

UTAH SYMPHONY & OPERA
PERSONNEL HANDBOOK
JANUARY 27, 2006

THIS HANDBOOK HAS BEEN DESIGNED TO SUMMARIZE THE COMPANY'S GUIDELINES AND PRACTICES. IT IS NOT ALL-INCLUSIVE BUT SHOULD BE USED TO INFORM EMPLOYEES OF THEIR RIGHTS AND RESPONSIBILITIES AS AN EMPLOYEE OF UTAH SYMPHONY & OPERA. THE EMPLOYEE HANDBOOK CAN AND MAY BE REVISED PERIODICALLY. HUMAN RESOURCES WILL ANNOUNCE UPDATES THROUGH THE USE OF E-MAIL OR COMPANY MEMOS.

EMPLOYMENT WITH UTAH SYMPHONY & OPERA IS CONSIDERED AT-WILL. EMPLOYEES HAVE THE RIGHT TO TERMINATE THEIR EMPLOYMENT WITH UTAH SYMPHONY & OPERA AT ANY TIME AND WITHOUT REASON. IN TURN, UTAH SYMPHONY & OPERA HAS THE SAME RIGHT TO TERMINATE EMPLOYMENT WITH AN EMPLOYEE AT ANY TIME AND WITHOUT REASON. EMPLOYEES ARE NOT GUARANTEED EMPLOYMENT WITH UTAH SYMPHONY & OPERA FOR A SPECIFIC DURATION AND ARE NOT ENTERING A CONTRACT OF EMPLOYMENT. THE CEO AND OPERA GENERAL DIRECTOR OF THE COMPANY HAS THE RIGHT TO ENTER AN AGREEMENT OR CONTRACT CONTRARY TO THE AT-WILL EMPLOYMENT. ANY AT-WILL NEGOTIATIONS WILL BE NULL AND VOID WITHOUT WRITTEN CONSENT FROM THE CEO AND OPERA GENERAL DIRECTOR OF THE COMPANY.

AGAIN, THE EMPLOYEE HANDBOOK IS AN OVERVIEW OF COMPANY PRACTICES. IF YOU HAVE ANY QUESTIONS OR CONCERNS, PLEASE CONTACT YOUR HUMAN RESOURCES DEPARTMENT.

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GENERAL POLICIES

- A. Utah Symphony & Opera administration deals with the public continually and exists to serve the needs of Utah Symphony & Opera, its patrons and audience. It depends for its success upon a fund of good will earned over many years. It is imperative that all employees be punctual in attendance, courteous in all dealings with the public and with the artists, and responsive to problems and complaints.
- B. Each employee should be familiar with the current activities of Utah Symphony & Opera.
- C. Questions relating to the work of and individual department, suggestions for improving working conditions or procedures, and personnel problems which affect job performance should first be brought to the attention of the supervisor. If an employee feels the supervisor has been unresponsive, an appointment with the department head, Director Human Resources, or CEO & Opera General Director may be made.
- D. Insofar as it is practical, all policy decisions and discussions should be confirmed in writing. This permits clear decisions to be implemented, provides documented authorization for action, and establishes a record for future reference.
- E. Employees are expected to dress appropriately and conduct themselves in a businesslike manner.
- F. Employees are responsible for the security of their individual work areas, including confidential papers.
- G. Work areas should be kept neat, clean and orderly.
- H. Whenever employees leave the office, they must indicate their anticipated time of return to their supervisor and the Office Manager, who should also be informed if an employee is to be away from his or her desk for a period of time.
- I. Employees should inform their supervisor and the Office Manager whenever they expect to arrive late in the morning for any reason.
- J. Money, handbags, wallets, jewelry and other valuables should not be left unattended.
- K. Whenever employees leave the office for the day or for an extended period of time, they are responsible for turning off lights and other electrical equipment in their work area. The last employee to leave the offices in the evening should also turn out the lights, turn off the laser printer and copy machine, and make sure the appropriate doors are closed or locked.

EMPLOYEE POLICIES

- A. Equal Opportunity Policy. Utah Symphony & Opera is an equal opportunity employer. Utah Symphony & Opera policy prohibits unlawful discrimination based on race, color, creed, sex, marital status, sexual orientation, age, national origin, ancestry, handicap, disability, medical condition, or any other consideration made unlawful by federal, state or local laws. All such discrimination is unlawful.

Utah Symphony & Opera is committed to complying with all applicable laws providing equal employment opportunities to individuals regardless of race, color, creed, sex, marital status, sexual orientation, age, national origin, ancestry, handicap, disability, or medical condition. This commitment applies to all persons involved in the operations of Utah Symphony & Opera and thus prohibits unlawful discrimination by any employees of Utah Symphony & Opera, including both supervisors and co-workers.

If you believe you have been subjected to any form of unlawful discrimination, you should provide a written complaint to your immediate supervisor. If you feel you have received an unsatisfactory response, then you may contact the Department Head, Director Human Resources, and then the CEO & Opera General Director. Your complaint should be specific and should include the names of the individuals involved and the names of any witnesses. Utah Symphony & Opera will undertake a thorough and objective investigation and attempt to resolve the situation.

If Utah Symphony & Opera determines that unlawful discrimination has occurred, remedial action will be taken commensurate with the severity of the offense. Utah Symphony & Opera will not retaliate against you for filing a complaint and will not knowingly permit retaliation by management employees or your co-workers.

Utah Symphony & Opera encourages all employees to report any incidents of discrimination forbidden by this policy so that complaints can be quickly and fairly resolved.

- B. Employee Definition

(1) Regular Full Time: Designates employees who regularly work 40 hours or more per week. Benefits are provided as set out in this handbook, in applicable insurance policies, and by statute.

(2) Regular Part-Time: Designates non-exempt, regular hourly employees working up to 30 hours per week. Vacation, holiday, and sick time benefits will be pro-rated. Other benefits may be provided in accord with statute or with the applicable insurance policies.

(3) Contract Employees: Designates employees hired to fill cyclical needs of Utah Symphony & Opera. Utah Symphony & Opera does not provide benefits unless otherwise negotiated.

- C. At-Will Employment. With respect to all employees, the employment relationship is based on the mutual consent of each employee and Utah Symphony & Opera. Accordingly, either Utah Symphony & Opera or the employee may terminate this at-will employment relationship at any time, with or without cause, with or without notice, and with or without a reason, and no reason need be given.

The at-will nature of any employee's employment may be altered only by a written agreement signed by the CEO & Opera General Director of Utah Symphony & Opera on behalf of Utah Symphony & Opera.

This policy may be altered by the express terms of a written contract.

- D. Fair Labor Standards. Utah Symphony & Opera complies with the Fair Labor Standards Act. All professional performers and related or supporting professional personnel employed by Utah Symphony & Opera shall be paid not less than the minimum compensation for persons employed in similar activities as determined by the Secretary of Labor. No projects will be performed or engaged in under working conditions, which are unsanitary or hazardous, or dangerous to the health and safety of the employees engaged in such project or production.
- E. Civil Rights. Utah Symphony & Opera is an equal opportunity employer and does not discriminate in its hiring practices against individuals based on race, color, national origin, or gender.
- F. Handicapped. Utah Symphony & Opera does not discriminate in its hiring practices against otherwise qualified handicapped individuals.
- G. Sexual Harassment. Utah Symphony & Opera is committed to provide a workplace which is free from sexual harassment, intimidation and reprisal of any kind. Sexual harassment is defined as unwanted behavior or communication of a sexual nature, which adversely affects a person's employment relationships and/or creates a hostile working environment.

Conduct prohibited under this policy includes harassment based on any protected statues, such as the following behavior:

- (1) Verbal conduct such as epithets, derogatory jokes or comments, slurs, or unwanted sexual advances, invitations, or comments;
- (2) Visual conduct such as derogatory and/or sexually-oriented posters, pictures, cartoons, drawings, or gestures;
- (3) Physical contact such as assault, unwanted touching, blocking normal movement, or interfering with work because of sex, race, or any other protected basis;
- (4) Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss, or offers of employment benefits in return for sexual favors; and
- (5) Retaliation for having reported or threatened to report harassment.

If you believe that you have been harassed, you should provide a written complaint to your Department Head as soon as possible after the incident or incidents, names of the individuals involved and names of any witnesses. If the action taken is unsatisfactory, you may contact the Director Human Resources, and then the CEO & Opera General Director. Utah Symphony & Opera will make a thorough and objective investigation of the harassment allegations.

If Utah Symphony & Opera determines that unlawful harassment has occurred, remedial action will be taken in accordance with the circumstances involved. Any employee determined by Utah Symphony & Opera to be responsible for unlawful harassment will be subject to appropriate disciplinary action, up to and including termination. Whatever action is taken against the harasser will be communicated to the complaining employee.

OFFICE AND WORKING HOURS

- A. The basic workweek for the employees is 40 hours, and the basic workday is eight hours of work, with lunch hours to be scheduled over and above the eight hours of work, whenever feasible, so that each department is staffed at all times during the working hours.
- B. Utah Symphony & Opera's official office hours are from 9:00 a.m. to 5:30 p.m. Monday through Friday. Individual employees may with the approval of management arrange for flexible scheduling according to their work and personal needs.
- C. Employees are expected to attend performances, social, educational and fundraising functions as needed in the line of work. The working at performances, social, educational and fundraising functions will count as hours worked and work schedules may be adjusted as indicated in paragraph "D" below.
- D. The workweek starts at 12:00:01 a.m. Sunday morning and ends seven days later at 11:59:59 p.m. Saturday night. The payroll workweek consists of 40 hours Monday through Friday 9 a.m. to 5:30 p.m. Flexible work arrangements and exceptions to the normal start and stop times will be made on an individual case basis between the department head and employee. The department head and employee will mutually agree on an employee's work schedule as well as department practices concerning work breaks and lunch periods. It is important that an employee advise his/her department head if he/she will be late or must leave early. It is understood that personal business, family, or medical appointments may occasionally conflict with commitments to Utah Symphony & Opera. Employees should try to avoid making personal appointments during scheduled hours. Occasionally, changing business priorities may require changing work schedules. Utah Symphony & Opera understands the inconvenience this may cause; therefore, such changes will be kept to a minimum and an employee will receive as much advance notice as possible so that he/she can make travel, day care, and other necessary arrangements.
- E. Employees are paid on a biweekly basis every other Friday for a total of 26 paydays per year. Employees are paid on a "current" basis, which means that paychecks will be for hours worked during the week and the previous week. Employees have the option of signing up for direct deposit through the Human Resources department. A written schedule will be provided to the employees indicating when payrolls are needed and when checks will be issued if the above dates fall on a weekend or holiday.

COMPENSATION AND PERFORMANCE REVIEWS

- A. The performance of each employee shall be reviewed periodically to determine if the employee is fulfilling his/her responsibilities. Salary increases are based solely on merit. The CEO & Opera General Director, with the assistance of the, COO, department heads, Director Human Resources, and the Personnel Committee, is responsible for monitoring the performance of each employee, for taking any necessary actions to deal with an employee's failure to perform his/her responsibilities, and for recommending appropriate merit increases. Salary reviews are normally done in February. Any merit increases will be effective as of the beginning of the fiscal year September 1. Factors to be considered when recommending merit increases include the employee's performance, data from comparable organizations, and Utah Symphony & Opera's financial condition and overall labor budget. Any merit increases must be reviewed by the Personnel Committee of Utah Symphony & Opera's Board of Trustees.

- B. Salary advances are discouraged but may be granted at the sole discretion of the Director of Finance and the CEO & Opera General Director.

LEAVES OF ABSENCE

A. Holidays. The following paid holidays will be observed:

- (1) Independence Day
- (2) Pioneer Day
- (3) Labor Day
- (4) Thanksgiving
- (5) Christmas
- (6) New Year's Day
- (7) Memorial Day

Utah Symphony & Opera's General Director has the discretion to declare up to four (4) additional days when employees are granted paid time off. The Staff Appreciation Committee has established the following additional four (4) days off: President's Day February 17, the employees' birthday, the day after Memorial Day May 27, and June 13th. The floating holidays will be reviewed and adjustments made yearly.

A list of the dates on which holidays will be observed will be distributed by July 1 of each year for the upcoming season.

B. Religious Holidays. Employees who wish to observe religious holidays may do so without loss of pay by utilizing accrued vacation.

C. Sick Leave.

- (1) A full-time employee is entitled to twelve (12) paid sick days (96 hours) per fiscal year. An employee, who works full-time, but for a short year, is entitled to one (1) sick day (8 hours) per month of full-time employment during any given fiscal year.
- (2) Sick leave may be used for a personal illness or a family illness.
- (3) Maternity leave is treated as sick leave.
- (4) Unused sick leave may be carried over from one year to the next, subject to a maximum of thirty (30) days. No payment will be made for accrued but unused sick leave.
- (5) An employee who is sick must notify his/her supervisor as well as the Office Manager as soon as possible.

D. Vacation.

- (1) Paid vacation time accrues to full-time employees according to the length of service as follows:
 - (a) First year: 2 weeks, 80 hours, (.833 days per month)
 - (b) 2 – 5 years: 3 weeks, 120 hours, (1.25 days per month)
 - (c) 6 + years 4 weeks, 160 hours, (1.67 days per month)
- (2) Vacation days are earned on a monthly basis. Employees are eligible to take vacation time after six months of service.
- (3) An employee, who works full-time, but for a short year, is entitled to one day (8 hours) of paid vacation for each month of full-time employment during any given fiscal year.
- (4) Paid vacation policies may be altered by the express terms of a written contract.
- (5) Employees are permitted to carry over unused vacation from one year to the next up to a maximum of thirty (30) days.
- (6) Vacation days may be taken at the convenience of the individual employee's department and must be approved by the employees' department head with reasonable advance notice.

E. Leaves Without Pay. A regular full-time employee with at least one year of service may arrange to take an unpaid leave of absence for a fixed and known duration. Any such leave of absence must be arranged in advance with the CEO & Opera General Director and the Director Human Resources.

F. Bereavement Leave. Utah Symphony & Opera supports employees with time off when they experience a death of a family member or close friend:

- (1) 3 days for the death of an extended family member or close friend
- (2) 5 days for the death of an immediate family member such as mother, father, child, spouse

The days do not need to be taken concurrently. In some cases you need time at the death then later to settle affairs. Department heads will approve this time off separate from vacation.

If additional time is needed, arrangements must be made with the employees' department head.

G. Jury Duty. Utah Symphony & Opera will provide full-time employees with full pay for the duration of the period for which they are called to serve on jury duty or as a witness in court, so that their normal daily income is not reduced. Fees from jury duty may be retained by the employee provided that the employee reports for work on any business or half days during which the jury is not in session. Jury duty that extends beyond thirty (30) days will be unpaid leave.

H. Military Leave. Employees who are members of Military Reserve Forces or the National Guard who are called to attend Active Duty or Training will be granted an unpaid leave of absence, which will not affect accrual of credits for vacation, sick leave or other benefits. An employee may elect to receive pay during the absence by using accrued vacation if he/she chooses.

I. FMLA. Family and Medical Leave Act (FMLA)
The Family and Medical Leave Act (FMLA) was passed in 1993 to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to promote national interests in preserving family integrity. The FMLA guarantees the eligible employee reinstatement to his/her previous position, or an equivalent position and pay.

What does FMLA provide?

Under this Act, an eligible employee can take a maximum of twelve weeks off work per consecutive 12-month period for reasons stated below. The 12-month period will be calculated from the start date of the first FMLA leave.

If a husband and wife work for Utah Symphony & Opera, a combined 12-week is allowed for the birth/adoption of a child. A leave for the birth or placement of a child may **not** be taken intermittently or on a reduced schedule, and must be taken in one segment (up to a maximum of 12 weeks) within 12 months of the birth or placement of the child.

A leave for a serious health condition for the employee, and/or the employee's family member, may be taken in one segment or intermittently.

If the leave is taken on an intermittent basis, you may be required to transfer temporarily to another position for which you are qualified, and which would provide equivalent pay and benefits, along with a better accommodation for your recurring periods of leave.

Note: For the first five days of leave, the employee is required to take accrued vacation and/or personal leave.

Eligible Employees

An eligible employee is one who has been employed by Utah Symphony & Opera for at least 12 months. The 12 months of employment does not need to be consecutive.

In addition, the employee must have worked for at least 1,250 hours of service with Utah Symphony & Opera during the previous 12-month period. (This is an average of approximately 24 hours per week).

Reasons for Leave

All eligible employees may be granted a total of twelve (12) weeks of unpaid family leave and paid sick, vacation, and personal leave combined (during any 12-month period) for the following reasons:

The birth of the employee's child and in order to care for the child (this includes adoptions and foster care);

The placement of a child with the employee for adoption or foster care;

To care for a spouse, child, or parent who has a serious health condition; or

A serious health condition that renders the employee incapable of performing the functions of his or her job.

Definitions

Child:

Child means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person in loco parentis who is either under 18 years of age or older, and incapable of self-care because of a mental or physical disability.

Parent:

Parent means a biological parent or a person who stood in loco parentis to the employee when the employee was a child.

Spouse:

Spouse means a husband or wife as defined or recognized under state law for purposes of marriage, or a domestic partner if the employee signed an Affidavit of Domestic Partnership.

Serious Health Condition:

A serious health condition means an illness, injury, impairment, or physical or mental condition that involves the following:

Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice or residential medical-care facility, and any additional treatment in connection with that inpatient care, or

Continuing treatment by a health care provider which includes any period of incapacity (i.e., inability to work, attend school or perform other regular daily activities) due to:

A health condition (including treatment or recovery) lasting more than three consecutive days, and any later treatment or incapacity (absence from work) relating to the same condition, which also includes treatment two or more times by a health care provider or treatment one time by a health care provider with a continuing regimen of treatment.

Pregnancy or prenatal care. A visit to the health care provider is not necessary for each absence.

A chronic serious health condition, which continues over time, requires periodic visits to a health care provider, and may involve occasional absences from work (i.e., diabetes). A visit to the health care provider is not necessary for each absence.

A permanent or long-term condition for which treatment may not be effective (i.e., a severe stroke or cancer). Only supervision by a health care provider is required, rather than active treatment; or,

Any absences to receive treatments for restorative surgery or for a condition which would likely result in a period of incapacity if not treated (i.e., chemotherapy or radiation treatments for cancer).

Health Care Provider:

The term, for FMLA purposes, includes doctors of medicine or osteopathy who are authorized to practice medicine or surgery by the state in which they practice. Also, podiatrists, dentists, clinical psychologists, nurse practitioners, nurse-midwives and clinical social workers authorized to practice, and performing within the scope of their practice, as defined under state law.

Equivalent Position:

For a job to be equivalent, it must involve the same or substantially similar duties and responsibilities, which must entail substantially equivalent skill, effort, responsibility, and authority.

Notification Requirements:

An employee intending to take family or medical leave must submit a request for leave at least thirty (30) days before the leave is to begin. If the leave is unforeseeable, the employee is expected to give notice as soon as practicable under the circumstances.

The health care provider must complete a medical certification for all medical leave requests. The medical certification must be presented within 15 days of the request for leave, unless it is not practicable to do so. The certification must include the following:

Date on which the health condition commenced;

The probable duration of the condition;

The diagnosis of the employee that makes him/her unable to perform their normal duties; and

The medical facts regarding the condition.

Re-certification may be required at reasonable intervals.

Failure to provide notification and appropriate medical certification in a timely basis may adversely impact your ability to take the leave as requested and may affect your rights to benefits and reinstatement.

You may also be required by Utah Symphony & Opera to get a second or third opinion, if necessary as to your own serious health condition. This would be at Utah Symphony & Opera's expense and would not be obtained from a medical professional regularly used by Utah Symphony & Opera.

Benefits Coverage During Leave:

Health/Dental Benefits:

During a period of family or medical leave, an employee will be retained on Utah Symphony & Opera's health and dental plan under the same conditions that applied before leave commenced. If you were making contributions to the plan before taking leave, the following options apply:

If you are receiving a check from Utah Symphony & Opera, the deduction for your contribution will be taken out of the check;

If you are not receiving a check from Utah Symphony & Opera, you can make arrangements with the Human Resources department to pre-pay your contributions or pay on a regular basis;
or

The deduction for your contribution will be taken out of your first check when you return from leave.

Failure of the employee to make his/her contributions and/or make arrangements for payments could result in the loss of coverage.

If the employee fails to return to work after the expiration of the leave, the employee will be required to reimburse Utah Symphony & Opera for payment of health insurance premiums during the family leave, unless the reason the employee fails to return is the presence of a serious health condition which prevents the employee from performing his/her job or to circumstances beyond the employee's control.

Voluntary Life:

During a period of family or medical leave, Utah Symphony & Opera will continue the voluntary life plan as long as payment arrangements are made with the Human Resources department. The following are the options:

If you are receiving a check from Utah Symphony & Opera, the deduction for your contribution will be taken out of the check; and/or

If you are not receiving a check from Utah Symphony & Opera, you can make arrangements with the Human Resources department to pre-pay your contributions or pay on a regular basis.

Accrual of Benefits While on Leave:

Employees on leave do not lose any benefits that have been accrued prior to their first day of leave. This leave does not entitle you to any greater rights than you would have had if you had remained at work.

Reinstatement:

An employee eligible for family and medical leave, with the exception of those employees designated as "highly compensated employees," will be restored to his/her original position or to a position with equivalent pay, benefits, and other terms and conditions of employment as long as the leave time does not exceed the allowable job protected period (12 weeks). Utah Symphony & Opera cannot guarantee that an employee will be returned to his/her original job. Utah Symphony & Opera will make a determination as to whether a position is an equivalent position.

Returning to Work:

If an employee is returning from leave taken for a serious health condition, they must provide a

“return-to-work” certification from your health care provider that you are able to return to work and perform the essential job duties required. The certification must include limitations or work modifications that are required.

You must check in with your department head and Human Resources five working days before returning to work. This will help ensure a smooth transition back to work.

Failure to Return from Leave:

If the employee does not return to work after the expiration of family leave, he/she will be terminated the earlier of:

- When you express your intent to not return to work;
- When you do not return to work at the scheduled end of your leave; or
- When you accept employment elsewhere or enroll in school full time without prior approval while on leave.

An employee who requests an extension of medical leave due to the continuation, recurrence or onset of his/her own serious health condition, will need to contact the Human Resources department to begin paperwork for Long-Term Disability. If it is known that the serious health condition will last longer than 12 weeks, the long-term disability paperwork should be started as soon as possible, or within 4 weeks prior to the end of the medical leave.

CONFLICT OF INTEREST

Utah Symphony & Opera relies on its employees to exercise their responsibilities to the organization in good faith. As a consequence of representing Utah Symphony & Opera, employees may be in a position to establish personal relationships with patrons and donors or obtain confidential information concerning them. Employees may not, directly or indirectly, solicit or accept money, loans, expensive gifts, travel, extravagant entertainment, or preferential treatment from such individuals. Employees may not use any information obtained about patrons and donors to further their personal interests during their employment with Utah Symphony & Opera or after their termination with Utah Symphony & Opera.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

Utah Symphony & Opera expects its employees to maintain the highest standards of integrity and honesty when accounting for Utah Symphony & Opera's assets and handling financial transactions; when soliciting contributions; when representing Utah Symphony & Opera before governmental leaders, charitable foundations, patrons and donors; or when dealing with vendors, partners, lessees, and other third parties.

The materials, products, designs, plans, ideas and data of Utah Symphony & Opera should never be given to an outside agency or firm except through normal channels and with appropriate authorization. Any improper transfer of material or disclosure of information, even though it is not apparent that an employee has personally gained by such action, constitutes unacceptable conduct. Any employee who participates in such a practice will be subject to disciplinary action, up to and including possible discharge.

DRUG-FREE POLICY STATEMENT

Utah Symphony & Opera believes it has a continuing responsibility to provide its employees the opportunity to work in a safe and satisfying environment. To meet this responsibility, it requires the workplace to be free of drugs, alcohol, and controlled substance-related problems which could create an unsafe environment or hinder productivity. Consequently, each employee during his or her time at work must be free from the influence of drugs, alcohol and controlled substances which include any prescription drugs which affect an employee's ability to perform work in a safe manner. The unlawful manufacture, distribution, purchase, possession, or use of drugs and controlled substances is prohibited.

In addition, Utah Symphony & Opera believes that employees with a dependency on drugs, alcohol, or controlled substances can be helped to recover. Utah Symphony & Opera encourages and supports the efforts of affected employees in overcoming this problem; however, the decision to seek diagnosis and treatment of such dependencies remains the responsibility of the employee.

The employee must notify management of any personal criminal drug statute conviction for a violation occurring in the work place no later than five (5) days after such conviction.

The consumption of alcoholic beverages on Utah Symphony & Opera premises is only permitted during fundraising lunches, dinners, or social functions.

Violation of this policy statement will be handled in according with disciplinary procedures which may include separation from employment.

Smoking Policies

Recent studies by the American Academy of Sciences, U.S. Surgeon General and the Environmental Protection Agency and others have found that exposure to environmental tobacco smoke (ETS) can be harmful. In 1994 the Utah State Legislature passed the Utah Indoor Clean Air Act which requires all public workplaces to develop a smoking policy. **In order to provide a healthy environment to all employees, all enclosed buildings and facilities at Utah Symphony & Opera became smoke free on January 1, 1995. After that time smoking will be prohibited in all buildings and facilities.**

BUSINESS RELATED EXPENSES

It is Utah Symphony & Opera's policy to reimburse employees or other authorized persons for costs incurred in connection with approved, official Utah Symphony & Opera business. The policy is designed to provide adequate cost control and eliminate employee uncertainty with regard to bona fide expenses. Rates described below are maximum allowances, and expenses submitted beyond these amounts will be deducted from an employee's reimbursement. **All business related expenses reimbursed by Utah Symphony & Opera must have department head approval.**

Business Use of Private Vehicles.

- A. Utah Symphony & Opera will reimburse employees using their own cars for official company business at the IRS approved rate of \$.405. Requests for mileage reimbursement must be submitted to the department head on the appropriate form at least quarterly.

Per Diem.

- A. Utah Symphony & Opera will pay per diem based on the IRS Publication 1542 recommended daily allowance for the city in which the employee is conducting business. For Per Diem Rates, see www.gsa.gov click on Per Diem Rates. For Publication 1542, see www.irs.gov/formspubs: click on What's Hot in Tax Forms, Pubs, and Other Tax Products. Travel and hotel accommodations required for official Utah Symphony & Opera business will be booked and paid for by Utah Symphony & Opera.

Overtime Meals

- A. Employees of Utah Symphony & Opera who are required to work authorized overtime will be eligible for a meal/break period for each four (4) hour block of overtime worked. The meal/break period will occur if work schedule permits midway through the four (4) hour period.
 - 1. Employees working 4 hours before or 4 hours after the normal start and stop times will be eligible up to \$10 reimbursable meal allowance for every four hours worked subject to approval of the department head.

TERMINATION AND DISCIPLINE POLICY

- A. Resignation. Employees desiring to leave Utah Symphony & Opera's employment are requested to give written notice of their departure at least two weeks in advance. Four weeks' notice would be greatly appreciated.
- B. Disciplinary Action. Utah Symphony & Opera has the right to terminate the employment of any employee, full or part-time, when it determines that the services of that individual are no longer desired. Utah Symphony & Opera may also discipline employees through a variety of mechanisms, including but not limited to, written warnings of performance deficiencies, reassignment of duties and oral counseling of employee. Utah Symphony & Opera may use any of those disciplinary mechanisms in any order or may choose, under individual circumstances, to terminate an employee without pursuing any form of non-termination discipline.

Reasons for discipline and/or termination include, but are not limited to: (1) Poor performance of work; (2) inability to adjust to assigned work or working environment; (3) absenteeism or other poor attendance habits including tardiness; (4) behavior that disrupts the work place; (5) any acts of dishonesty or illegality such as falsification of records, fraud, forgery, theft, embezzlement, any criminal offense taking place on Utah Symphony & Opera premises; (6) other inappropriate acts or behavior such as insubordination, damaging Utah Symphony & Opera property, intoxication, illegal use of drugs, or controlled substances on the job, violations of Utah Symphony & Opera's conflict of interest policy; unauthorized use of Utah Symphony & Opera's name or assets; abuse of benefits or privileges; or any other activity prohibited by law.

Any employee who is involuntarily terminated for "cause" (as defined above) is not entitled to receive any severance pay. Any employee who is involuntarily terminated for any reason other than cause is entitled to receive a severance payment equal to one week's compensation for each year of service if the employee has at least seven years with Utah Symphony & Opera, up to a maximum of seven weeks' compensation, or a severance payment equal to two weeks' compensation if the employee has less than seven years but at least two years of full-time service with Utah Symphony & Opera.

This policy may be altered by the express terms of a written contract.

E-MAIL, VOICEMAIL AND COMPUTER NETWORK SYSTEM PRIVACY

Utah Symphony & Opera respects the individual privacy of its employees. However, an employee cannot expect privacy rights to extend to work-related conduct or the use of Utah Symphony & Opera-owned equipment or supplies. You should be aware of the following policies.

- A. Utah Symphony & Opera's right to access information. Although employees have individual access codes to voicemail, e-mail, and computer network systems, these systems are accessible at all times by Utah Symphony & Opera, and may be subject to periodic unannounced inspections by Utah Symphony & Opera for business purposes. All system pass codes must be available to Utah Symphony & Opera, and employees may not use pass codes that are unknown to Utah Symphony & Opera.
- B. Forbidden content. Employees are prohibited from using Utah Symphony & Opera's information systems in any way that may be disruptive or offensive to others, including, but not limited to, the transmission of sexually explicit messages, cartoons, ethnic or racial slurs, or anything that may be construed as harassment or disparagement of others.
- C. Password security and integrity. Employees are prohibited from the unauthorized use of the access codes of other employees to gain access to their e-mail and voicemail messages.
- D. Computer Systems/Hardware and Software. Utah Symphony & Opera maintains and operates its computer systems in a Microsoft/PC environment. Employees may use only company approved equipment and software.

Exceptions for other software and or other computer hardware may be considered on a case by case basis and must be approved through Department Head of employee, Information Systems Manager and Finance Director who controls this budget. Exceptions must meet (a.) below and at least one other of the following in order to be considered.

- a. Requested equipment or software must not inhibit other current working systems or related software.
- b. Requested equipment or software is needed in order to accomplish assigned duties of job description of employee.
- c. Requested equipment or software improves overall productivity of employee.
- d. Requested equipment or software fits within established budget constraints of finance department.

E.

ACKNOWLEDGEMENT

I, _____, an employee of Utah Symphony & Opera, Inc. have read and understand the policies outlined in the Employee Handbook. I understand that it is my responsibility, as an employee of Utah Symphony & Opera, to follow these policies to the best of my knowledge. I understand that these policies can change for any reason and at any time with or without notice from my Employer. I also understand that I am not signing a contract for employment or continuation of employment. My employment at Utah Symphony & Opera is considered at-will.

Employee Name

Date