacation accrual, at the employee's current annual vacation accrual rate. This means, for example, that an employee whose current annual vacation accrual is 80 hours cannot accrue more than 100 hours of vacation at any time while the 80 hour accrual rate is in effect. If an employee's earned, but unused, vacation pay reaches the maximum accrual amount e.g., 100 hours for an employee eligible to accrue 80 hours in the second anniversary year, the employee will not accrue any additional benefits. If the employee later uses enough vacation pay to fall below the maximum accrual amount, he or she will resume earning vacation

pay from that date forward. In such a case, no vacation benefits will be earned for the period in which the employee's benefits were at the maximum.

Time off for disability, sick leave, personal leaves, or other leaves of absence are not considered time worked and are not counted in the accumulation of earned vacation pay.

Paid vacation time is not counted as hours worked for the purpose of computing weekly overtime.

Employees must obtain the written approval of their Supervisor before commencing their vacation. Approval should be requested at least one month in advance of the date the vacation is expected to begin. In the process of scheduling vacations, employee's individual preferences will be considered, but **Modern Aesthetics** may schedule at its option the employee's vacation if the employee fails to do so or if the Company deems such action appropriate. Employees with the longest service in each department **may** preference in case of conflicting requests. Earned vacation may be given or required to be taken at **Modern Aesthetics's** sole discretion as paid days off when production is low, for Christmas week closings, holidays, as personal leave days or sick leave days or other reasons.

[**Editor's Note:** We do not advise providing vacation advances or permitting vacation cash outs.]

Vacation pay earned and unused up to the date of termination from employment will be paid to the employee upon termination at their current hourly rate of pay. This includes hours of vacation earned but unused from previous anniversary years as well as hours of vacation earned, but unused, on a per diem basis to the date of termination.

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Bereavement Time Off

If a death occurs in your family to your mother or father, wife or husband, registered domestic partner, child, brother or sister, mother-in-law, or father-in-law you may need some time off to attend the funeral and/or pre-burial activities. You may miss up to **2** regular shifts of work, which occur between the death and the funeral **with loss** of pay. If an employee must miss more than **2** shifts, **Modern Aesthetics** may grant additional time off without pay. **Modern Aesthetics** may request adequate verification.

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Holiday Pay

Modern Aesthetics offers one paid holiday a year. All full-time employees shall be paid a normal day's pay at straight time rates for the following recognized holiday

New Year's Day Labor Day

Employees must have worked the complete shift on their last scheduled workday prior to the holiday and the complete shift on their next scheduled workday after the holiday, to be eligible for holiday pay. Management may consider a compelling reason, such as the medically verified

illness or injury of the employee, in the payment or nonpayment of the holiday when this provision has not been fully met.

Paid, but un-worked, holidays are not counted as hours worked for the purpose of computing weekly overtime.

If a recognized Practice holiday falls on Sunday, it may be observed on the following Monday as a paid holiday, or if it falls on Saturday, it may be observed the previous Friday. Such a change is at **Modern Aesthetics's** option. **Modern Aesthetics** further may reschedule a Practice provided holiday any other day or date it chooses.

If a recognized holiday falls during a period of leave without pay, no pay will be given for the holiday. Should a holiday occur during your vacation period, an additional paid day off will be allowed.

The employee will be paid at their straight-time of their hourly rate for all hours worked on a holiday. Additionally, the employee will receive holiday pay if otherwise eligible for this benefit.

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Family Friendly Flexible Work Place Ordinance

Applies to Operating in San Francisco only

Those employees who are employed within San Francisco, who have been employed for six months or more, and who work at least eight hours per week, may request flexible work arrangements to assist with caregiving responsibilities. The employee may request the flexible or predictable working arrangement to assist with care for a child or children under the age of eighteen, a person or persons with a serious health condition in a family relationship with the employee, or a parent (age 65 or older) of the employee. **Modern Aesthetics** will consider an employee's requests for such arrangements, but accommodation is not guaranteed. Please contact Human Resources or Office Manager with any questions.

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INSURANCE PROGRAMS REQUIRED BY LAW

Worker's Compensation

Worker's compensation coverage is designed to provide you with benefits for injuries that you may suffer in connection with your employment. Workers' compensation insurance is intended to provide medical care and pay for lost time resulting from injuries on the job and those illnesses caused by an employee's work.

To ensure you of quality care in case of work related injury or illness, **Modern Aesthetics** will direct you to an appropriate health care provider for the treatment of any such injury or illness. If you wish to be treated by your own health care provider instead, you must notify **Modern Aesthetics** in writing before any injury or illness occurs.

Coverage begins when you become an employee and continues during your employment with **Modern Aesthetics**.

All injuries, no matter how slight, must be reported immediately to your supervisor or Office Manager to assure timely reporting of your injury. You must tell your supervisor or Office Manager what, where, when, and how the injury happened - enough information so that medical treatment can be arranged for you. In an emergency, go directly to one of the medical facilities nearby. You will be required to furnish **Modern Aesthetics** with written statements regarding any work related accident so we may accurately document the incident and insure benefits are provided.

Employees returning to work after being absent due to an injury must report to their supervisor or Office Manager prior to beginning work and must bring a release to return to work completed and signed by their health care provider prior to returning to duty.

Workers' Compensation Fraud- Any employee who makes or causes to be made any knowingly false or fraudulent material statement or material representation for the purpose of obtaining or denying workers' compensation benefits or payments is guilty of a felony. Workers' compensation fraud is punishable by up to five years in state prison and a fine of up to \$150,000.

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State Disability Insurance

Non-occupational disability insurance is provided by state law for every California employee who is covered by the Unemployment Insurance Act and who meets the eligibility requirements. This insurance will compensate you in part for loss of wages you may suffer if you are unable to work because of sickness or injury not connected with your work. The law requires your contribution to this insurance. **Modern Aesthetics** will give you a brochure entitled "State Disability Insurance Provisions" published by the State of California Employment Development Department. No action will be taken against any employee in any manner for requesting or taking any time off as provided for in this Practice employee handbook or for testifying in a disability proceeding.

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Paid Family Leave Insurance

All employees are covered under the state Paid Family Leave insurance plan (PFL). This program provides for wage reimbursement of up to six (6) weeks of partial pay in any 12 month period to an employee to take time off to care for a seriously ill parent, spouse, registered domestic partner or child, grandparent, grandchild, sibling, or parent-in-law or to take time off to bond with a newborn child or a newly placed adopted or foster child. PFL benefits are paid to an employee by the state. PFL is funded by an employee payroll deduction, according to law. PFL does not create any rights or entitlement to time off of work. **[Editor's Note: Even though PFL does not create any rights or entitlement to time off of work, Companies with 50 or more employees, covered by FMLA/CFRA, may be required to give time off work under the provisions of these laws.]**

[Editor's Note: Effective January 1, 2018, state Paid Family Leave (PFL) and State Disability Insurance (SDI) wage-replacement benefits will increase to 60 or 70 percent of a participant's

wages (from the current level of 55 percent), depending on income level and up to the statutory cap. In addition, the current seven-day waiting period for PFL benefits will be eliminated as of January 1, 2018.]

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State Unemployment Insurance

You may be protected against total or partial loss of wages if you become unemployed or partially unemployed under certain conditions as outlined by the California Unemployment Insurance Act. Eligibility requirements under this act will be explained to you at any office of the State Employment Development Department. This insurance is completely paid for by **Modern Aesthetics** in the form of unemployment insurance taxes. The State Employment Development Department will only allow unemployment insurance payments on those claims covered by the Act. No action will be taken against any employee in any manner for testifying in an unemployment hearing.

Modern Aesthetics, upon an employee's separation from employment, will provide a booklet entitled "EDD for Your Benefit, California's Programs for the Unemployed" published by the State Employment Development Department.

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Federal Social Security (F.I.C.A.)

The Federal Insurance Compensation Act is a Federal law, which requires employers and employees to pay a part of all salaries and wages to the government in return for certain old age and survivors' benefits. Neither you nor **Modern Aesthetics** has any choice in this. At the age of 62 and older, upon application, you may become eligible to receive stipulated, reduced, or full monthly payments based on your average income while you were working, or if you should die, your survivors will receive such payments. More detailed information is obtainable from any branch office of the Social Security Administration. The cost is borne equally by employer and employee contributions.

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PRACTICE WORK RULES AND STANDARDS OF CONDUCT

Practice Work Rules

When each employee is aware that he or she can fully depend upon fellow workers to follow expected standards of conduct, then the organization becomes a better place to work for everyone. If you have a question regarding any work or safety standard, please see your supervisor or Office Manager for an explanation.

The occurrence of any of the following activities, as well as violations of any of **Modern Aesthetics's** rules or policies listed in this Handbook or elsewhere, may subject you to

disciplinary action, up to and including immediate dismissal. These lists are not all-inclusive. They merely provide illustrative examples.

- Any act of dishonesty, including, but not limited to, falsification or misrepresentation on your application for employment or other work records, lying about sick or personal leave, giving false reasons for a leave of absence, alteration or falsification of company records or medical records or other company documents, including prescription documents.
- Any act of falsifying prescriptions either with a written prescription or phoning a pharmacy to obtain medication for yourself or others without the express consent of the physician.
- Any act of illegal harassment, whether sexual, racial, or other.
- Any discriminatory action against co-workers or patients.
- Any discourtesy to co-workers or patients.
- Violation of Patient Rights for confidential medical records and communications to the extent provided by law.
- Failure to keep proper time records or alteration of your own or other's time records, or attendance documents.
- Altering another employee's swipe card time records or attendance documents.
- Insubordination or refusing to obey instructions issued by your supervisor or Office Manager pertaining to your work.
- Willful or negligent action at work that endangers the life or safety of another person or willful violation of any company rules or deliberate action that is extreme in nature and is obviously detrimental to **Modern Aesthetics's** efforts to operate continuously and profitably.
- Willful violation of security or safety rules or failure to observe the safety rules or safety practices identified in this handbook.
- Excessive absences or lateness.
- Leaving work before the end of a workday or not being ready to work at the start of a workday without approval of your supervisor or Office Manager.
- Failure to immediately report damage to, or an accident involving, company equipment.
- Failure to maintain a neat and clean appearance or any departure from accepted conventional modes of dress or personal grooming as explained in this handbook.
- Use of obscene or abusive language.

- Unauthorized soliciting for another business during working hours and/or in working areas.
- Online posting of any information regarding our patients or their families.
- Any violation of Practice policy or provision of this Handbook.

All employees of **Modern Aesthetics** are considered at will and can be terminated at any time, without notice or cause by either the employee or **Modern Aesthetics**.

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Dress Code And Personal Appearance

You create the image many people will have about **Modern Aesthetics**. We would like our employees to adhere to a professional look that upholds the values of **Modern Aesthetics** and supports our commitment to quality care for our patients and the public. If you are in doubt about an outfit, do not wear it. The Office Manager or your direct Supervisor is responsible for dress code compliance in the office. The following is suggested dress/personal appearance:

Technicians

Lab jacket; white pants; white shoes OR
 Navy blue scrubs - white shoes
 Lab jacket over appropriate business attire
 Nametag with job title

Scribes

Lab jacket
 Business attire - dress slacks, pants, khaki pants, skirts, dresses, pantsuits
 Business style shoes
 Nametag with job title

Medical Secretary and Surgical Counselors

Lab jacket
 Business attire – dress slacks, pants, khaki pants, skirts, dresses, pantsuits
 Business style shoes
 Nametag with job title

Office Managers, Call Center, Billing and Administrative Personnel

Business attire – dress slacks, pants, khaki pants, skirts, dresses, pantsuits
 Business suits
 Business style shoes
 Nametag with job title

The following items are examples of unacceptable attire: [Not an exhaustive list]

- Jeans
- Sneakers
- Tight fitting pants or skirts
- Leggings
- Miniskirts

- Low cut blouses
- Cropped tops
- Blouses or shirts with logos other than **Modern Aesthetics** logo
- Bermuda shorts
- Dress shorts or Skorts
- Overalls

Modern Aesthetics requires you to observe the following:

- Wear your name tag with your job title
- No excessive perfume
- No unacceptable body piercing
- Females are required to wear nylons or tights (no bare legs)
- Men are required to wear socks
- All clothing items for all job categories are to be clean and neat.

For employees that are required to wear lab coats, **Modern Aesthetics** will purchase two lab coats yearly for full time employees and one lab coat yearly for part time employees.

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Outside Employment

Modern Aesthetics has no desire to regulate what employees do with their own time outside work hours. However, employees may not have outside employment or businesses that constitute a conflict of interest with their employment with **Modern Aesthetics**. Outside employment must not interfere with the overtime demands of the employee's job or diminish or impair an employee's capacity to fulfill their duties, obligations and responsibilities to **Modern Aesthetics**.

Prior to conducting any outside employment or business activity, it must be disclosed to and approved by the Office Manager.

If you, in the judgment of **Modern Aesthetics**, are in violation of this provision, you may be subject to disciplinary action, up to and including immediate dismissal.

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Solicitation

In order to prevent disruptions in the operation of **Modern Aesthetics**, and in order to protect employees from harassment and interference with their work, the following rules regarding solicitation and distribution of literature on Practice property must be observed.

Employees- During working time, no employee shall solicit, or distribute literature to another employee for any purpose. "Working Time" refers to that portion of the working day in which the employee is supposed to be performing actual job duties; it does not include such times as lunchtime, break time, or time before or after a shift.

Thus, no employee who is on “working time” shall solicit or distribute literature to another employee. No employee who is on “non-working time” shall solicit or distribute literature to an employee who is on “working time”.

No employee shall distribute literature to another employee for any purpose in working areas of **Modern Aesthetics**.

No employee shall solicit, or distribute literature to any visitors at any time for any purpose.

Non-Employees- Persons who are not employed by **Modern Aesthetics** shall not distribute literature or solicit employees or visitors at any time for any purpose on Practice grounds or inside **Modern Aesthetics** office.

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Gifts

Advance approval from your supervisor or Office Manager is required before an employee may accept or solicit, for his or her personal benefit, a gift of any kind from a customer, supplier, vendor representative, or patient. If you receive any gift valued over \$50 from a customer, vendor, supplier, or patient, notify your supervisor or Office Manager immediately.

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Personal Phone Calls And Mail

Friends and relatives should be discouraged from calling during working hours unless there is an emergency. Messages will be delivered to employees who receive urgent personal telephone calls.

Under no circumstances should you make or charge a long distance call to **Modern Aesthetics** unless it is work-related and approved by **Modern Aesthetics**.

Modern Aesthetics receives a large number of telephone calls from its patients and others throughout the day. Because we have only a limited number of telephone lines to handle these calls, and because mistakes are often made when an employee tries to talk on the phone and work at the same time, you are required to keep all personal phone calls using Practice telephones to a minimum.

Employees should not accept or make cell phone calls or electronic/text (including Facebook) messages while on duty, unless the nature of their duties require such communications with patients or other employees.

While on Practice premises, regardless of whether you are on a break and regardless of whether you use Practice equipment, **Modern Aesthetics** may monitor employee telephone calls and employee electronic/text messages.

You should use your cell phone to make necessary personal calls during your break and meal periods.

Do not use **Modern Aesthetics** address for your personal mailing address, and do not put personal mail in the stacks that are to be run through the postage meter. Although the amount may seem small, it is still considered theft.

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Theft

Internal theft is a serious concern for **Modern Aesthetics**. Although taking small items of company property many seem inconsequential, the cumulative effect can be very large. Losses from theft directly affect the ability to increase salaries and can jeopardize the long-term profitability of **Modern Aesthetics**.

Property theft of any type will not be tolerated. We consider any unauthorized use of company services or facilities or the taking of any company property for personal use to be property theft. The following list of examples is not all-inclusive, but provides illustrations of several activities which are unacceptable:

- Use of company copy machines and fax machines for personal use. If you wish to use a company copier or fax machine, contact your supervisor or Office Manager for permission.
- Use of computers: **Modern Aesthetics's** computers (the personal computers in the office and laptops made available for work away from the office) are to be used exclusively for business purposes unless you receive permission from your supervisor or Office Manager.
- Use of International Long Distance Telephone Service: You are not permitted to make unauthorized personal international telephone calls.
- Taking of company property: No item purchased or supplied by or for **Modern Aesthetics** should ever be removed from company premises without express authorization from your immediate supervisor or Office Manager. This applies to all company property including, but not limited to, medical equipment and supplies, manufacturer's product samples, computers, and even pens and paper.
- Taking of property of fellow employees: No items belonging to another company employee may be taken without his/her permission under any circumstances.

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Personal Property

Modern Aesthetics is not liable for the security, care, safety, loss, or damage of any employee's personal property, vehicle, or their contents at any time.

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Visitors

If you are expecting visitors, request permission from your supervisor or Office Manager before giving your visitor access to areas that are not typically open to the public. Do not allow visitors into any areas that may contain patients' Private Health Information or other confidential information.

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Confidentiality And Non-Disclosure

[**Editor's Note:** We would advise that you have a separate confidentiality and non-disclosure policy that is signed by each individual employee and not just this handbook provision.]

[**Editor's Note: Venue and Choice of Law Provisions** SB 1241, now codified as California Labor Code Section 925, affects venue and choice of law provisions in agreements entered into as a condition of employment. The law prohibits employers from requiring adjudication of claims in venues or forums outside of California (including litigation and arbitration) or from depriving employees of the substantive protections of California law. Any contract provision to the contrary is voidable by the employee, who may seek injunctive relief and other available remedies (including attorney's fees) in California and under California law. The only exception is where the employee was individually represented by a lawyer in negotiating an employment contract.]

Modern Aesthetics may provide and make available to you certain information regarding our business and our patients' business, including without limitation:

Various sales and marketing information;

Actual and potential customer and lead names, addresses, telephone numbers, and specific characteristics;

Mailing labels;

Sales report forms;

Pending projects or proposals;

Methods of production (including quality control and packaging);

Business plans and projections, including new product, facility or expansion plans;

Pricing information (such as price lists, quotation guides, previous or outstanding quotations, equipment prices, or billing information);

Estimating programs and methodology;

The techniques used in, approach, or result of any market research;

Advertising sources;

Financial information of **Modern Aesthetics** or of our patients;

Customer information reports;

Mailing plans and programs; and

All known salary information or employment contract language or terms, except for the employee's own salary information or employment contract language or terms.

Whether written or verbal, or contained on computer hardware or software, disk, tape, microfiche or other media, or in any electronic or digital form ("Information"), this Information is of substantial value, highly confidential and is not known to the general public. It is the subject of reasonable efforts to maintain its secrecy, constitutes the professional and trade secrets of **Modern Aesthetics** or our clients/customers, and is being provided and disclosed to you solely for use in connection with your employment by **Modern Aesthetics**.

In consideration of your employment and receipt of the Information, you agree that you:

Will regard and preserve the Information as highly confidential and the trade secrets of **Modern Aesthetics** or our clients/customers;

Will not disclose, nor permit to be disclosed, any of the Information to any person or entity, absent written consent and approval from **Modern Aesthetics**;

Will not photocopy or duplicate, and will not permit any person to photocopy or duplicate, any of the Information without **Modern Aesthetics's** written consent and approval;

Will not upload any such Information to a personal cloud storage such as, for example, Dropbox or Google Docs without **Modern Aesthetics's** written consent and approval;

Will not make any use of Information for their own benefit or the benefit of any person or entity other than **Modern Aesthetics**;

Will return all Information to **Modern Aesthetics** immediately upon request and, in any case, upon separation from employment for any reason, and not retain copies of same in any form whatsoever, including but not limited, to written, electronic, or digital; and

Will immediately contact **Modern Aesthetics** if any client or customer of **Modern Aesthetics** contacts you after termination or resignation of your employment with **Modern Aesthetics**. [**Editor's Note:** please know that this last section 7 is not enforceable nor can you prohibit such communications, but it may operate to assist you in knowing about it.]

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Health Insurance Portability And Accountability Act (HIPAA)

The Health Insurance Portability and Accountability Act of 1996 , as supplemented by the HITECH Act of 2009 (collectively, HIPAA) are federal laws that apply to health plans, health care providers and health care clearinghouses. The HIPAA legislation is complex and has many components.

Modern Aesthetics provides all new employees with a HIPAA overview during new employee orientation. Some employees, depending on their job duties, will require additional training. Please check with your supervisor to determine if you require additional training. Violations of HIPAA are extremely serious and may result in disciplinary action up to and including termination.

It is the policy of **Modern Aesthetics** to remain current in our compliance program with HIPAA regulations. You will receive training related to your job responsibilities regarding the policies and procedures of the HIPAA Privacy and Security Rule. These are an important aspect of the position you hold; therefore you must adhere to the policies and procedures required by HIPAA and this office.

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PERSONNEL FILE AND OTHER EMPLOYMENT RECORDS

Keeping Your Personnel File Up To Date

It's important to you that your name, address and telephone number be kept correct on **Modern Aesthetics's** records. It is sometimes necessary for your supervisor or someone else in **Modern Aesthetics** to contact you at home. Also, you may not receive important mail from **Modern Aesthetics** if your address is not on file. Therefore, it is your responsibility to report changes in your name, address, telephone number, and any other matters, which affect your tax withholding, to your supervisor or the office. Moreover, to ensure that the employer can notify you when necessary, you must provide **Modern Aesthetics** with an address where it can reach you (not a Post Office or P.O. Box), your personal email address, and your cell phone number.

Keeping your personnel file up-to-date is also important to you with regard to pay, deductions, benefits, and other matters. If you have a change in any of the following items, please be sure to notify your supervisor or Office Manager as soon as possible:

- Change of beneficiary for insurance and retirement plans
- Driving record or status of driver's license, if you operate any company vehicle
- Emergency contact and telephone number
- Exemptions on your W-4 tax form
- Home address
- Home telephone number/ Cellphone number
- Legal name

- Marital status
- Number of dependents

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Access To Your Personnel File

Modern Aesthetics keeps personnel files on each employee. This file contains employment-related information about the employee. Federal and State Laws maintain that all employee medical information be kept in a separate, confidential file. The contents of an employee's personnel file and medical records files, except for letters of reference and certain other limited kinds of information, are open for inspection by current or former employees, upon request, at reasonable times, but no later than 30 calendar days after a written request to do so, subject to certain legal exceptions. A current or former employee may request and receive from **Modern Aesthetics** a copy of his or her personnel file, provided the employee pays the actual copying costs (and costs of mailing if requested), and subject to certain legal exceptions.. Contact Office Manager if you wish to review your personnel file or have copies made of documents, or designate an authorized representative to do so.

Modern Aesthetics will keep your personnel records confidential. However, there are certain times when information may be given to persons outside of **Modern Aesthetics**. These include:

Responses to subpoenas, court orders, or orders of administrative agencies;

In a lawsuit in which you and/or **Modern Aesthetics** are parties;

To administer employee benefit plans;

To a health care provider;

As otherwise required by law or legitimate business reasons.

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Requests For Payroll Records

Modern Aesthetics will provide an employee or former employee with copies of his or her payroll records within twenty-one (21) days of his or her written request.

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Performance Evaluation Process

Modern Aesthetics believes it is important to give its employees feedback on their performance periodically. In addition, our performance evaluations provide a forum for employees to reiterate their successes, strengths and areas for improvement. This exchange of information is vital to the development of each employee and **Modern Aesthetics**.

You will receive an introductory performance evaluation after the first 90 days of employment. This introductory period is a time to determine if you are right for your position, and if your position is the right fit for you. This initial evaluation is not an opportunity to receive an increase

in your hourly wage or salary. Rather, it is an opportunity to focus on the early stages of your transition to your new role with **Modern Aesthetics**. Employment will remain at-will before, during, and after the introductory period.

Periodic evaluations may be made to determine your individual progress, training needs, and potential pay increases. Pay increases are not automatic and depend on factors such as the employee's demonstrated job proficiency, **Modern Aesthetics's** ability to pay, and other business-related factors as determined solely by **Modern Aesthetics**. Further, **Modern Aesthetics** will comply with equal pay provisions and laws and will not pay any of its employees at wage rates less than the rates paid to employees of the opposite sex, or of a different race or ethnicity, for substantially similar work, when viewed as a composite of skill, effort and responsibility, and performed under similar working conditions, except when based upon law-permitted exceptions. To the extent required by law, **Modern Aesthetics** will not base a wage differential on an applicant's/employee's prior salary.

Your supervisor will be observing your effectiveness in performing your work. The Evaluation Process provides you with an opportunity to talk about the job and your personal goals and gives **Modern Aesthetics** an opportunity to give you pinpointed feedback on your work. Performance reviews do not necessarily result in salary increases.

Modern Aesthetics conducts annual evaluations the first quarter of the year for all employees. If you have received an Introductory Evaluation within the last 6 months you will still receive an annual evaluation. Performance Evaluations may also be conducted in the event of promotion, change in duties and responsibilities, or at **Modern Aesthetics's** discretion.

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Corrective Action And Termination

Usually, an honest, open discussion between a supervisor and employee that is intended to clarify expectations will be enough to help you correct a performance, attendance or behavior problem. However, there will be times when more formal corrective action is needed.

In some cases, **Modern Aesthetics** may, but is not required to, follow a progressive discipline approach. Progressive discipline is an approach in which deficiencies in performance, attendance, or behavior lead to increasingly severe corrective action including termination, if required. Progressive discipline may include oral warnings, written warnings, a final written warning, suspension, and termination.

It is important to note that many circumstances may not warrant the use of progressive discipline. Likewise, any or all steps listed above may be omitted within the sole discretion of **Modern Aesthetics**. **Modern Aesthetics** retains the decision to utilize or modify progressive discipline. The use of progressive discipline does not alter the at-will nature of employment at **Modern Aesthetics**.

[**Editor's Note:** Guard against a court action regarding employee discipline by being consistent and logical when applying your disciplinary policies. Thoroughly document the process and the disciplinary actions you take with individual employees. Consistency is important when applying disciplinary actions. Applying disciplinary actions inconsistently could expose you to charges of discrimination or unlawful termination.]

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Resignation

While we hope that you will continue to enjoy and benefit from your employment with **Modern Aesthetics**, we realize that it may become necessary for you to leave your job. If you anticipate having to resign your position, we ask, but do not require, that you notify your supervisor or Office Manager at least two weeks in advance of the date you must leave. At its discretion, **Modern Aesthetics** may decide to make your last day of employment effective as of your notification or as of another date prior to the end of your advance period.

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Exit Interview

In instances where you leave our employment, **Modern Aesthetics** may wish to discuss your reasons for leaving and/or any other impressions that you may have about **Modern Aesthetics**. During the exit interview, you should express thoughts freely. **Modern Aesthetics** hopes that this exit interview will help facilitate an amicable separation, as well as provide insights into possible improvements we can make.

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References

In response to solicitation for employment references, **Modern Aesthetics** shall only disclose your dates of employment, last position held, and, if you authorize it in writing, your last rate of pay.

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EMPLOYEE HANDBOOK REVISIONS

It is intended that this document shall reflect adequate understanding of your work situation. The dynamic nature of the medical industry and of the times will undoubtedly require changes in this work situation. **Modern Aesthetics** reserves the right to amend, modify, rescind, delete, supplement or add to the provisions of this handbook, as it deems appropriate from time to time in its sole and absolute discretion, other than the employment at will policy. I further understand that my employment is at will and no manager, supervisor, or other employee of **Modern Aesthetics**, other than Owner/President, can enter into an agreement for continued or indefinite employment, or employment for a specific term, position, or rate of pay, and that any such agreement must be in writing.

RECEIPT AND ACKNOWLEDGEMENT OF EMPLOYEE HANDBOOK

This is to acknowledge that I have received a copy of **Modern Aesthetics** employee handbook, dated below I understand that it contains important information on **Modern Aesthetics's** general personnel policies and on my privileges and obligations as an employee. I acknowledge that I am expected to read, understand, and adhere to **Modern Aesthetics's** policies and I agree to read and familiarize myself with the contents of the Handbook. I also understand that these are the current intentions of **Modern Aesthetics**, but that **Modern Aesthetics** may change, rescind, or add to any policies, benefits or practices described in the Handbook, in its sole discretion, other than the employment at-will contract. Accordingly, I understand that the Handbook, other than the employment at will policy, is not a binding contract. Since a new Handbook will not be prepared with every change, I agree to consult my immediate supervisor if I have a question.

I further understand that my employment is at will and either the employee or **Modern Aesthetics** may terminate the employment relationship at any time, with or without cause, and with or without notice. Consistent with the at-will policy, I also understand that an employee may also be transferred, reassigned, suspended, demoted, or have the employee's pay reduced, with or without cause or notice. I also understand that no manager, supervisor, or other employee of **Modern Aesthetics**, other than **President/Owner**, can enter into an agreement, either verbal or written, for continued or indefinite employment, or employment for a specific term, position, or rate of pay. The at-will agreement can only be changed, if at all, in writing signed by the President of **Modern Aesthetics**. This at-will agreement is the entire agreement between the employee and the employer with regard to the employment term. It supersedes all prior agreements, understandings, and representations concerning my employment with **Modern Aesthetics**.

Date: _____

Signature: _____
(Employee)

Printed Name: _____
(Employee)

Signature: _____
(Hiring Supervisor)

Key Elements of Employee Management

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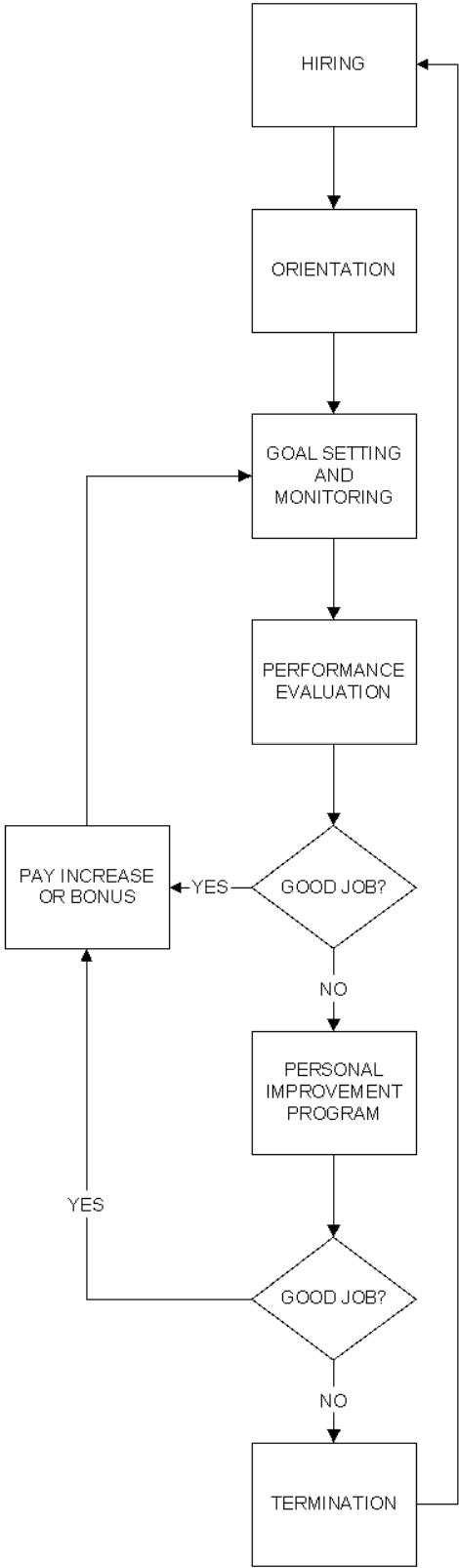
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The Employment Cycle Diagram

The Employment Cycle:



A diagram of the typical employment cycle

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Hiring

Hiring is undoubtedly the most important step in the entire employment cycle. The key management elements associated with the hiring process include the following:

- Review all resumes and applications, including the [Sample Employment Application](#) before scheduling interviews and only interview those applicants who fully meet your educational and experience requirements. All other applicants may be thanked, via email, for their interest in the position and advised that they do not meet the position requirements. Click the following link for a [Sample Thank You Letter](#).
- Prepare a set of “open-ended” questions that will be asked of each applicant. Open-ended questions are questions that cannot be answered with a simple “yes or no” but require a detailed explanation. Questions of this nature generally begin with the words, “Who, What, Where, When, Why or How.” Attempt to frame questions that are situational for the position that will assist you in identifying the applicant’s depth of experience and patient service skills. Let the applicant do the talking. Do not tell the applicant what experience/training you are looking for until all of your questions are answered.
- Schedule interviews for 30 – 60 minutes in length. Provide enough time between interviews to prepare notes regarding your experience with each applicant.
- Provide a comfortable meeting place for the interview where interruptions will not occur. This is your first opportunity to create a positive image of your organization in the mind of the applicant. Remember you are not only looking for a good employee, you are selling your organization.
- Keep an open mind during the interview. Hiring decisions are often made in the first few seconds of an interview. Guard against this trap. Follow your script of questions and evaluate each applicant from all aspects of the job requirements.
- After all interviews have been completed, review your notes and make a hiring decision. Avoid hiring a “warm body.” Do not make an employment offer to anyone that does not meet your requirements. Keep looking. You will be much better off waiting for the right applicant.
- Offers should be made verbally either face-to-face or via telephone. Once the offer is accepted, an Offer Letter should be composed and forwarded to the applicant. The Offer Letter should outline all of the terms and conditions relevant to employment. Click the following link for a [Sample Offer Letter](#). All other applicants should be notified in writing that they are not receiving an offer. An electronic note is acceptable.
- Do not make any non-job-related inquiries of applicants or employees, either verbally or through the use of an application form, that express, directly or indirectly a limitation, specification or discrimination as to race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation, or any intent to make such a limitation, specification, or discrimination. Below are examples of acceptable and unacceptable questions during the interview and hiring process:

ACCEPTABLE	SUBJECT	UNACCEPTABLE
Name	NAME	Maiden name
Place of residence	RESIDENCE	Questions regarding owning or renting.
Statements that hire is subject to verification that applicants meet legal age requirements	AGE	<ul style="list-style-type: none"> • Age • Birth date • Date of attendance/completion of school
<ul style="list-style-type: none"> • Questions which tend to identify applicants over 40 • Statements/inquiries that they will be able to provide verification of legal right to work in the United States 	BIRTHPLACE, CITIZENSHIP	<ul style="list-style-type: none"> • Birthplace of applicant or applicant's parents, spouse or other relatives. • Requirements that applicant produce naturalization or alien card prior to employment.
Languages applicant reads, speaks or writes if use of language other than English is relevant to the job for which applicant is applying	NATIONAL ORIGIN	<ul style="list-style-type: none"> • Questions as to nationality, lineage, ancestry, national origin, descent or parentage of applicant, applicant's spouse, parent, or relative.
Statement by employer of regular days, hours, or shifts to be worked.	RELIGION	<ul style="list-style-type: none"> • Questions regarding applicant's religion. • Religious days observed.
<ul style="list-style-type: none"> • Name and address of parent or guardian if applicant is a minor. • Statement of company policy regarding work assignment of employees who are related 	SEX, MARITAL STATUS, FAMILY	<ul style="list-style-type: none"> • Questions to indicate applicant's sex, marital status, number/ages of children or dependents. • Questions regarding pregnancy, child birth, or birth control.
Name/address of relative, spouse or children of adult applicant	RACE, COLOR, SEXUAL ORIENTATION	Questions to applicant's race, color, or sexual orientation.
None allowed until post-offer and then, only	CREDIT REPORT	Any report which would indicate information which is otherwise illegal to ask, e.g ,

permitted for certain positions – see legal counsel.		marital status, age, residency, etc.
Statement that a photograph may be required after employment.	PHYSICAL DESCRIPTION, PHOTOGRAPHS, FINGERPRINTS	<ul style="list-style-type: none"> • Questions as to applicant’s height/weight. • Requiring applicant to affix a photograph to application or submit one at his/her option. • Require a photograph after interview but before employment.
<ul style="list-style-type: none"> • Employer may inquire if applicant can perform job-related functions. • Statement that employment offer may be made contingent upon passing a job-related mental/physical examination. 	MENTAL/PHYSICAL DISABILITY, MENTAL CONDITION (APPLICANTS)	<ul style="list-style-type: none"> • Any inquiry into the applicant’s general health, medical condition, or mental/physical disability. • Requiring a psychological/medical examination of any applicant.
A medical/psychological examination/ inquiry may be made as long as the examination/inquiry is job-related and consistent with business necessity and all applicants for the same job classification are subject to the same examination/inquiry	MENTAL/PHYSICAL DISABILITY, MEDICAL CONDITION (POST-OFFER/PRE-EMPLOYMENT)	Any inquiry into the applicant’s general health, medical condition, or physical/mental disability, if not job-related and consistent with business necessity.
A medical/psychological examination/inquiry may be made as long as the examination is job-related and consistent with business necessity.	MENTAL/PHYSICAL DISABILITY, MEDICAL CONDITION (EMPLOYEES)	Any inquiry into the employee’s general health, medical condition, or mental/physical disability, if not job-related and consistent with business necessity.
None until a contingent job offer is made. Thereafter, job-related questions about convictions only except those convictions which have been judicially sealed, dismissed, or expunged, statutorily eradicated or for which a successful diversion program has been completed, juvenile crimes, crimes more than 7	ARREST, CRIMINAL RECORD	General questions regarding arrest record. Questions regarding juvenile crimes, crimes more than 7 years old, certain marijuana related offenses, convictions which have been judicially sealed, dismissed, expunged, statutorily eradicated or for which a successful diversion program has been completed.

years old, certain marijuana related offenses.		
Questions regarding relevant skills acquired during U.S. military service.	MILITARY SERVICE	<ul style="list-style-type: none"> • General questions regarding military service such as dates/type of discharge. • Questions regarding service in a foreign military.
Requesting lists of job-related organizations, clubs or professional societies omitting indications of protected bases.	ORGANIZATIONS, ACTIVITIES	General questions regarding organizations, clubs, societies and lodges.
Name of persons willing to provide professional and/or character references for applicant.	REFERENCES	Questions of applicant's former employers or acquaintances which elicit information specifying applicant's race, etc.
Name and address of person to be notified in case of accident or emergency.	NOTICE IN CASE OF EMERGENCY	Name, address, and relationship of relative to be notified in case of accident or emergency.

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Orientation

This is the second opportunity you have to present the image of a professional organization. Take the time to make sure that the new employee is fully oriented to the rules and layout of your practice. These initial contacts are critical in forming the appropriate image of the organization and performance expectations.

Here are some of the activities that should take place during the initial orientation:

- Provide an enthusiastic greeting for your new employee. Many larger offices place marquee boards in their reception area welcoming the new employee.
- Have a comfortable room available, where the formal portion of the orientation will take place. During this session the employee completes necessary paper work and is given instructions regarding the general rules of the organization. Make sure, in particular, to address all harassment, discrimination, reporting, and wage and hour rules at this time. Make sure to ask the employee if he/she has any questions. Personnel Policy Manuals and department telephone lists are distributed at this time. Click the following link for a [Sample Orientation Checklist](#).

- Take the employee on a tour of the facility making certain to point out the location of restrooms, lunch areas, stairways and emergency exits. Show the employee their workstation and make certain that all necessary tools, equipment, etc. are available upon their arrival.
- If you have a small office, make sure that the new employee is introduced to every employee. If your office is larger, make sure that the employee is introduced to all members of their department and then formally introduced to all members of the organization during the next scheduled all employees meeting.
- Most new employees will need a certain amount of training to help them do their job. Make sure that training has been arranged and is scheduled to begin on the employee's start date.
- If possible, take the new employee to lunch. This is a good setting to answer any questions that have arisen during the employee's first contact with their new working environment.
- Once training is complete, meet with the employee and establish their goals for the remainder of the business year.

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Goal Setting and Goal Monitoring

This is a crucial and often neglected step in the employment cycle. There is a saying, "You become what you measure." The moral to the quote is if you set realistic goals and measure your progress towards those goals you will achieve them. The flip-side of the quote is "Measure nothing, achieve nothing."

Realistic goals can and should be established for each position within your practice. The goals should be objective in nature where quantitative measuring can take place. The number of goals should be kept within reason. Experience has shown that the average employee can stay focused on a maximum of 5 to 7 key goals during a normal business year. If the upcoming business year appears to be more stressful than normal, consideration should be given to lowering the number of individual employee goals.

The acronym **S M A R T** has proven to be particularly helpful in establishing realistic measurable goals. Here is how the acronym works:

- **S = Specific:** Each goal must be specific. Avoid generalities whenever possible. Note the difference between these two goal statements:
 - Improve work quality.
 - Improve the Quality Ratio for medical record filing for assigned patients.
- **M = Measurable:** Each goal must be measurable. If you can't measure it how do you know if it was done well? A goal containing a quantitative measurement greatly reduces

the confusion of what is expected of the employee. Note how the addition of a qualitative measure to the second example above improves the clarity of the goal:

- Improve the Quality Ratio for medical record filing to 98 percent for assigned patients.
- **A = Action Oriented:** Each goal must state the action that will validate the measurement of the goal. Note how the clarity of the above goal is once again improved with the addition of the “action” language:
 - Improve the Quality Ratio for medical record filing to 98 percent for assigned patients verified through random monthly file audits performed by John Doe.
- **R = Realistic:** The goal must be realistic. If the goal is unrealistic the employee will make little if any effort to achieve the goal. If the Quality Ratio for medical record filing in our example above has been running 70 percent then a goal of 98 percent is totally out of the question. If in our example, the Quality Ratio had been running 95 percent then a “stretch” goal of 98 percent may be acceptable.
- **T = Time or Resource Bound:** This is the final clarifier of a good goal. When is the race complete? If we add this final piece of language to our example goal we achieve the following:
 - Improve the Quality Ratio for medical record filing to 98 percent, by 12/31/15, for assigned patients verified through random monthly audits performed by John Doe.

The next step in the goal setting process is to meet with the employee and discuss in detail the goals that have been established for them. The ideal situation would be to have the goals typed into the actual form that will be used for the employee’s performance evaluation. Click on this link to view a [Sample Performance Evaluation Form](#).

Once the goals have been established and discussed they should be frequently reviewed throughout the year checking progress to goal. This is a fifteen-minute meeting with the employee focusing on the goals noted on their Performance Evaluation Form. This process assists the employee in staying focused on the goals and allows for coaching and additional performance assistance on the part of management. Generally, goals should be reviewed with the employee at quarterly intervals, if practicable

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Performance Evaluation

The Performance Evaluation is a two way communication process that clarifies the employee’s on-the-job performance to objective and ultimately, under merit or pay-for-performance programs, provides the basis for changes in compensation or promotional opportunities. The key phrase in the statement above is “two-way communication.” To begin the “two-way communication” objective, two performance evaluations are completed; one by the employee, a “self-evaluation;” and one by the supervisor.

At least a week prior to the scheduled Performance Evaluation, the employee completes a Self-Evaluation Form, which should include the objectives or goals previously established for the current evaluation year. The employee is evaluating their own performance relative to achieving the goals. The completed “self-evaluation” form is returned to the supervisor for review.

The supervisor reviews the employee’s comments regarding their performance and prepares a second Performance Evaluation Form addressing the employee’s performance from their perspective. The supervisor’s performance evaluation may also provide written comments regarding the employee’s comments in their “self-evaluation.”

The supervisor then determines if additional compensation, bonus or promotional opportunities are to be made available to the employee based on their performance. Compensation will be discussed with the employee immediately following a face-to-face review of the Performance Evaluation Form with the employee.

Prior to meeting with the employee the completed package consisting of the following documents should be approved by the Office Manager for discussion with the employee:

- Performance Evaluation Form completed by the supervisor.
- Self-Evaluation Form completed by the employee.
- Salary, bonus and/or promotional recommendations completed by the supervisor. Make sure to consider the pay equity rules and make recommendations consistent with those rules.

Upon approval, the formal Performance Evaluation meeting is held. This is an important event. The employee may be anxious to see how **Modern Aesthetics** views their performance and how they will be rewarded for their actions. Give this meeting the time and respect it merits. The formal Performance Evaluation should be relatively free of surprises if on-going two-way conversations of the Performance Evaluation objectives have been conducted as recommended.

The Performance Evaluation Meeting should be conducted in a private setting without interruption. The setting should be one where both employee and supervisor are comfortable. Take enough time to go over each objective or goal of the Performance Evaluation Form and discuss in whatever detail is necessary to make certain that the employee understands the official view of his or her performance. At the conclusion of the discussion, the employee is asked to sign the Performance Evaluation Form. The signature is not agreement on the part of the employee for the contents of the evaluation but is merely acknowledgement that the Performance Evaluation did take place. If the employee desires to make additional written comments regarding the evaluation they may do so. Unfortunately, there are times when an employee reacts negatively to a performance review and may refuse to sign it. If this happens, simply write a note on the evaluation that the employee refused to sign and date the note.

The supervisor will next discuss compensation, bonus, and promotional opportunity directly stemming from the employees documented job performance noted on the Performance Evaluation Form. Upon completion of this discussion, the Performance Evaluation Form, the employee Self-Evaluation and compensation documents are placed in the employee’s Personnel File Folder.

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Compensation

As noted above, compensation changes should be awarded following the completion of the Performance Evaluation to reinforce the contribution made by the employee to the effectiveness of the overall organization.

There are a number of different approaches towards determining compensation. Some programs are tied to the national inflationary index. If inflation goes up one percent during the business year each employee receives a one percent “cost of living” increase. Other programs are tied to the profits of the business. An example would be if **Modern Aesthetics** produced a business profit of one percent each employee would receive a one percent “profit” increase.

The problem with the two programs briefly described above is that neither truly focuses on rewarding the individual efforts of the employee. A superstar is going to receive the same one percent increase as the employee who is just meeting performance expectations. Compensation programs designed along this premise tend to lack the incentive necessary to keep the above average performers motivated and working for **Modern Aesthetics**.

Another method designed to truly reward performance is presented here and is commonly referred to as “Pay-For-Performance” program. The program contains the following basic tenets that must be understood by each member of the organization:

- Base pay for employees in a “Pay-For-Performance” program tends to be in the top 40 percent of the industry. This is necessary, as employees are not guaranteed annual increases.
- Salary ranges for the industry are reviewed every three years to make certain that the pay levels of the employee remains competitive.
- The employee’s base pay contemplates that he or she will meet all requirements of the position as defined by **Modern Aesthetics**.
- Increases to an employee’s base pay are granted because the employee’s job performance consistently exceeds the requirements of the position as defined by **Modern Aesthetics**.

The establishing of individual employee goals, noted in the Goal Setting material above, followed by effective monitoring and review of the goals at regular intervals is the key to a successful Pay-For-Performance system.

No matter what system is adopted, at all times, **Modern Aesthetics** must comply with equal pay provisions and laws and not pay any of its employees at wage rates less than the rates paid to employees of the opposite sex, or of a different race or ethnicity, for substantially similar work, when viewed as a composite of skill, effort and responsibility, and performed under similar working conditions, except when based upon law-permitted exceptions. To the extent required by law, **Modern Aesthetics** must not base a wage differential on an applicant’s/employee’s prior salary. Law permitted exceptions include when an employer can demonstrate that a wage differential is based upon one or more of the following factors, which are applied reasonably and account for the entire wage differential: (1) a seniority system; (2) a merit system; (3) a system

that measures earnings by quantity or quality of production; (4) a bona fide factor other than sex, race or ethnicity, such as education, training, or experience.

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Performance Improvement Program

Nearly every employee at one time or another will have some difficulty performing their job as intended. In the vast majority of cases the employee overcomes this shortcoming. If performance problems continue, a disciplinary process must be introduced to assist the employee in returning to satisfactory levels of performance. This management tool is commonly referred to as a Performance Improvement Program. In general, the Personal Improvement Program consists of the following elements:

- **Counseling:** Constructive coaching and counseling pinpointing the performance issue and its ultimate correction.
- **Verbal Warning:** A formal warning that performance must improve or a more structured corrective action will be implemented.
- **Formal Written Warning:** A written document clearly defining the action that must be taken to correct the performance issue; the time frame within which the action must be taken; and, the consequences associated with non-compliance.

The starting point for all performance feedback action is the supervisor's file. A supervisor file is an electronic or paper file folder kept by the supervisor for each employee, and are separate from the Employee Personnel File. They are used primarily to assist the supervisor in preparing formal Performance Evaluations. During the normal course of business the supervisor makes notes regarding the many accomplishments and performance issues demonstrated by the employee as they occur and puts them in the file. At the close of each month, the supervisor reviews the accumulation of notes and determines if any adverse trends are developing. If an adverse trend has developed a meeting is scheduled in which the supervisor and employee discuss the supervisors observations and a plan is jointly developed to resolve the issue. This meeting is the "**Counseling**" element in the Personal Improvement Program noted above. The supervisor continues to monitor the employee's daily performance with particular emphasis on the performance issue. In most cases, the employee will master the problem. In those few occasions where the problem is not resolved the supervisor will move to the next phase of the Performance Improvement Program, "**Verbal Warning.**"

"**Verbal Warning**" is similar to coaching and counseling with one major difference. The supervisor has attempted to work with the employee to overcome the performance issue. This may have required additional training, upgrading of equipment, etc. If despite these efforts, the employee has still been unable to resolve the performance issue, the supervisor will once again meet with the employee and discuss the situation. In this meeting the employee will be advised that they are being verbally warned that they must resolve the performance issue by a specified date (normally 30 to 60 days). The employee is further informed that if satisfactory results are not obtained within the specified time period, the Performance Improvement Program will be raised to the next level of "**Formal Written Warning,**" which may ultimately end with the

termination of employment. The supervisor keeps notes of the meeting and places the notes in the desk file. The supervisor continues to monitor the employee's daily performance with continued emphasis on the performance issue. Once again, in most cases the employee will master the problem. However, occasionally the problem is not resolved and the supervisor must proceed to the next phase of the Performance Improvement Program, **"Formal Written Warning."**

"Formal Written Warning" is the most critical element of the disciplinary action process. The supervisor should consult with the Office Manager before proceeding with this action. The **"Formal Written Warning"** is a carefully constructed document, which chronicles all activities that have been initiated to correct the performance issue. The document further outlines what action must take place to resolve the problem; by what date the correction must occur; and, the consequences of non-compliance. Click here for a [Sample Written Warning Letter](#).

Once the **"Formal Written Warning"** has been composed, reviewed and approved by the appropriate levels of management, a meeting is schedule with the employee. The supervisor discusses the ongoing problem and presents the warning. Some organizations like to have two management level employees attend this meeting as a witness to what took place. A copy of the signed warning letter is placed in the employee's Personnel File. If the employee refuses to sign the warning simply make a notation on the letter and initial it.

No formal system or steps of discipline are required, however, as all employees are employed at will. Nevertheless, for similar types of issues, you should be consistent in the levels of discipline imposed to avoid claims of potential discrimination or disparate impact. Some types of issues will allow you to use all of the above steps, while other types of issues will require a more severe first step such as a written warning or even immediate termination. Please consult your Human Resources department.

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Termination

When all efforts of the Performance Improvement Program have failed, the supervisor should proceed with termination of the employee for the good of the employee and the organization. Terminating an employee is a difficult task, however, if you have followed the outline of the Performance Improvement Program you have given the employee ample time and assistance to raise their level of performance to expectations. You also have a well-documented file demonstrating professional handling of the situation.

There is a certain amount of coordination and preparation necessary for a termination to take place in a dignified, professional manner. Here are the important elements of the termination process:

Pre-Termination Activities:

- Provide a private room for the termination with the employee.
- Have the employee's final paycheck prepared and ready for distribution by the termination date. In California, this is a legal requirement. The check should also include any vacation or Paid Time-Off that has accrued but not been used.

- Coordinate the discontinuance of the employee's access to computer systems as of the date of termination.
- Identify any company equipment or material that is in the custody of the employee. If the employee has these items at their home, arrangements will need to be made for the item's collection on the date of termination.
- Have cardboard boxes available for the employee to remove their personal items from their workstation. The employee may wish to remove these personal items immediately or return to the work site after hours to collect the items. Be flexible and accommodate reasonable requests.
- Some organizations will want a member of the Human Resource Department or a Senior Manager to attend the meeting with the supervisor to act as a witness to the event. If this is your preference, make the necessary arrangements.

Termination Activities:

- Contact the employee just before the meeting is to take place and ask them to join you in the room you have selected for the termination discussion.
- This can be an emotional event. Keep the discussion centered on the purpose of the meeting. Do not engage in small talk. Get right to the point. Cover all the facts that have led to the decision to terminate the employee.
- Collect all company identification cards, keys, security passes, and corporate credit cards. If the employee has company equipment at their residence make arrangements to have the equipment collected that day.
- Give the employee their final paycheck.
- Determine when the employee would like to gather their personal effects. If they wish to do this immediately, accompany them to their workstation and standby as they pack their belongings.
- Escort the former employee to the office exit.
- Meet with the former employee's department members and advise them that the employee is no longer working for the organization. Do not furnish any details regarding the event.

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Exit Interview

Occasionally, employees will resign on a voluntary basis. An exit interview is not required by law, but it may be important to conduct an exit interview to determine the reason for the resignation. This information is valuable in accessing the need for potential future change within the organization.

On the other hand, an exit interview by a hostile employee can create documentation that could be damaging in a lawsuit or claim for Unemployment Insurance benefits. An exit interview, however, can provide your practice with organizational insights that may improve retention and future management.

The interview is short in nature and should be conducted in a comfortable location free from interruption. Keep the responses confidential and do not include them in the employee's personnel file. Generally, an Exit Interview Form is completed to document the information discussed. Click the following link to view a [Sample Exit Interview Form](#).

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[Sample Forms](#)

Modern Aesthetics

APPLICATION FOR EMPLOYMENT

<i>Please print clearly and complete all information requested. If you need assistance in completing the application, please contact Human Resources.</i>		
Name:		
Last	First	Middle
Address:		
Street:	City	State Zip
Home Phone: ()	Cell Phone: ()	E-mail:
POSITION DESIRED		
Position Applying For:		
Desired Salary:		
Date Available:		
Type of Work Desired: Full Time <input type="checkbox"/> Part Time <input type="checkbox"/> Either <input type="checkbox"/>		
PERSONAL INFORMATION		
If hired, can you present proof of your legal right to work in the United States?	[] Yes	[] No
Are you at least 18 years of age or older? If "no," a work permit may be required.	[] Yes	[] No
For reference purposes, have you worked under, or been known by, another name? If yes, please list other name(s):	[] Yes	[] No
Are any relatives or members of your household currently employed by us?	[] Yes	[] No
As part of the selection process, if you are provided with an offer of employment, it will be contingent upon, among other requirements, your completion of a criminal background check to the maximum extent permitted by law. Do you understand this requirement?	[] Yes	[] No
<small>(Note: A conviction is not an automatic bar to employment. The nature of the offense, date of offense, the surrounding circumstances and relevance of the offense to the position applied for will be considered.)</small>		
If you are seeking a position that requires a professional license/certification, has your license/certification ever been revoked, suspended, limited, and/or are you currently the subject of a proceeding that could affect your license/certification? If yes, please explain:	[] Yes	[] No
Have you ever been sanctioned, suspended, or barred from participation in any Federal Health Care Programs such as Medicare or Medicaid?	[] Yes	[] No
If yes, please explain:	[] Yes	[] No
Have you ever been discharged from any employment, asked to resign or advised that if you did not resign, your employment would be terminated? If yes, please explain.	[] Yes	[] No

Modern Aesthetics is an Equal Opportunity Employer and does not unlawfully discriminate in employment. No question on this application is used for the purpose of limiting or excluding any applicant from consideration for employment on a basis prohibited by local, state, or federal law. Equal access to employment, services, and programs is available to all persons. Those applicants requiring reasonable accommodation to the application and/or interview process should notify the Office Manager.

EDUCATION AND TRAINING				
Type of School	Name and Location	No. of Years Completed	Major & Degree	Did You Graduate
High School/ GED				<input type="checkbox"/> Yes <input type="checkbox"/> No
Trade or Technical School				<input type="checkbox"/> Yes <input type="checkbox"/> No
College or University				<input type="checkbox"/> Yes <input type="checkbox"/> No
Other				<input type="checkbox"/> Yes <input type="checkbox"/> No

SPECIAL SKILLS	
Licenses/Certificates:	Answer only if position applied for requires driver's license. Do you have a valid California driver's license? <input type="checkbox"/> Yes <input type="checkbox"/> No
Keyboarding WPM:	Computer Programs:
Office Equipment:	
Foreign Language Skills (optional):	
<input type="checkbox"/> Speak _____ <input type="checkbox"/> Read _____ <input type="checkbox"/> Write _____ <input type="checkbox"/> Interpret and/or translate _____	
Do you have any other experience, training, qualifications or skills which you feel makes you especially suited for the position applied for? If so, please explain.	<input type="checkbox"/> Yes <input type="checkbox"/> No

EMPLOYMENT HISTORY	
For the last 10 years, starting with most recent, list each job held and account for all periods between jobs. Attach additional sheets if necessary.	
EMPLOYER: Address: Phone: Date Started: _____ Date Left: _____ Title or Position:	May we contact this employer? <input type="checkbox"/> Yes <input type="checkbox"/> No Supervisor's Name: _____
Duties and Responsibilities:	Reason for Leaving:
Account for periods of unemployment between jobs:	
EMPLOYER: Address:	May we contact this employer? <input type="checkbox"/> Yes <input type="checkbox"/> No Supervisor's Name:

Phone:			
Date Started:		Date Left:	
Title or Position:			
Duties and Responsibilities:		Reason for Leaving:	
Account for periods of unemployment between jobs:			
EMPLOYER:		May we contact this employer? [] Yes [] No	
Address:		Supervisor's Name:	
Phone:			
Date Started:		Date Left:	
Title or Position:			
Duties and Responsibilities:		Reason for Leaving:	
Account for periods of unemployment between jobs:			
EMPLOYER:		May we contact this employer? [] Yes [] No	
Address:		Supervisor's Name:	
Phone:			
Date Started:		Date Left:	
Title or Position:			
Duties and Responsibilities:		Reason for Leaving:	
Account for periods of unemployment between jobs:			

PERSONAL REFERENCES			
Please list two persons not related to you who can provide professional and/or character references.			
Name	Telephone No.	Address	Years Acquainted
1.	()		
2.	()		

CERTIFICATION

Important, please read carefully and sign.

I hereby certify that the information on this application and all other information otherwise provided is true and correct. I understand that any misrepresentations or omissions will be sufficient cause for cancellation of this application or immediate termination of employment if I am employed, whenever it may be discovered.

I understand that if I am offered employment, such offer may be and is conditioned upon the successful completion of a reference check, background investigation (including, but not limited to, a criminal background check), applicable licensure/certification verifications, and I-9 verification.

If I am employed, I acknowledge that there is no specified length of employment and that this application does not constitute an agreement or contract for employment. Accordingly, either I or Modern Aesthetics can terminate the relationship at will, with or without cause, at any time with or without prior notice. I further acknowledge that the only manner in which the “at will” nature of the employment relationship can be altered is by means of a specific written agreement signed by me and Modern Aesthetics.

I understand that should a search of public records (including records documenting conviction, civil judicial action, tax lien or outstanding judgment) be conducted by internal personnel employed by Modern Aesthetics, I am entitled to copies of any such public records obtained by Modern Aesthetics unless I mark the check box below. If I am not hired as a result of such information, I am entitled to a copy of any such records even though I have checked the box below.

- I waive receipt of a copy of any public record described in the paragraph above.**

I represent and warrant that I have read and fully understand the foregoing, and that I seek employment under these conditions.

Applicant’s Signature _____ Date: _____
-

[EDITOR’S NOTES:

A new law, Los Angeles Fair Chance Ordinance Regarding Criminal History Information, was recently passed which will prohibit criminal information inquiries on an application or at any time prior to a conditional offer of employment.

Chapter 18 of the Los Angeles Municipal Code, Article 9 is a “ban the box” ordinance that restricts private employers in the City of Los Angeles (“City”) from asking job applicants about criminal convictions until after a conditional offer of employment has been made. The ordinance applies to all private employers with more than 10 employees (including owners, managers, and supervisors) located or doing business in the City of Los Angeles, and to employees who perform "at least two hours of work on average each week" in the geographic boundaries of the City. Exceptions apply to public employers and also to those employers who are required by law to obtain information regarding an applicant’s conviction, the applicant would be prohibited by law from holding the position regardless of whether that conviction has been expunged, when the applicant would be required to possess or use a firearm in the course of employment, or the employer is prohibited by law from hiring an applicant who has been convicted of a crime. Applicants include any individual who submits an application for work performed in the City, including temporary, seasonal, commission, contracted, and even unpaid training positions.

Employers must comply with the following requirements:

- State in all advertisements and solicitations (both internal and external) that they will consider qualified applications with criminal histories in a manner consistent with the ordinance.
- Post a notice of the ordinance in a conspicuous place at every workplace and job site in the City.
- Refrain from asking applicants about their criminal history until after a conditional offer is made.
- If, after a conditional offer has been made, the employer conducts a criminal background check that discloses criminal history information unfavorable to the applicant, employers must then perform a written assessment that effectively links the specific aspects of the criminal history with risks inherent in the job sought by the applicant. The employer must consider various factors, including (1) the nature of the offense; (2) the individual’s age at the time of the offense; (3)

circumstances surrounding the offense; (4) the number of offenses for which the individual has been convicted; (5) employment history before and after conviction; (6) evidence of rehabilitation; (7) time that has elapsed since the offense, and other mitigating factors. Employers must also apply other factors as may be required by rules and guidance issued by the Department of Public Works, Bureau of Contract Administration, which bears administrative responsibilities for this ordinance.

- In the event the employer elects to take an adverse action after undertaking a written assessment, the employer must also engage in the "Fair Chance Process," which involves: (1) providing the applicant written notification of the adverse employment action; (2) providing a copy of the written assessment described above; and (3) providing any other information or documentation supporting the proposed adverse action. The employer then must allow the applicant five business days to provide additional information or documentation regarding the accuracy of the criminal history results or mitigating factors. If the applicant provides correcting or mitigating information, the employer must conduct another written assessment and inform the applicant of its decision with a copy of that written assessment.

Starting July 1, 2017, penalties and fines will be imposed of up to \$500 for the first violation, \$1,000 for the second, and \$2,000 for subsequent violations. Prior to that date, written warnings will issue to employers that violate the law. The law also has anti-retaliation provisions. Employers who do business in the City of Los Angeles should review all applications and hiring policies to ensure compliance with this new law. Applicants and current employees must be properly informed of the requirements of the ordinance, and personnel should be trained in the Fair Chance Process. Employers must also continue to abide by the Fair Credit Reporting Act and equivalent State requirements.

No Juvenile Crimes

Further, even when you can conduct a criminal inquiry there are now additional restrictions on the information you can find out as follows: Labor Code section 432.7 restrictions on inquiries regarding criminal history have been expanded to prohibit asking an applicant to disclose juvenile convictions. Additionally, an employer may not: (1) ask an applicant to disclose information related to an arrest, detention, processing, diversion, supervision, adjudication, or court disposition that occurred while the person was subject to the process and jurisdiction of juvenile court law; or (2) seek from any source or utilize as a factor in determining any condition of employment any record concerning or related to an arrest, detention, processing, diversion, supervision, adjudication, or court disposition that occurred while a person was subject to the process and jurisdiction of juvenile court law. The bill makes a narrow exception for employers at a health facility to permit inquiry into an applicant's juvenile criminal background if a juvenile court made a final ruling or adjudication that the applicant had committed a felony or misdemeanor relating to certain sex or controlled substances crimes within five years preceding the employment application, although inquiries regarding sealed juvenile criminal records are prohibited. An employer at a health facility seeking disclosure of juvenile offense history under this exception will be required to provide the applicant with a list describing offenses for which disclosure is sought. The law is effective January 1, 2017.]

No prior salary history

Please note that effective 1/1/17, you should also no longer inquire about salary information for an employee's prior job history. You cannot use that prior salary information to justify a pay disparity and should already have your own system for determining equal pay for substantially similar work.

I-9/Immigration Changes:

Please note that a new law effective 1/1/17 prohibits an employer from doing any of the following: (1) requesting more or different documents than are required under federal law; (2) refusing to honor documents tendered that on their face reasonable appear to be genuine; (3) refusing to honor documents or work authorization based upon the specific status or term of status that accompanies the authorization to work; and (4) attempting to reinvestigate or reverify an incumbent employee's authorization to work using an unfair immigration-related practice. Complaints can be made to the state labor commissioner and penalties of up to \$10,000 can be recovered.

Although California residents may be able to obtain driver's licenses under State law despite lack of certain federal documentation, such driver's licenses will contain a phrase mentioning federally limited or limited under federal law or not acceptable for official federal purposes, and cannot be used for I-9 verification purposes. However, if in the future, the person is granted a status that allows him/her to work, then it appears he/she may be able to use the driver's license as proof of identity along with a valid work authorization document, when completing the I-9 form. As the regulations may further develop or change, if this situation arises where a worker seeks to use the federally limited driver's license for I-9 purposes,

before permitting such use of the federally limited driver's license, you should first check with legal counsel. Please note that such a federally limited driver's license cannot be used as a basis to discriminate, harass or retaliate against an employee.]

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To be completed following an interview

Interview Report

Name _____ Date _____

Position Desired _____

Check the appropriate box in each category, if the category applies to the position sought, then make additional comments below.

Appearance	Bearing	Expression	Job Knowledge	Motivation	Personality
<input type="checkbox"/> Indifferent to attire & grooming, sloppy, unkempt.	<input type="checkbox"/> No bearing, lacks confidence, slovenly posture.	<input type="checkbox"/> Uncommuni-cative, confused thoughts, poor vocabulary.	<input type="checkbox"/> None as pertains to this position.	<input type="checkbox"/> None, apathetic, indifferent, disinterested.	<input type="checkbox"/> Unpleasant.
<input type="checkbox"/> Careless in attire, poor grooming.	<input type="checkbox"/> Often appears uncertain, poor posture.	<input type="checkbox"/> Poor speaker, hazy thoughts, ideas.	<input type="checkbox"/> Will need considerable training.	<input type="checkbox"/> Doubtful interest in position.	<input type="checkbox"/> Slightly objectionable.
<input type="checkbox"/> Functional attire, neatly groomed.	<input type="checkbox"/> Holds self well, seems confident.	<input type="checkbox"/> Speaks well, expresses ideas adequately.	<input type="checkbox"/> Basic, but will learn on the job.	<input type="checkbox"/> Sincere desire to work.	<input type="checkbox"/> Likeable.
<input type="checkbox"/> Well Groomed.	<input type="checkbox"/> Sure of self, reflects confidence.	<input type="checkbox"/> Speaks, thinks clearly, with confidence.	<input type="checkbox"/> Well versed in position, little training needed.	<input type="checkbox"/> Strong interest in position, asks questions.	<input type="checkbox"/> Pleasing.
<input type="checkbox"/> Immaculate attire and grooming.	<input type="checkbox"/> Highly confident, inspires others, asserts presence.	<input type="checkbox"/> Exceptional, speaks clearly, concisely with confidence, ideas well thought out.	<input type="checkbox"/> Extremely well versed, able to work without further training.	<input type="checkbox"/> Highly motivated, eager to work, asks many questions.	<input type="checkbox"/> Extremely pleasing, charming individual.

Does Applicant possess the right attitude for the job? If yes, why?

Overall Impression

Unsatisfactory Marginal Satisfactory Very Good Excellent

Additional Comments

Should We Interview Further? Yes No

Interviewer Signature

Date

Print Name

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Sample Thank You Form Letter

Date

Dear _____:

We are in receipt of your resume applying for our _____ position. We thank you for your interest in **Modern Aesthetics**. Unfortunately we do not have a position available at this time, which is compatible with your experience and background.

Although we are unable to consider your resume for the time being, we will keep it in our files for three months for reference in the event a suitable position becomes available.

Thank you for your interest in **Modern Aesthetics**. Best wishes for success in your future endeavors.

Sincerely,

John Doe
Office Manager, **Modern Aesthetics**

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Sample Offer Form Letter

Date

Dear _____:

We are very pleased to offer you a position with **Modern Aesthetics**. Your employment is subject to the terms and conditions set forth in this letter, which override anything said to you during your interview or any other discussions about your employment with **Modern Aesthetics**. [Your employment will be subject to your satisfactory completion of a 90 day introductory period. However, completion of the introductory period will not alter your at-will employment status in any way (see below for more information regarding at-will employment).]

You will be hired as a [full-time/part-time] [POSITION] [working [NUMBER] days a week, specifically ([SPECIFY DAYS OF THE WEEK])] effective [START DATE], your start date. This is [an exempt/a non-exempt] position. In your capacity as [POSITION], you will [have such duties and responsibilities as are appropriate for the position/be responsible for [INSERT DUTIES OR ATTACH JOB DESCRIPTION AND REFERENCE IT IN THIS LETTER]]. You will report directly to [POSITION], currently [NAME], or another individual designated **Modern Aesthetics's** [POSITION]. You agree to devote your full business time and best efforts to the performance of your duties and to the furtherance of **Modern Aesthetics's** interests.

In consideration of your services, you will be paid [a salary of \$[AMOUNT] per year (used for exempt employees) /on an hourly basis at the rate of \$[AMOUNT] per hour, plus all applicable overtime as required by law (used for non-exempt employees)], payable [FREQUENCY OF PAY] in accordance with the standard payroll practices of **Modern Aesthetics** and subject to all withholdings and deductions as required by law.

You will be eligible to participate in any benefit plans and programs in effect from time to time, including [vacation/Paid Time Off (PTO), group medical and life insurance, disability benefits, [OTHER BENEFITS]], and other fringe benefits as are made available to other similarly situated employees of **Modern Aesthetics**, in accordance with and subject to the eligibility and other provisions of such plans and programs.

You will be subject to all applicable employment and other policies of **Modern Aesthetics**, as outlined in **Modern Aesthetics's** Employee Handbook and elsewhere.

We anticipate that your employment with **Modern Aesthetics** will begin on _____, 201_, or as otherwise mutually agreed upon. This offer and start date are contingent upon our satisfaction with the results of a:

Background/fingerprint investigation.

Reference check.

Licensure/certification/educational credentials verification.

A job specific skills examination.

Drug screen.

Pre-employment physical examination (to be conducted after all other non-medical checks, verifications and tests have been completed).

This offer is also contingent, upon your providing satisfactory proof of your identity and legal ability to work in the United States. Please be prepared to provide documentation necessary to satisfy this requirement no later than your first day of employment. A list of acceptable documents is available at <https://www.uscis.gov/i-9-central/acceptable-documents>.

Your employment will be at-will, meaning that you or Modern Aesthetics may terminate the employment relationship at any time, with or without cause, and with or without notice.

This letter is intended to set forth the entire agreement between you and **Modern Aesthetics** with respect to the terms and conditions of your employment. No amendment or modification of this letter agreement shall be effective unless in writing executed by you and the President of **Modern Aesthetics** or an authorized designee

All of us at **Modern Aesthetics** are excited at the prospect of you joining our team. If you have any questions about the above details, please call me immediately. If you wish to accept this position, please sign below and return this letter agreement to [me/[POSITION]] within [NUMBER] days. This offer is open for you to accept until [DATE], at which time it will be deemed to be withdrawn.

I look forward to hearing from you.

Yours sincerely,

.....
[NAME]

On behalf of [NAME OF EMPLOYER]

Signed

Date

ACCEPTED AND AGREED:

[NAME OF APPLICANT]

Signed

Date

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Sample Orientation Documentation Checklist

Modern Aesthetics Orientation Document Checklist

Document Title	Completion Date
Signed Offer Letter	First Day of Employment
Form I-9	First Day of Employment
Arbitration Form	First Day of Employment
Confidentiality Form	First Day of Employment
Emergency Contact Information	First Day of Employment
Monthly Parking Contract	First Day of Employment
Receipt of Personnel Policy Handbook	First Day of Employment
Federal Withholding Form W-4	First Day of Employment
State Withholding Form DE4	First Day of Employment
Direct Deposit Authorization Form	Voluntary
Expense Report Forms and Procedure	As Needed
Summary of Major Benefits	First Day of Employment
Health Insurance Packet	Per Health care Provider Requirements
Dental Insurance Packet	Per Dental Provider Requirements
Life Insurance Enrollment Form	Per Life Insurance Provider Requirements
Long Term Disability Enrollment Form	Per Disability Provider Requirements
Introductory Employment Period	First Day of Employment
Performance Evaluation	First Day of Employment
Salary Administration	First Day of Employment
Paid Time Off and Sick Time Accruals	First Day of Employment
401K Savings and Retirement Plan	First Day of Employment
Time Sheets and Time Off Requests	First Day of Employment
Safety Programs	First Day of Employment
Employee Recognition Programs	First Day of Employment
Anniversary Recognition Programs	First Day of Employment

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Sample Performance Evaluation Form

Modern Aesthetics
Employee Performance Evaluation

Employee Name: _____ Title: _____

Evaluation Date: _____ Date of Hire: _____

Goal #	Goal	Result	* Rank
1			
2			
3			
4			
5			

* Rank: NI (Needs Improvement); M (Meets Expectations); E (Exceeds Expectations)

Overall Performance Comments (Communication, Teamwork, Attendance, etc.):

Overall Performance Ranking: _____

Employee Comments: _____

Supervisor Signature

Employee Signature

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Sample Formal Written Warning Letter

Performance Letter Example:

Date

Dear: _____

You have been a Medical Assistant at **Modern Aesthetics** since July 2012. Recently, several incidents have come to light and must be addressed.

Last Tuesday, [date], I found 2 vaccine bottles that were left in an exam room and not refrigerated as required. Those had to be disposed of, which was a costly mistake. You also threw away sample pills in the trash instead of the biohazard holder. Yesterday, when you administered a medication, you failed to double-check if it was the correct dosage. Fortunately, the patient spoke up as they were aware of the typical dosage, so no physical problems arose. Following that I told you that you were not to provide any invasive services to patients, including shots, without a physician being present. Today, you reported to me you gave a patient a shot of the incorrect medication. Once again, though we were extremely fortunate that no damage was done, your actions could have had a harmful outcome for the patient and **Modern Aesthetics**.

Due to these on-going performance deficiencies, you are being placed on Formal Written Warning. Your performance must improve, and you must follow all office procedures for administering and handling medications or you may be terminated. You will be required to re-read all of the office procedures and ask questions your supervisor about anything you do not understand. Continued failure to adhere to our office procedures, may lead to further disciplinary action, up to and including termination of employment.

Management reserves the right to accelerate the disciplinary process at any time should your performance or conduct warrant it.

I have read and understand the above information.

Employee Signature

Date

[Editor's Note: The written warning should document the problem, identify corrections needed, identify a time frame for correction, and identify the consequences if correction is not timely made. If an employee refuses to sign a written warning or disciplinary action agreement, note the refusal on the warning or agreement. If possible, ask a supervisor to witness the employee's refusal to sign. Then, ask the supervisor to sign a document stating that the employee refused to sign. You cannot force an employee to sign a written warning or disciplinary agreement. Employees are entitled to receive a copy of

any document that bears their signature. The contents of an employee's personnel file and medical records files, except for letters of reference and certain other limited kinds of information, are open for inspection by current or former employees, upon request, at reasonable times, but no later than 30 calendar days after a written request to do so, subject to certain legal exceptions.]

Manager Signature

Date

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Sample Termination Letter

Date

Dear: _____

Thank you for talking with me today. During our meeting, we discussed the company's decision to terminate your employment. As you know, [insert description of conduct leading to termination, reasons for termination.]

Your last day of employment will be today, _____. Enclosed with this letter is your final paycheck, which includes payment for any and all accrued, but unused vacation time, less mandatory deductions and withholdings. For your reference, I am also enclosing DE-2320, a form published by the California Employment Development department, which explains California's benefits for the unemployed.

(Option: If applicable, include health coverage language re COBRA/Cal-COBRA.)

If you have not already, please make arrangements with me to immediately return all property of Modern Aesthetics, including, but not limited to, any confidential or proprietary information, all documents, and the like.

We wish you the best in your future endeavors. Please contact me if you have any questions.

Manager Signature

Date

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Sample Exit Interview Form

Modern Aesthetics Exit Interview Form

- Why are you leaving Modern Aesthetics?

- Would you work again for Modern Aesthetics?

Yes ____

No ____

- Why or why not?

- Would you work again for your supervisor?

Yes ____

No ____

- Why or why not?

- Prior to resigning from this job, did you investigate other options that would enable you to stay? Yes ____ No ____

- If yes, describe:

- If you are leaving for another job, what prompted you to seek alternative employment?

- If you are leaving for another job, what will you be doing?

How did you feel about your salary and the employee benefits?

- Interviewer's Comments: _____

Employee Signature (Optional)

Date

Title

Department

Interviewer's Name and Title

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