

*Heritage Oak Park Community Development District
Employee Handbook
2008*

**HERITAGE OAK PARK COMMUNITY DEVELOPMENT DISTRICT
EMPLOYEE HANDBOOK**

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FOR THE PURPOSES OF THIS MANUAL, ANY REFERENCE MADE TO THE MANAGER OF HERITAGE OAK PARK WHETHER IT BE THE GENERAL MANAGER, PROPERTY MANAGER OR ANY OTHER SIMILAR TITLE WILL BE IDENTIFIED AS THE MANAGER.

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Section 1 Employment

1.1 Equal Employment Opportunity

Heritage Oak Park CDD believes in, and is fully committed to, equality of employment opportunity based on the ability of the individual to contribute to the organization. We recognize the essential rights of employees, and candidates for employment, to be treated with dignity and without discrimination, prejudice, or bias.

Our policy is to provide equal employment opportunity for all qualified individuals without regard to race, color, creed, marital status, citizenship status, national origin, religion, gender, ancestry, sexual orientation, gender identity, age, medical condition, pregnancy, childbirth, or related medical condition, or non-job-related disability. Our commitment to equality will lead to the development of a diverse workforce—one made up of individuals whose differing perspectives bring special insights and skills to the Community.

This Equal Employment Opportunity Policy applies to all terms and conditions of employment, including hiring, job assignments, promotions, compensation, benefits, and termination. All employment decisions at Heritage Oak Park CDD are based strictly on merit, qualifications, and ability.

Every member of the management team is committed to full support of this policy. If you have any questions or concerns about discrimination in our workplace, you are encouraged to bring the matter to the attention of your immediate supervisor, or Heritage Oak Park CDD.

Any violation of the Company's Equal Employment Opportunity Policy will result in appropriate disciplinary action, up to and including termination of employment of the offender.

1.2 Americans with Disabilities Act Statement

Heritage Oak Park CDD is committed to complying fully with the Americans with Disabilities Act (ADA) and ensuring equal employment opportunities for qualified persons with disabilities. All Heritage Oak Park CDD employment practices are conducted on a non-discriminatory basis.

Our hiring procedures provide meaningful employment opportunities for persons with disabilities. Pre-employment inquiries are made only in regard to an applicant's ability to perform the duties of the position. Post-offer medical exams are required only for those positions with a bona fide job-related physical requirement. (These exams are given to all persons entering such a position only after a conditional job offer has been made.) Medical records are kept confidential and separate from personnel files.

An individual who can be reasonably accommodated for a job, without undue hardship, will be given the same consideration for that position as any other applicant. All employment decisions are based on the merits of the situation in accordance with defined job criteria, not the disability of the individual.

Qualified individuals with disabilities are entitled to equal pay, other forms of compensation, and all other terms, conditions, and privileges of employment. Leaves of all types are available to all employees on an equal basis.

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1.3 Employment at Will

Employment with Heritage Oak Park CDD is entered into voluntarily. As an employee, you may resign at any time. Similarly, Heritage Oak Park CDD may terminate the employment relationship at any time, with or without cause.

1.4 Introductory Period

Your first 90 days of active employment with Heritage Oak Park CDD is considered an “introductory period.” During this time, you will have an opportunity to learn your job, demonstrate your abilities, and develop working relationships with your colleagues. At the same time, you will have the opportunity to evaluate Heritage Oak Park CDD as an employer and determine whether the position is suitable for you.

You will not be eligible for benefits during this period

Your supervisor will be helping you learn your job and giving you feedback during the introductory period. If you have any questions about the work or what is expected, be sure to discuss the matter with your supervisor.

The introductory period may be extended under certain circumstances such as, an absence for illness or because your performance is not yet up to Heritage Oak Park CDD’ standards of performance. At any time during the introductory period, or at the conclusion, Heritage Oak Park CDD may decide to release you from employment if you are unable to meet the standards of performance, attendance, or conduct. Alternatively, you may end your employment at any time. (See Employment at Will, 1.3.)

1.5 Employment Categories

It is the intent of Heritage Oak Park CDD to clarify the definitions of employment classifications so that employees understand their employment status. An employee is designated as either nonexempt or exempt based on their job duties and requirements in relationship to the federal and state wage and hour laws established by the U.S. Fair Labor Standards Act (FLSA).

- Nonexempt employees are entitled to overtime pay under the wage and hour provisions of the FLSA. Regular compensation is determined and calculated on the basis of a predetermined hourly rate.
- Exempt employees are excluded from FLSA provisions. Because of their duties and responsibilities, they are considered exempt from the requirement that they be paid for hours worked in excess of the standard 40-hour work week.

Neither classification is a guarantee of employment for any specified period of time. Accordingly, the employee and Heritage Oak Park CDD retain the at-will employment relationship at all times. (See Employment at Will, 1.3.)

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In addition to nonexempt or exempt status, one of the following employment categories applies to each employee.

- **Regular Full-Time**—Employees who are not in a temporary status and are regularly scheduled to work 40 hours per week. Regular full-time employees are eligible for the Heritage Oak Park CDD benefits package (subject to the terms, conditions, and limitations of each benefits program.)
- **Regular Part-Time**—Employees who are not in a temporary status and are regularly scheduled to work less than 40 hours per week.
- **Temporary**—Employees who are hired as interim replacements to temporarily supplement the workforce or assist in the completion of a specific project. The duration for temporary assignments is for a designated period, normally no longer than 6 months. Employment assignments are of a limited duration, but employment beyond the initially stated period does not in any way imply a change in employment status.

Temporary employees receive all legally mandated benefits (such as Workers' Compensation insurance) but are not eligible for other Heritage Oak Park; CDD benefits programs including holiday, PTO, or vacation pay. Time worked as a temporary employee does not count towards service with Heritage Oak Park CDD.

1.6 Employee Medical Exams

To help ensure that employees are able to perform their duties safely, Heritage Oak Park CDD may require a medical examination.

If you have been offered a position in a job category requiring a medical exam, your examination will be performed at Heritage Oak Park CDD' expense and by a designated health professional. The position offer and assignment of duties is contingent on the results of the medical exam.

Information on your medical condition and/or history will be kept separate from your other personnel information, and confidentiality will be maintained. Access to the information will be limited to those with a legitimate need to know.

1.7 Secondary Employment

Heritage Oak Park CDD recognizes that some employees may want to hold a second job. There is no objection to your holding other employment so long as the position with Heritage Oak Park is recognized as the primary position of employment and the following criteria is fulfilled:

- Prior approval is received from the HOP Manager.
- The employee can effectively meet the requirements of your position with Heritage Oak Park CDD while holding the second job.
- The second job does not present a conflict of interest with your current role.
- In the event the Manager is seeking secondary employment, prior approval must be obtained from the HOP Board of Supervisor's.

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Any employee seeking secondary employment is asked to think seriously about the effects this secondary employment may have on your physical and mental health and your ability to perform well at Heritage Oak Park CDD.

If, after careful consideration, you choose to pursue a second job, you will need to be aware of the following:

- You may not perform any portion of that job during Heritage Oak Park CDD hours.
- You may not use Heritage Oak Park CDD personnel, vehicles, supplies, equipment, or telephones to conduct the activities of the job.
- The second job should not limit your availability for such responsibilities as required overtime, training, work on special projects, business travel, or on-call status.
- Your second job shall not be performed within the boundaries of Heritage Oak Park.

1.8 Employment of Relatives

Heritage Oak Park CDD permits the employment of qualified family members of employees as long as such employment does not, in the discretionary opinion of Heritage Oak Park CDD, create actual or perceived conflicts of interest. Employment of relatives within an organization may cause serious problems affecting employee morale. To avoid such problems, or the potential for problems, Heritage Oak Park CDD has a policy on the hiring of relatives.

For purposes of this policy, a relative is considered any person related by blood or marriage. The policy applies to all categories of employment, including regular full-time, regular part-time, and temporary.

Relatives are permitted to work at Heritage Oak Park CDD, provided there is no direct reporting or supervisory relationship between them or any responsibility for the oversight or audit of a relative's work. Heritage Oak Park CDD wants to avoid any situation in which an employee could potentially influence a relative's salary, work responsibilities, career progress, or other employment decisions.

1.9 Employment References

To ensure that individuals who join Heritage Oak Park CDD are well qualified and have a strong potential to be productive and successful, it is Heritage Oak Park CDD' policy to check the employment references of all applicants.

Furthermore, Heritage Oak Park CDD Manager is designated to respond to reference requests submitted by another organization. All calls, contacts and written inquires concerning current or former employees should be referred to the Manager or the CDD Board Chairman. It is the policy of Heritage Oak Park CDD to confirm only dates of employment, salary, and the title of position held.

Any organization requesting information must provide a written request along with the employee's release for any information other than: dates of employment and title.

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If you, as an employee, are asked to provide a reference, do not provide any information yourself. Instead, refer the request to the Manager or the CDD Board Chairman.

1.10 Access to Personnel Files

The Heritage Oak Park CDD maintains personnel files on each employee. The files contain such information as job application, résumé, training records, performance appraisals, salary increases, and other employment information.

Personnel files are the property of Heritage Oak Park CDD and, given the personal nature of the information in these files, access to them is restricted. Generally, only management personnel who have a legitimate reason to review a file are allowed to do so. Representatives of government and law enforcement agencies, in the course of their business may be granted access to file information in response to a legal subpoena or court order.

If you wish to review your own file, please see the Manager. With reasonable notice, you can review your own file in the presence of the Manager and are welcome to make handwritten notes of the information. However, a photocopy of your file cannot be provided, nor can a file be mailed to you, should your employment with Heritage Oak Park CDD be terminated. Heritage Oak Park CDD will, of course, abide by any state regulations that may differ from this policy.

1.11 Immigration Law Compliance

Heritage Oak Park CDD is committed to employing only United States citizens, permanent residents, and non-resident aliens who are authorized to work in the United States. Heritage Oak Park CDD does not discriminate on the basis of citizenship or national origin (see Equal Employment Opportunity Policy, 1.1).

In compliance with the Immigration Reform and Control Act of 1986, new employees are required, as a condition of employment, to complete the Eligibility Verification Form I-9 and provide documentation that establishes identity and employment eligibility.

1.12 Pre-employment Background Checks

Any employment with Heritage Oak Park will be contingent upon a prospective employee successfully passing a drug screening. In addition, a criminal background check will be conducted and if a requirement of the job, a valid driver's license and a review of the employees driving record will be required.

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Section 2 Employee Conduct

2.1 Code of Ethics

Heritage Oak Park CDD has an excellent reputation for conducting its business activities with integrity and fairness, and in accordance with the highest ethical standards. We believe that we have a responsibility to maintain honest relations and communications with our residents, Contractors, suppliers, and all with whom we have business contact, including each other as employees.

As an employee, you enjoy the benefits of the Heritage Oak Park CDD reputation and, thus, are expected to reflect it in performing your duties. It is considered an important part of your job to uphold and reflect Heritage Oak Park CDD' ethical standards in every business activity you perform.

A. Confidentiality

In performing your job, you may have access to confidential or proprietary information such as research data, financial data, or personnel information. These are but a few of the many examples of proprietary information.

As a condition of your employment, you are required—both during and after employment—to keep any such information strictly confidential (except where necessary in the performance of your job at Heritage Oak Park CDD). You may not divulge or use any information of a confidential nature for the benefit of yourself or others.

If you are ever in doubt on an issue regarding confidentiality or proprietary information, be sure you discuss it with your immediate supervisor, or the manager, or a member of the CDD Board

Any employee who improperly uses or discloses Heritage Oak Park CDD' proprietary information will be subject to disciplinary action up to and including termination of employment and legal action, even if there is no personal benefit obtained from the disclosure.

B. Conflict of Interest

To protect our professional reputation among those with whom we do business, you will need to avoid situations that present conflicts of interest—or even the appearance of such conflicts. The use of good judgment based on high ethical standards should guide you with respect to ethical conduct.

If a situation arises where it is difficult to determine the proper course of action, be sure to discuss the matter promptly with your supervisor, or the manager, or a member of the CDD Board.

C. Compliance

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Compliance with our Code of Ethics Policy is the responsibility of all employees at every level of Heritage Oak Park CDD. Failure to report a violation could cost Heritage Oak Park, CDD penalties, fines, and/or probationary status from federal or state government agencies. Perhaps even more harmful would be the damage to our reputation.

Should you become aware of any infraction of this Code of Ethics Policy or any of Heritage Oak Park CDD' standards, you are expected to report such conduct immediately to your immediate supervisor, the manager, or a member of the CDD Board

An infraction can include anything from pollution ordinance violations, to misrepresentation of data, to criminal or improper conduct of an employee while at work (for example, illegal drug use or alcohol use).

Failure of any employee to comply with this Code of Ethics Policy and all Heritage Oak Park CDD standards of ethical behavior will result in disciplinary action, up to and including termination of employment.

D. Whistle Blowing

As previously stated, unethical behavior and misconduct can result in serious damage to our business. Heritage Oak Park CDD aims to promote communication, honesty, and openness, so that any individual is able to raise genuine concerns in the work place through the proper channels without fear of retaliation.

This Whistle Blowing Policy and Procedure is primarily for concerns where the interest of others or the organization is at risk. This covers all employees, temporary staff, and self-employed contractors.

The Whistle Blowing Procedure is designed to enable employees to report such relevant matters for investigation and action.

The following are examples of concerns and offenses affecting Heritage Oak Park CDD, which could include but not be limited to:

- A criminal offense that has been committed is being committed or is likely to be committed
- Suspected fraudulent or corrupt behavior
- Failure to comply with a legal or regulatory obligation
- Endangering the health and safety of any individual
- Endangering the environment
- Other unethical conduct (including harassment, discrimination)
- Concealment of information relating to the above

E. Confidentiality

If you elect to utilize this whistle blowing procedure, you will be treated courteously and the problem will be handled as swiftly and as confidentially as feasible in light of the

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need to take appropriate action. However, the anonymity described cannot always be maintained if you wish to have Heritage Oak Park CDD take some corrective action in a particular case. Moreover, Heritage Oak Park CDD may be legally obligated to take action once it is informed that a mishap or unethical conduct has occurred or may be occurring.

Ultimately, no satisfactory investigation or resolution of complaint can occur without your initiative and continued cooperation.

You will not be punished or victimized for raising a concern under this procedure even if investigations show you to be mistaken, provided that you are acting in good faith, not for personal gain, and believe the allegations to be substantially true.

Disciplinary action, up to and including termination, will be taken against anyone who victimizes you or subjects you to retaliatory action as a result of raising a concern under this procedure.

If you make allegations maliciously and know them to be untrue disciplinary action may be taken against you. Action may also be taken if you raise your concerns externally without reasonable grounds or to a party other than an appropriate government agency.

2.2 Professional Conduct

Certain reasonable rules of conduct must be followed in any organization for the company to work effectively. To ensure orderly operations and provide the best possible work environment at Heritage Oak Park CDD, we hold all employees to standards that are in the best interests of us all.

While it is not possible to list all possible forms of behavior that would be considered unacceptable in our workplace, we put forth the following as examples of behaviors that violate our standards of professional conduct.

- Theft or inappropriate removal or possession of property.
- Working under the influence of alcohol or illegal drugs (**See Drug and Alcohol Use 2.5**).
- Possession, distribution, sale, consumption or transfer of alcohol or illegal drugs on the premises while on duty, or operating Company-owned vehicles or equipment. (**See Drug and Alcohol Use, 2.5**).
- Fighting or threatening violence in the workplace. (**See Workplace Violence Prevention, 2.9**).
- Sexual or other harassment. (**See Fair Treatment, 2.3 and Sexual Harassment, 2.4**).
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace, in company owned vehicles, or on company premises.
- Falsification of timekeeping records.
- Unauthorized disclosure of confidential or proprietary information. (**See Code of Ethics, 2.1**).
- Negligence or improper conduct leading to damage of company-owned, contractor owned, association owned, or resident-owned property.
- Violation of safety or health rules.

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- Unauthorized use of company-owned equipment (such as telephones, e-mail, vehicles, and other equipment).
- Smoking in prohibited areas.
- Insubordination or other disrespectful conduct.

Violation of Heritage Oak Park CDD's standards of professional conduct will result in disciplinary action up to and including termination of employment.

2.3 Fair Treatment

At Heritage Oak Park CDD, we believe that it is important to have a work environment in which all employees are free from all forms of discrimination (see Equal **Employment Opportunity Policy, 2.1**) and from conduct that can be considered harassing or coercive. To ensure that such conduct does not occur in our workplace, Heritage Oak Park CDD has created a Fair Treatment Policy and established a procedure to investigate any reported incidents of any kind of harassment. (See also **Sexual Harassment Policy, 2.4**.)

Harassment is defined as unwanted verbal, physical, or written conduct, that degrades or shows hostility or hate toward an individual because of race, color, gender, age, national origin, sexual orientation, disability, veteran status, or any other characteristic protected by law, and that:

- Has the purpose or effect of creating an intimidating, hostile, or offensive work environment.
- Has the purpose or effect of unreasonably interfering with an individual's work performance.
- Using epithets (abusive words or phrases) or slurs.
- Making derogatory remarks or jokes based on race, national origin, religion, sexual orientation, appearance, or age.
- Intimidating or engaging in hostile acts that focus on one or more of the protected characteristics such as race or religion.
- Displaying materials considered offensive, such as ethnically insulting cartoons.
- Circulating in the workplace any written or graphic material that denigrates or shows hostility or aversion toward a person or group because of a protected characteristic.

A. Complaint and Investigation Procedure

If you believe you have been a victim of harassment by any person associated with your employment at Heritage Oak Park CDD (including customers, vendors, and contractors), report it immediately to your supervisor. If that would be uncomfortable for you, contact a member of the CDD Board.

Any allegation of harassment will be quickly, thoroughly, and discreetly investigated. To whatever extent possible, your confidentiality will be protected.

Any employee who, after an investigation, is found to be in violation of this Fair Treatment Policy will be subject to disciplinary action, up to and including termination.

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Furthermore, any member of management found to have knowingly allowed or condoned the behavior will also be subject to disciplinary action up to and including termination. In addition, because we recognize the serious impact of a false accusation, any employee found to have made a false accusation of harassment against another will be subject to disciplinary action, up to and including termination.

B. Non-Retaliation

Retaliation in any form for reporting harassment, or for being involved in the investigation, is a serious violation of this **Fair Treatment Policy (Section 2.3)**. If you are subjected to retaliation for your involvement in such an action, report it immediately to your supervisor or member of the CDD Board. Any person found to have retaliated against another for reporting harassment will be subject to the appropriate disciplinary action up to and including termination.

2.4 Sexual Harassment

At Heritage Oak Park CDD, we believe that it is important to have a work environment in which all employees are free from conduct that can be considered sexual harassment. To ensure that such conduct does not occur in our workplace, Heritage Oak Park CDD has created this policy and established a procedure to investigate any reported incidents of sexual harassment. Sexual harassment of fellow employees, vendors, contractors, or any other person having contact with Heritage Oak Park CDD will not be tolerated.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, and/or physical conduct that is sexual in nature when:

- Submission to such conduct is either explicitly or implicitly made a condition of an individual's employment.
- Submission to, or rejection of, such conduct is used as the basis for employment decisions affecting the individual.
- Such conduct has the effect of interfering with an individual's work performance.
- Such conduct creates an intimidating, hostile, or offensive work environment.

Examples of harassment include (but are not limited to):

- Unwelcome flirtations.
- Pressure or requests for sexual activities.
- Pictures or calendars of a sexual nature posted around the work area
- Verbal abuse of a sexual nature or motivated by the victim's gender.
- Unwanted physical acts such as inappropriate touching, hugging, fondling, or blocking of movements.
- Graphic or verbal commentary about an individual's body.
- Sexually degrading language used to describe an individual.
- Display of sexually suggestive objects or pictures.
- Sexually explicit or offensive jokes.
- Derogatory remarks or jokes based on an individual's gender or sexual orientation.

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- Offer of employment benefits such as advancement in exchange for sexual favors.
- Threat or reprisal for refusal to submit to unwelcome behavior.

A. Consensual Relationships

Consensual romantic and/or sexual relationships between an employee with supervisory authority and his or her subordinate will compromise Heritage Oak Park CDD's ability to enforce its policy against sexual harassment. Consequently, it is our policy not to condone romantic/or sexual relations between employees, if such relationships arise, they will be carefully considered by Heritage Oak Park CDD and appropriate action will be taken.

NOTE:

Any supervisory employee involved in such a relationship is required to report the relationship to a CDD Board Member.

B. Complaint and Investigation Procedure

If you believe you have been a victim of sexual harassment by any person associated with your employment at Heritage Oak Park CDD (including residents, vendors, and contractors), report it immediately to your supervisor or Manager. If that would be uncomfortable for you, contact a member of the CDD Board

Any allegation of sexual harassment will be quickly, thoroughly, and discreetly investigated. To the extent possible, your confidentiality will be protected.

Any employee who, after an investigation, is found to be in violation of this Sexual harassment Policy will be subject to disciplinary action, up to and including termination of employment.

Furthermore, any member of management found to have knowingly allowed or condoned the behavior will also be subject to disciplinary action up to and including termination. In addition, because we recognize the serious impact of a false accusation, any employee found to have made a false accusation of harassment against another will be subject to disciplinary action, up to and including termination.

C. Non-Retaliation

Retaliation in any form for reporting sexual harassment, or for being involved in the investigation, is a serious violation of this **Fair Treatment Policy (See Section 2.3)**. If you are subjected to retaliation for your involvement in such an action, report it immediately to your supervisor, or a Member of the CDD Board. Any person found to have retaliated against another for reporting sexual harassment will be subject to the appropriate disciplinary action up to and including termination.

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2.5 Drug and Alcohol Policy

For the health, safety, and well-being of all employees, Heritage Oak Park CDD has established a Drug and Alcohol Policy. This policy was instituted to make all employees aware of our standards on this matter. Heritage Oak Park CDD has a zero tolerance policy. If you test positive for illegal drugs and/or alcohol, you will be terminated.

"Illegal drug" means: any drug (a) which is not legally obtainable, or (b) which is legally obtainable, but has not been legally obtained. The term includes prescribed drugs not legally obtained and prescribed drugs not being used for prescribed purposes.

By contrast, "legal drug" includes prescribed drugs and over-the-counter drugs which have been legally obtained and are being used for the purpose for which they were prescribed or manufactured. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

Employees are prohibited from reporting to work under the influence of alcohol or illegal drugs. Furthermore, no employee may use, possess, distribute, or sell alcohol or illegal drugs on Heritage Oak Park CDD property or while conducting company business off-site.

In accordance with this policy, Heritage Oak Park CDD reserves the right to conduct random drug testing on all employees. In addition to pre-employment testing, employees may be subject to testing with just cause or reasonable suspicion. (Drug testing requires a urine sample; alcohol testing involves a breath sample.) Before any testing is done, you will be asked to sign a consent form authorizing the test and permitting release of the results to Heritage Oak Park CDD.

Circumstances, alone or in combination, that may lead a supervisor to determine that testing is required include, but are not limited to, the following:

- Abnormal or unusual behavior.
- A work-related accident.
- Direct observation of substance possession and/or use.
- Presence of physical symptoms of substance abuse.
- Mood swings and/or increased hostility.
- Increased inattentiveness and absent-mindedness.
- Increased disciplinary incidents or hostility.
- Substandard work and/or increased absenteeism
- Admission of usage of illegal substances or alcohol.

The supervisor is required to detail in writing the basis for the determination that just cause or reasonable suspicion of illegal drug or alcohol use exists. A decision not to test may be made when there is clear evidence that rules out substance abuse as the cause of the conduct. Any employee who is determined to be under reasonable suspicion of alcohol use will be relieved of all duties immediately and will not be allowed to return to work until results of test are known and the alcohol test shows a concentration below .02 %.

Any supervisor that does not immediately send an employee for drug and alcohol testing after a work-related accident will be disciplined, up to and including termination.

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Random testing may be conducted at unannounced times. If you have been selected to be randomly drug tested and you refuse or fail the test, you will be terminated.

Violation of this Drug and Alcohol Policy can result in disciplinary action up to and including termination of employment. Furthermore, any employee found to be involved in the sale, storage, or distribution of illegal drugs at or while working on Heritage Oak Park CDD property or, resident's property will be subject to immediate termination, as well as to possible criminal prosecution.

An employee terminated for substance abuse is eligible for rehire after 6 months if documentation is provided demonstrating successful completion of a treatment plan.

2.6 Smoke-Free Workplace

In keeping with Heritage Oak Park CDD commitment to providing a safe and healthy working and living environment, smoking in the CDD facilities is prohibited. Designated smoking areas are located outside of the buildings.

This policy for a smoke-free workplace applies equally to all employees, customers, residents' and visitors. Heritage Oak Park CDD will comply with any state laws regarding smoking.

2.7 Attendance and Punctuality

Attendance and punctuality are important factors to both your success with Heritage Oak Park CDD and the company's overall success. Teamwork is one of our core values, and it is your responsibility to demonstrate commitment to the Heritage Oak Park CDD team by being present and ready for work at the scheduled time.

In instances when you cannot avoid being late to work or are unable to work as scheduled, you must notify your supervisor of the anticipated tardiness or absence no later than 30 minutes prior to the start of your work shift each day that you will be late or absent unless you are out on a leave of absence. Your supervisor will establish specific procedures for reporting absences and tardiness.

If you fail to notify your supervisor or if you are tardy in excess of 60 minutes from the start of your work shift and have not informed your supervisor, your absence shall be treated as unexcused and unpaid.

Tardiness or absence from the workplace causes an unnecessary extra burden on your team, disrupts the normal work schedule, and impacts the level of service offered. Consequently, unexcused absences, tardiness or excessive excused absences are viewed as unacceptable behavior. If your absences and/or tardiness become excessive, disciplinary action up to and including termination of employment may be considered.

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If you have three consecutive days of unexcused absence for which you have failed to notify your supervisor, you will be considered as having voluntarily terminated your employment with Heritage Oak Park CDD.

2.8 Professional Appearance

Resident satisfaction is an important and challenging aspect of our business, and you play an important role in creating and maintaining a favorable professional impression with Residents, contractors, and visitors. Your job responsibilities place you in direct contact with these representatives and you represent Heritage Oak Park CDD with your appearance as well as your actions.

During business hours, you are expected to present a clean and neat appearance and to dress appropriately for your position and assigned work location. We have adopted “casual” as our standard for attire.

Ask your supervisor if you have a question about what constitutes appropriate attire. If you come to work inappropriately dressed, your supervisor may send you home to change into proper attire. Under such circumstances, you may not be compensated for the time away from work.

2.9 Workplace Violence Prevention

Heritage Oak Park CDD is strongly committed to maintaining a safe work environment for all employees, contractors, residents and visitors. Given the increasing incidence of violence in our society in general, we have adopted guidelines to encourage respectful behavior and prevent disputes or differences from escalating into workplace violence.

We encourage employees to bring their disputes with other employees, contractors, residents or visitors to the attention of the manager before the situation escalates. Heritage Oak Park CDD is eager to assist in such disputes and will not discipline employees for raising concerns.

For the protection of all, we expect employees, contractors, residents and visitors to adhere to standards for nonviolence. Prohibited actions include, but are not limited to:

- Possession of firearms, other weapons, or dangerous implements on company premises or in a company vehicle. This includes visible and concealed weapons, even those for which the owner has obtained the necessary permits.
- Physical attacks, including “horseplay.”
- Verbal abuse.
- Threats of violence against individuals or property, including bomb threats.
- Threatening or harassing phone calls, gestures, letters, or e-mail.
- Any other behavior that could be considered hostile.

Conduct that threatens, intimidates, or coerces an employee, contractor, resident, visitor, or any person on Heritage Oak Park Community, CDD property will not be tolerated. **See the Fair Treatment Policy, 2.3**, for more information on what constitutes harassing behavior.

If you are subject to, or become aware of, any of the prohibited behaviors, report the matter to your supervisor immediately. When reporting such incidents, you should be as specific and

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detailed as possible. If you hear or see a disturbance, do not place yourself in peril by approaching. Instead, leave the area and report it immediately.

Heritage Oak Park CDD will promptly and thoroughly investigate any threats or reports of violence, potential violence, or harassment. The identity of anyone making a report will be protected to whatever extent is possible.

In order to maintain workplace safety and the integrity of an investigation, Heritage Oak Park CDD may suspend employees, either with or without pay, pending completion of the investigation. Anyone found to be responsible for behavior in violation of this policy will be subject to immediate disciplinary action, up to and including termination.

2.10 Conflict Resolution

Heritage Oak Park CDD is committed to free and open communication. Problems that are not communicated cannot be resolved. We encourage an atmosphere of mutual respect among all employees. However, from time to time, problems may develop in the workplace. When such problems occur, it is in the best interest of everyone to resolve the matter as quickly as possible. Candid discussion is important to resolve misunderstandings and preserve the positive working relationships that Heritage Oak Park CDD encourages.

If you have a concern about any job-related issue—including one involving another employee—a frank discussion with your immediate supervisor is usually the best way to deal with the problem.

If you and your supervisor are unable to agree on a satisfactory resolution of your concern, you are free to take the matter to the next level of management in a written statement that includes:

- The facts of the complaint or problem.
- (If applicable), the details of which policies, procedures, or practices you believe have been misapplied or what action you feel has been taken against you without reasonable cause.
- The action you believe should be taken to satisfactorily resolve the matter.
- The reason why your supervisor's response was not satisfactory to you.

The complaint will be reviewed by the Chairman as identified in the conflict resolution procedure in section 2.10, upon receiving your statement; a meeting will be scheduled to discuss the matter. Under normal circumstances, you should receive a response within ten working days of the meeting. However, it may take longer if additional investigation is needed. A decision at this level will be final

There will be no discrimination or adverse action taken for voicing your complaint or concern in a reasonable, business-like manner. The sole purpose of this Conflict Resolution Policy is to help resolve issues to the satisfaction of both you and Heritage Oak Park CDD. Your opinions, ideas, and suggestions will be respected, and decisions made will be fair and equitable. Even though every problem will not be resolved to everyone's total satisfaction, it is through such discussion that employees and management develop harmonious working relationships.

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2.11 Progressive Discipline

From time to time problems arise that relate to attendance, unacceptable work performance or behavior, which disrupts productivity or seriously offends other employees. Conduct of this nature may call for appropriate corrective action. Whenever possible, Heritage Oak Park CDD applies a positive, constructive and progressive approach to discipline which is intended to inform you when your behavior or performance is below expected standards and gives you fair warning so that you have an opportunity to improve.

Heritage Oak Park CDD' own best interest lies in ensuring the fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform, and impartial. The major purpose of any disciplinary action is to correct the problem, prevent recurrence, and help you become a better team member. In a progressive and constructive discipline process, you, your supervisor or manager and other members of the management team work together to solve behavioral problems and to maintain a harmonious and healthy work environment.

The disciplinary action taken will depend upon the seriousness, nature and frequency of the offense and may range from a verbal warning to termination of employment.

Disciplinary action may call for any of four steps -verbal warning, written warning, suspension with or without pay, or termination of employment -depending on the severity of the problem and the number of occurrences. There may be circumstances when one or more steps are bypassed.

Progressive discipline means that, with respect to most disciplinary problems, these steps will normally be followed: a first offense may call for a verbal warning; a next offense may be followed by a written warning; another offense may lead to a suspension; and, still another offense may then lead to termination of employment.

Heritage Oak Park CDD recognizes that there are certain types of employee problems that are serious enough to justify either a suspension, or, in extreme situations, termination of employment, without going through the usual progressive discipline steps.

While it is impossible to list every type of behavior that may be deemed a serious offense, the **Professional Conduct policy, 2.2**, includes examples of problems that may result in immediate suspension or termination of employment. However, the problems listed are not necessarily all serious offenses, but may be examples of unsatisfactory conduct that will trigger progressive discipline.

Heritage Oak Park CDD reserves the right to enter this process at any stage depending on the seriousness of the problem and to immediately terminate at will any employee who, in the sole discretion of Heritage Oak Park CDD, commits a serious violation of Heritage Oak Park CDD' rules or standards of conduct.

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2.12 Privacy Policy

Heritage Oak Park CDD strongly believes in protecting the confidentiality and security of information received about you through your employment.

Health Insurance Portability and Accountability Act (HIPAA)

In accordance with HIPAA, Heritage Oak Park CDD will maintain the privacy of your Protected Health Information (“PHI”). The Privacy Rule protects all PHI held or transmitted by a covered entity or its business associate, in any form or media, whether electronic, paper, or oral.

PHI is information, including demographic data that relates to:

- The individual’s past, present or future physical or mental health or condition,
- the provision of health care to the individual, or
- the past, present, or future payment for the provision of health care to the individual, and that identifies the individual or for which there is a reasonable basis to believe can be used to identify the individual.

Heritage Oak Park CDD must obtain your written authorization for any use or disclosure of protected health information that is not for treatment, payment or health care operations or otherwise permitted or required by HIPAA. Furthermore, Heritage Oak Park CDD will make all reasonable efforts to use, disclose, and request only the minimum amount of protected health information needed to accomplish the intended purpose of the use, disclosure, or request. HIPAA only applies to information acquired through the Health Plan and does not apply to all employment records.

Please refer any questions about HIPAA to the Manager.

A. Data Security

Any personal data that is mailed in any way (hard copy or electronically) must be marked Private and Confidential (Addressee Only).

B. Sensitive Data

Sensitive data is defined as personal data that relates to:

- Racial or ethnic origin.
- Political opinions.
- Religious beliefs or other beliefs of a similar nature.
- Trade union membership.
- Physical or mental health condition.
- Sexual life.
- The committal or alleged committal of any offense, or any proceedings for any offence committed or alleged to have been committed and the disposal of such proceedings or the sentence of any court in such proceedings.

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The Act contains special provisions for the collection and usage of sensitive data, which are detailed below:

- Having the explicit consent of the individual;
- being required by law to process the data for employment purposes;
- needing to process the information in order to protect the vital interests of the data subject or another;
- dealing with the administration of justice or legal proceedings.

Any employee who breaches this policy or is subject to investigation under the policy will be subject to action in accordance with Heritage Oak Park CDD' **Progressive Discipline Policy, 2.11.**

2.13 Fraud Policy

It is our policy that:

- Fraudulent acts will not be tolerated.
- All suspected, attempted or actual frauds will be appropriately and thoroughly investigated regardless of the position, title, length of service or relationship of any party who is either suspected of committing or who is implicated in the commission of a fraud.
- Heritage Oak Park CDD will take clear and decisive action against fraud offenders and will seek to prosecute offenders if the circumstances warrant prosecution.

A. Definition of Fraud

Allegations of fraud are quite serious. It should be clearly understood that accidental errors, inaccurate estimates or negligence in performing one's duties do not constitute fraud. The key element that separates fraud from accidental error is the intent to deceive.

Fraud may involve a single individual or several people in collusion with each other, either from within the company or external to Heritage Oak Park CDD.

While it is not possible to list all potential types of fraud, the following are examples of actions that would be considered as fraud under this policy:

- Unauthorized use, misuse or misappropriation of company property, including cash, equipment, inventory, computer hardware or software or any other physical assets.
- Unauthorized use, misuse or misappropriation of confidential information.
- Falsification of financial records or irregularity in handling or reporting monetary transactions.
- Forgery, alteration or falsification of documents, including but not limited to checks, timesheets, purchase orders or expense reports.
- Any computer related activity involving unauthorized alteration, destruction or manipulation of data for inappropriate purposes.
- Authorization of or receipt of payments for goods not received or services not performed.

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- Concealment or destruction of information relating to illegal or unethical behavior.

B. Responsibility for Prevention and Detection of Fraud

Heritage Oak Park CDD Chairman of the Board is responsible for establishing guidelines for acceptable behavior and ensuring that appropriate measures are in place to actively combat fraud.

These measures will include:

- Discussions and briefings with The Board of Supervisors to communicate policy and identify potential areas of risk.
- Periodic assessment of fraud risks in conjunction with internal / external audit plans.
- Periodic review of the Fraud Policy and Fraud Response Plan.

C. Reporting Suspected, Attempted or Actual Fraudulent Activities:

We encourage all residents and all persons working for Heritage Oak Park CDD to raise genuine concerns about fraud, in confidence and without fear of reprisal. Any issues raised will be fully investigated. You will not be punished or victimized for raising a concern under this procedure even if investigations show you to be mistaken, provided that you are acting in good faith, not for personal gain, and believe the allegations to be substantially true.

The **Code of Ethics policy (Section 2.1)** sets forth a procedure for reporting or “whistle blowing” concerns about unethical behavior and misconduct. The procedure outlined below applies to fraud:

D. Procedure

Step 1: If you have a concern about a fraudulent act, you should inform your Supervisor, or Manager. This may be done verbally or in writing and you should provide as much supporting evidence as possible.

Step 2: If you feel unable to raise the matter with your supervisor, or Manager for whatever reason, and you still have concerns, please inform in writing, with all supporting evidence, to the Heritage Oak Park CDD Board Chairman of your concerns.

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Section 3 Compensation

3.1 Timekeeping

Accurate recording of time worked is the responsibility of every Heritage Oak Park CDD employee. Federal and state laws require Heritage Oak Park CDD to keep an accurate record of time worked in order to calculate employee pay and benefits.

“Time worked” is defined as the time spent on the job performing assigned duties. Travel to and from your home to the worksite are generally not considered time worked. On call travel to and from a project site counts as time worked. Time should be reported to the nearest quarter hour.

If you are a nonexempt employee, you must accurately record the following:

- Beginning and ending time of work.
- Beginning and ending time of meal periods.
- Beginning and ending time of any split shift.
- Departure from work for personal reasons.

If you are nonexempt, you must not check in any earlier than 14 minutes before your scheduled starting time and you must cease working no later than 14 minutes after your scheduled work hours end without prior authorization from your supervisor. Your supervisor must always approve overtime in advance.

If you are an exempt employee, you are required to record any paid and unpaid time off. Exempt employee time records are not the basis for calculating weekly pay when more than 40 hours per pay period are recorded.

It is your responsibility to sign your time record to certify its accuracy. Your supervisor will review and approve the record before submitting it for payroll processing. If corrections or modifications are made to the time record, both you and your supervisor must verify the accuracy of the changes. All timesheets must be approved by a member of the Board of Supervisors designated by the Chairman, prior to submittal for payroll processing.

All employees are required to submit timesheets on the form provided by Heritage Oak Park CDD regardless of whether you are exempt or nonexempt. Exempt employees only need to report exception time – time other than work time such as vacation, PTO, leave, etc.

Any employee who falsifies his or her time record will be subject to disciplinary action up to and including termination of employment. This applies also to altering, falsifying, or tampering with the time record of another employee.

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3.2 Work Day and Work Week

Because of the nature of Heritage Oak Park CDD operations, your defined work week may vary, depending on your job assignment. Every full time employee is assigned to a 40-hour work week. You must keep in mind that 40 hours a week is a minimum assigned time and that some areas may require longer weekly work schedules or emergency on call status. The standard work week consists of five eight-hour days, with an unpaid meal period of one half to one hour. The start and finish times of each work day may vary to meet the requirements of a particular job. Your supervisor will keep you informed of your daily start and finish times.

Your supervisor must approve any deviation from the work hours established for your area. The normal scheduled work day should not be construed as a guarantee of hours or as a limitation on the assignment of hours of work. You will be expected to work all assigned or scheduled work hours.

On occasion we may need you to work in excess of eight hours a day. Heritage Oak Park CDD reserves the right to establish a work day schedule that allows us to most efficiently and effectively meet the needs of our residents as well as specific operations.

A. Reasonable Time Off

On occasion, non-exempt employees may ask their supervisors to miss a portion of their normal schedule to attend to personal matters. Supervisors must consider the demands of the job and the potential disruption or inconvenience such an absence may cause when deciding whether to grant such a request. If the request is granted, the time off will be without pay.

Employees may request to make up hours missed for personal matters without being paid overtime rates. The make-up hours must be worked during the same workweek as the missed hours. Employees may work no more than eleven hours in any single day to make up for hours missed. Request and approval for this provision must be documented for each occasion on the employee's timesheet, and the timesheet must be manually corrected to show only 'regular' hours on the day when the time was made up.

B. Meal and Rest Periods

One rest period (10 minutes) will be provided during each four-hour shift of an employee's workday. Since this time is counted and paid as time worked, employees must not be absent from their workstations beyond the allotted rest period time. An unpaid meal period of ½ to 1 hour will be provided for all employees and must be taken not more than five hours after the beginning of the employee's shift. If an employee does not work more than six hours in the work day, he/she may voluntarily waive the right to a meal period with the approval of his/her supervisor. If an employee's workday exceeds ten hours, he/she is eligible for an additional meal period of one hour. If an employee does not work more than 12 hours in the workday, he/she may voluntarily waive the right to the second meal period with the approval of his/her supervisor, provided he/she did not waive the first meal period. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time.

The Manager will schedule rest and meal periods to accommodate operating requirements.

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3.3 Paydays/Paychecks

All Heritage Oak Park CDD employees are paid on a weekly basis.

NOTE: Pay advances will not be granted to employees.

If a regularly scheduled payday falls on a holiday, you will receive your pay on the last workday before the scheduled holiday.

If you are absent on payday, your paycheck will be held in a secure location until you return to work. If you are going to be absent for several days, you may ask that your paycheck be mailed to you or given to a person you have designated in writing. Paychecks will not be distributed prior to the pay date.

The law requires that Heritage Oak Park CDD make applicable federal, state, and local income tax deductions from your compensation. In addition, Heritage Oak Park CDD must also deduct Social Security taxes on your earnings (up to a specified limit called the Social Security “wage base”).

Heritage Oak Park CDD provides programs and benefits beyond those required by law. Eligible employees must voluntarily authorize deductions from their paychecks to cover the costs of participation in these programs. Employees may opt to have their medical, and dental insurance premiums deducted from their pre-tax earnings. If you believe that an improper deduction has been made from your paycheck, you should immediately contact the Manager, who will promptly investigate the situation. If it is determined that the deduction was improper for any reason, Heritage Oak Park CDD will reimburse you and take steps to ensure that such improper deductions do not reoccur.

It is your responsibility to review your paycheck each pay period and contact the Manager with any questions.

3.4 On-Call Compensation

Certain jobs may require you to be available for work after regular work hours during the week and/or on the weekend. If you are scheduled for on-call duty you will be issued a Heritage Oak Park CDD pager or phone, which you must carry at all times.

If an emergency or other company need develops during your duty period, you are expected to respond within 30 minutes.

You will be credited for on-call duty beginning from the time you leave your home. The on-call credited time ends when the work is completed and you return home (portal-to-portal). Payment for on-call duties will be made on an as needed basis.

The manager or supervisor will decide in a fair and equitable manner which employee(s) will be scheduled for on-call duty based on the work requirements.

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3.5 Overtime

There may be occasions when working overtime may be necessary to meet the needs of Heritage Oak Park CDD. In such cases, you may be scheduled to work overtime, depending on your job responsibilities. The Manager must authorize any overtime.

If you are a nonexempt employee, you are eligible for overtime pay at the rate of one-and-one-half times your regular rate for all time worked in excess of 40 hours per work week. Only holiday pay is included as hours worked when calculating overtime, vacation and PTO time are excluded. The Fair Labor Standards Act (FLSA) also forbids employers from granting compensatory time off to employees in lieu of overtime pay.

In instances where contract or municipal, state, or federal regulations dictate, overtime pay will be based on work hours in excess of 8 hours a day.

If you are an exempt employee (that is, salaried rather than hourly), you are not entitled to overtime pay for hours worked in excess of 40 hours in a scheduled work week.

NOTE: In accordance with the FLSA, all nonexempt employees must be paid at the rate of time and one-half for all hours worked in excess of 40 hours a week — whether or not the overtime was authorized. However, the law does not prohibit an employer from disciplining an employee who works overtime without prior authorization. As previously stated, your immediate supervisor must approve any overtime in advance.

3.6 Business Travel Expenses

Heritage Oak Park CDD will reimburse employees and Board Supervisors who are authorized to travel on behalf of the CDD for reasonable business expenses incurred while traveling. The daily commute to and from work is not deemed company business. The CDD Board Chairman must authorize all overnight business travel in advance.

All business expenses must be reported on the Expense Report form. Expense Reports should be submitted within 30 days of the event and include purpose of the meeting or expense. If a meeting and/or meal reimbursement includes expenses for a business guest, the business guest's name and company must be included on the report. A detailed receipt for all expenses is required. Credit card summaries are not valid receipts and no reimbursement will be given unless the original receipt is provided.

When a personal vehicle is used for business purposes Heritage Oak Park CDD will reimburse the mileage, at the designated IRS rate.

When approved, the actual costs of travel, meals, lodging, and other expenses directly related to accomplishing business travel objectives will be reimbursed by Heritage Oak Park CDD. Employees and Board Supervisors are expected to limit expenses to reasonable amounts. No alcoholic beverages are authorized as a business expense. Heritage Oak Park CDD employees who are involved in an accident while traveling on business must promptly report the incident to their Manager or the Chairman.

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With prior approval, a family member or friend may accompany employees on business travel, when the presence of a companion will not interfere with successful completion of business objectives. Companion travel expenses are the responsibility of the individual, i.e.: meals, 2nd person in hotel and any personal expenses. Generally, employees and board supervisors are also permitted to combine personal travel with business travel, as long as time away from work is approved. Additional expenses arising from such non-business travel are the responsibility of the individual.

Employees should contact the Board Chairman for guidance and assistance on procedures related to business expense reimbursement and travel policy.

Abuse of this business expense policy, including falsifying expense reports to reflect costs not incurred by the employee or Board Supervisor will result in the individual personally reimbursing all unauthorized or falsified documents. In the case it is an employee it will be grounds for disciplinary action, up to and including termination of employment.

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Section 4 Benefit Programs

All benefits provided such as health care, long term and short term disability, death benefits and other similar employee insurance benefits will be identified at the time of employment and will be as provided by the payroll provider at the time of hire.

4.1 Personal Time Off

Personal time off will be given to employees on an as earned basis depending upon length of time employed with the HOPCDD. Personal time off (PTO) will begin after three (3) months of employment or after probationary time period has elapsed. Two and a half days (2.5) of PTO will be earned at the end of each three (3) months worked with a maximum of ten (10) days accumulation; any days beyond ten (10) will be lost. Employees will not be paid for PTO at termination of employment. PTO will only be taken in not less than 4 hour or half day increments.

4.2 Vacation Policy

Employees receive paid vacation after one (1) year of employment. Policy is as follows:

- One (1) week vacation after one (1) year of employment
- Two (2) weeks each year after two (2) years of employment
- Three (3) weeks each year after five (5) years

Vacation must be requested at least thirty (30) days in advance and approved by Supervisor. Vacation must be taken during off-season when possible.

4.3 Holidays

The Board of Supervisors voted to approve six (6) paid holidays for a calendar year. These holidays are New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day. It is no longer required to work the day before and the day after a holiday to receive holiday pay.

4.4 Leave of Absence

In an effort to recognize the need of employees who require time off for medical, military, and personal reasons, Heritage Oak Park CDD provides leaves of absence option for all regular full-time employees. Part-time employees who have worked over 1,250 hours are also eligible for leave under the Family Medical Leave Act.

A. Eligibility and Employee Requests

All regular employees who have completed 120 calendar days of service are eligible to request a leave of absence.

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Any employee who will be or is off work for more than five consecutive work days (other than vacation) must make a request for a leave of absence from the original date of absence.

An employee's request for a leave of absence must be submitted on a "Leave Request Form" to the Manager, who will add their recommendations and submit it to the Chairman of the Board of Supervisors.

B. Types of Leaves

If approved, the company will grant one of the following types of absences to an employee:

1. Personal Leave: leave of absence will be considered for a maximum of 30 calendar days without pay for an employee to take care of matters such as settling an estate, handling family or personal legal problems. Once leave is approved and additional leave is required beyond the initial request, a new leave form will be required.
2. Personal Illness or Disability (FMLA): leave of absence will be considered for a maximum period of twelve (12) weeks for an employee who has a serious health condition. Please refer to the Family Medical Leave Act policy,
3. Family (FMLA): leave of absence will be considered for a maximum of twelve (12) weeks due to a serious health condition of an employee's immediate family member. Immediate family is considered to be the employee's spouse, child, parents, or domestic partner. If someone other than parents raised you, those persons will be considered immediate family. Please refer to the Family Medical Leave Act policy, 12.10 for additional details.
4. Birth of child, adoption or foster care (FMLA): leave of absence will be considered for a period of twelve (12) weeks per year because of the birth of a child of the employee, or the placement of child with the employee for adoption or foster care. Please refer to the Family Medical Leave Act policy, 12.10 for additional details.
5. Military: Heritage Oak Park CDD will comply with all regulations under the Uniformed Services Employment and Reemployment Rights Act (USERRA) and will grant a leave of absence to employees to serve in the military for a period of up to five years. Periodic training duty and involuntary active duty extensions and recalls do not count towards the five-year maximum.

(a) Eligibility An employee qualifies for protection under USERRA if he/she is absent from work to serve in the Armed Forces, the National Guard, Commissioned Corps of the Public Health Service, or any other category designated by the President in time of war or emergency.

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(b).Benefits While On Military Leave Once an employee is on Military Leave, all benefits will be suspended for the length of the military leave. Employees will have the right to resume coverage upon the return from leave. Employees can continue coverage during military leave by electing COBRA coverage. COBRA notification paperwork will be sent to their home address within 30 days after loss of coverage.

(c)Active Duty Re-employment Conditions

An employee who is called or voluntarily enlists for active military duty will receive all re-employment rights under all applicable federal and state laws when military service is completed. The employee must return to full employment within the guidelines set forth under the USERRA regulations.

(d) Reserve Training Time Off

All employees will be allowed time off to participate in annual mandatory military reserve activities. The CDD will pay the difference between the base military pay and the employee's gross regular pay for two (2) or three (3) week assignments during a calendar year. One-day or weekend assignments do not fall under this policy, and will not be paid by Heritage Oak Park.

C. Payment of Insurance Premiums While on Leave

Once an employee is on Leave, the HOP CDD will pay all benefits for the first thirty (30) calendar days, unless otherwise stated in this document. After thirty (30) days, all benefits will be suspended for the length of the Leave. Employees will have the right to resume coverage upon return from Leave. Employees can continue coverage during Leave by electing COBRA coverage. Benefit elections in effect at the time a leave of absence begins will remain active, provided the employee continues to pay the premiums (medical, dental, voluntary benefits and supplemental insurance). The employee will be notified at the beginning of their leave of absence regarding the amount due by the 1st of each month, to cover the previous month. Premiums unpaid for 30 days after the due date will result in the cancellation of coverage. COBRA paperwork will be sent to the employee at the time of cancellation. If the employee returns to work prior to the 1st of the month, the premiums due will be deducted from their paycheck.

D. Calculations of Premiums Due While On Leave

Short Term and Long Term Disability Premiums - Short term disability premiums and long term disability premiums are waived while an employee is on short term disability (14 days after leave begins).

FMLA Personal Leave – Once the employee is no longer receiving a paycheck, premiums will need to be paid by the employee based on the first day of unpaid leave. Calculations should be made from day one of the unpaid leave to the end of that month and then monthly thereafter. The payroll company will calculate the premium and inform the employee of the amount due.

Military Leave – Once an employee is on active Military Leave, all benefits will be suspended for the length of the military leave. Employees will have the right to resume coverage upon the return from leave. Employees can continue coverage during military leave by electing COBRA coverage. COBRA notification paperwork will be sent to their home address within 14 days after loss of coverage.

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Workers Compensation – Once an employee is on Workers Compensation Leave, their paychecks will no longer come from Heritage Oak Park CDD's payroll, and therefore premiums will need to be paid by the employee based on the first day of the Workers Compensation Leave. Calculations should be made from day one of the leave to the end of that month and then monthly thereafter. The payroll company will calculate the premiums and inform you of the amount. Any questions contact the Manager.

General Conditions – PTO, Vacation & Holiday

- Leave starts the first day the employee misses work.
- Earned PTO days can be used for a personal non-work related illness or disability. For personal illnesses beyond 14 days, employees are required to apply for Short Term Disability.
- Earned PTO days can also be used to care for a family member in the household.
- Earned vacation can be used for any type of leave.
- Holidays that fall within a Leave of Absence will not be paid.
- An employee will not accrue vacation or PTO while out on an unpaid leave of absence or worker's compensation.

E. Other Employment

The company will not consider requests for leaves of absence for an employee to pursue other employment of any type, regardless of whether such employment is for pay or only to assist a personal family member or friend. The company will not consider requests for leaves or absence for an employee who is incarcerated.

F. Notification of Termination of Leave of Absence

The employee must notify the company prior to their return to work.

G. Reinstatement

When an employee returns from a Leave of Absence, they will be reinstated in either their prior position or a position with similar duties or level, and similar pay rate as required by law or as otherwise available.

The company may choose to exempt certain highly compensated employees from this requirement and not return them to the same or similar position. Under the FMLA, "key" employees who are salaried and whose earnings place the employee in the top 10% of those employees must be provided the same 12 weeks of leave as other employees. However, these "key" employees may be denied the right to return to the same or equivalent job if the company can show that returning the employee to the same or similar position would cause "substantial and grievous economic injury" to the company. However, Heritage Oak Park CDD will notify you of the intent to refuse reinstatement the time Heritage Oak Park CDD determines the refusal is necessary.

H. Physician's Statement of Return

If the leave of absence was granted for disability or illness, an attending physician's statement indicating approval of return to work must be provided at the time (first day) of return to work.

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4.5 Family and Medical Leave Act of 1993 (FMLA)

Heritage Oak Park CDD is committed to granting up to 12 weeks of family and medical leave during any 12-month period to eligible employees, in accordance with the Family and Medical Leave Act of 1993 (FMLA). The leave may be paid, unpaid, or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy. (State and local laws may also apply).

A. Eligibility

In order to qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

- 1) The employee must have worked for the employer for 12 months. The twelve months need not have been consecutive.
- 2) The employee must have worked at least 1250 hours during the twelve-month period immediately before the date when the leave is requested to commence. Time spent on paid or unpaid leave does not count as hours worked.

B. Types of Leave Covered

In order to qualify as FMLA leave under this policy; the employee must be taking leave for one of the reasons listed below:

- 1) The birth of a child and in order to care for that child;
- 2) The placement of a child for adoption or foster care, and to care for the newly placed child;
- 3) To care for an immediate family member. Immediate family is considered to be the employee's spouse, child, parents, or domestic partner. If someone other than parents raised you, those persons will be considered immediate family.
- 4) The serious health condition (described below) of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

A serious health condition is defined as a condition which requires inpatient care at a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition which requires continuing care by a licensed health care provider.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition, which, if left untreated, would result in a period of incapacity of more than three days, would be considered a serious health condition.

The company will require an employee to provide a doctor's certification of the serious health condition. The certification process is outlined under "Certification of the Serious Health Condition".

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If an employee takes paid PTO leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the company will designate all related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

An eligible employee can take up to 12 weeks of leave under this policy during any 12-month period. The company will measure the twelve-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the company will compute the amount of leave the employee has taken under this policy and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

C. Employee Status & Benefits During Leave

Once an employee is on FMLA Leave, the Hop CDD will pay all benefits for the first thirty (30) calendar days. The employee will be responsible for payment of premiums after 30 days.

D. Employee Status After Leave

An employee who takes leave under this policy will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one, which is virtually identical in terms of pay, benefits, and working conditions. However, Heritage Oak Park CDD may deny reinstatement to an employee if his/her position ceased to exist, such as due to a lay-off, or elimination of the job.

The company may choose to exempt certain highly compensated employees from this requirement and not return them to the same or similar position. Under the FMLA, "key" employees, or employees who are salaried and whose earnings place the employee in the top 10% of those employees must be provided the same 12 weeks of leave as other employees. However, these "key" employees may be denied the right to return to the same or equivalent job if the company can show that returning the employee to the same or similar position would cause "substantial and grievous economic injury" to the company. However, Heritage Oak Park CDD will notify you of the intent to refuse reinstatement at the time Heritage Oak Park CDD determines the refusal is necessary.

E. Use of Paid and Unpaid Leave

Disability leave for the birth of a child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA leave. For example, if an employer provides six weeks of pregnancy disability leave, the six weeks can be designated as FMLA leave and counted toward the employee's 12-week entitlement. The employee may then be allowed to substitute accrued (or earned) vacation as appropriate before being eligible for unpaid leave for what remains of the 12-week entitlement.

F. Intermittent Leave or a Reduced Work Schedule

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year), or under certain circumstances may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not

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exceed a total of 12 workweeks over a 12-month period Heritage Oak Park, CDD reserves the right as to whether or not intermittent leave or a reduced work schedule will be approved.

For the birth, adoption or foster care of a child, the company and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption, or foster care of a child must be taken within one year of the birth or placement of the child.

G. Certification of the Serious Health Condition

Heritage Oak Park CDD will ask for a physician's certification of the serious health condition. The employee should try to respond to such a request within 15 days of the request, or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification may be provided by using the Medical Certification Form. Request for a medical certificate must be made in writing as part of the employer response to employee request for leave.

Certification of the serious health condition shall include: the date when the condition began, its expected duration, and a brief statement of treatment. For medical leave for the employee's own medical condition, the certification must also include a statement that the employee is unable to perform work of any kind or a statement that the employee is unable to perform the essential functions of the employee's position.

If the employee plans to take intermittent leave or work a reduced schedule, the certification must also include dates and the duration of treatment as well as a statement of medical necessity for taking intermittent leave or working a reduced schedule.

The company has the right to ask for a second opinion if it has reason to doubt the certification. The company will pay for the employee to get a certification from a second doctor, which the Company will select. If necessary to resolve a conflict between the original certification and the second opinion, the company will require the opinion of a third doctor. The company and the employee will mutually select the third doctor, and the company will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

The company may choose to exempt certain highly compensated employees from this requirement and not return them to the same or similar position. Under the FMLA, "key" employees, or employees who are salaried and whose earnings place the employee in the top 10% of those employees must be provided the same 12 weeks of leave as other employees. However, these "key" employees may be denied the right to return to the same or equivalent job if the company can show that returning the employee to the same or similar position would cause "substantial and grievous economic injury" to the company. However, Heritage Oak Park CDD will notify you of the intent to refuse reinstatement at the time Heritage Oak Park CDD determines the refusal is necessary.

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H. Procedure for Requesting Leave

When an employee plans to take leave under this policy, the employee must give as much notice as practicable.

An employee who is to undergo planned medical treatment is required to make a reasonable effort to schedule the treatment in order to minimize disruptions to the company's operations whenever possible.

If an employee fails to provide 30 days notice for foreseeable leave with no reasonable excuse, the leave request may be denied until at least 30 days from the date the employer receives notice. While on leave, employees are requested to report periodically to the company regarding the status of the medical condition, and their intent to return to work.

4.6 Bereavement Leave

Heritage Oak Park CDD offers bereavement leave to provide a time for mourning after the loss of a family member. Bereavement leave may be granted to regular full-time or part-time employees who experience a death in their family.

Employees may be eligible for bereavement leave on a case by case basis. Contact your supervisor to request bereavement leave.

4.7 Court Appearance Leave

Heritage Oak Park CDD encourages employees to fulfill their civic responsibilities by serving jury duty when required. All regular full-time and part-time employees are eligible for necessary time off with pay for jury duty or to respond to a subpoena or summons to appear in court in a case in which they are neither defendant nor plaintiff. You are required, when dismissed for the day to report to work immediately. When jury duty is completed you are to bring in proof of your jury duty. You may keep any payments made to you by the court for your jury duty service. If you volunteer for jury duty it will be unpaid.

NOTE: This policy does not apply to cases in which the employee is a litigant, complainant, or defendant in matters that are in the employee's own interest.

If you receive a jury duty summons, show it to your supervisor immediately so arrangements can be made to cover your absence. (Heritage Oak Park CDD may ask you to request to delay your jury duty if your absence would create serious operational difficulties.)

If a court holiday occurs or your service at court is not required for four or more hours on a given day, you are expected to report to work during that time.

All your health benefits remain in effect and time-off benefits continue to accrue while you are on paid court appearance leave.

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Section 5 Career Development

5.1 Performance and Salary Review

Heritage Oak Park CDD believes that most employees like to have opportunities to discuss ways to increase their knowledge and improve their skills for better performance and enhanced job satisfaction. We believe that performance needs to be managed objectively and that employees need to take part in the planning process to enhance their development.

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. In addition, a formal performance evaluation is conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals. Performance evaluations are scheduled to occur each fiscal year.

Merit-based salary increases are awarded by Heritage Oak Park CDD in an effort to recognize truly superior employee performance. The decision to award such an increase is dependent upon numerous factors, including the information documented by the formal performance evaluation process, the attendance record of the employee, disciplinary action taken during the evaluation period, dedication to his work and company, business relationships' with residents, etc. Delivery of a performance review is not a guarantee of a salary increase.

5.2 Promotions

Heritage Oak Park CDD's policy is to promote qualified individuals from within the company. Employees are encouraged to obtain the necessary skills, training, education, and professional registration in order to be eligible candidates for a promotion.

If you ask to be considered for promotion to an open position, you will be given preference over applicants from outside if you are equally or better qualified. The Management Company makes every effort to fill job openings with the most qualified people available and will gladly consider Heritage Oak Park CDD employees as long as they have the qualifications necessary for the job

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Section 6 Work Environment

6.1 Safety & Security

The health and safety of every employee, resident, and visitor on Heritage Oak Park CDD's property is of primary importance and is a key part of everyone's job. Our intention is to comply with all federal, state and local safety codes. Every employee has the responsibility to prevent accidents and injuries by observing established work rules, by following the direction of supervisors, by practicing the principles taught in safety training and by providing ideas on how our safety efforts might be further strengthened. The success of our safety program depends on the alertness and personal commitment of every employee.

You are expected to obey all safety rules and exercise caution in all your work activities. Nothing should be left to chance. Be constantly alert to potential problems, and immediately report any unsafe conditions to the appropriate supervisor.

If an accident that results in injury does occur, notify your supervisor immediately—no matter how insignificant the injury may seem to you. An Employee Minor First Aid Report will need to be completed. Such reports are necessary to comply with laws and to initiate insurance and/or workers' compensation benefits procedures.

Any employee who violates safety standards, causes hazardous or dangerous situations, or observes but fails to report (and remedy, if appropriate) such situations may be subject to disciplinary action, up to and including termination of employment.

6.2 Computer, Email, Internet, and Telephone Usage

Heritage Oak Park CDD recognizes that use of computers; email, Internet and telephones make communication more efficient and effective for Heritage Oak Park CDD and its employees. All computers, computer files, the e-mail system, the Internet, the Intranet, telephones and software provided to employees are the property of Heritage Oak Park CDD and are intended for business use.

A. Telephones

Remember that every time you use the telephone, you are representing Heritage Oak Park CDD. While personal telephone calls, either on a company telephone or personal cell phone, are not prohibited, their frequency, duration, and volume should not interfere with on-going work nor distract fellow employees. Abuse of this privilege may lead to disciplinary action up to and including termination.

B. Software

Heritage Oak Park CDD purchases software and licenses its use for purposes of conducting business. We do not own the copyright to the software or any related documentation. Therefore, without permission from the software provider, it is illegal to make copies of software for use on more than one computer. Illegal reproduction of software could subject Heritage Oak Park CDD to expensive civil damages, as well as criminal penalties that can include fines and imprisonment. Any Heritage Oak Park CDD employee who makes, or uses, an

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unauthorized copy of software will be subject to disciplinary action, up to and including termination of employment.

Notify your supervisor immediately if you become aware of any unauthorized use of licensed software on a Heritage Oak Park computer.

C. Computers and E-mail

The primary purpose of computers and the e-mail system is to expedite necessary business transactions and communications. Incidental personal use of computers and email is permitted. However, personal use should not interfere with Heritage Oak Park CDD' operations and is expected to be on your own time and should not to interfere with your job responsibilities. They may not be used in ways that are disruptive, offensive to others, or harmful to morale. For example:

- Email may not be used to solicit others for commercial ventures, religious or political causes, outside organizations, or other non-business matters.
- The display or transmission of sexually explicit images, messages, or cartoons is not allowed. Other such misuse includes, but is not limited to, racial comments, ethnic slurs, off-color jokes, or anything that may be construed as harassment or disrespect.

(See **Fair Treatment, 2.3** and **Sexual Harassment, 2.4.**)

Therefore, you should ensure that all information contained in your business e-mail messages or any information you post is accurate, appropriate, ethical, and lawful.

Privileges to specific systems and functionalities will be restricted based on business needs. This means that access privileges will not be extended unless a legitimate business-oriented need for such privileges exists.

Passwords are vital to ensuring user authentication and the integrity of Heritage Oak Park CDD systems and data. Users are encouraged to choose passwords that are difficult to guess (not related to one's job or personal life). **Passwords should not be shared or revealed.**

Unless there is an operational requirement, all equipment should be turned off at the end of the business day

D. Internet Use

Internet access is provided to help employees obtain work-related information. Employees accessing the Internet are representing Heritage Oak Park CDD. As such, their conduct should be ethical and lawful at all times. Incidental personal use of the Internet is allowed but must not disrupt the operation of the company network or your productivity.

All Internet data that comes to or from our computers system is considered a part of the official CDD record. As such, it is subject to disclosure to law enforcement agencies or other third parties.

If you obtain information from the Internet, be sure that it is not protected under copyright law before copying or downloading it. Also, be sure to take the

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necessary anti-virus precautions before downloading or copying any file from the Internet.

E. Monitoring

Because Heritage Oak Park CDD owns the computer equipment and telephones and is responsible for their usage, HOPCDD reserves the right to monitor equipment and its use for adherence to this policy. Any violation of the policy will subject the employee to disciplinary action, up to and including termination.

6.3 Company Equipment

Heritage Oak Park CDD strives to provide a safe and healthy working environment for every employee. This working environment can only be assured by the active participation of all employees, contractors, residents and vendors.

A. Tool Maintenance

Faulty or improperly used hand tools are a safety hazard. You are responsible for ensuring that tools and equipment used by you or other employees at your workplace are in good condition. When not in use, tools should be stored in a dry, secure location.

B. Loaning of Tools

Loaning tools or equipment, owned by Heritage Oak Park CDD, to employees, to contractors or residents is prohibited. Tools and equipment cannot be used for personal use due to insurance risk and liabilities that Heritage Oak Park CDD may be held responsible for. Additionally, employees are not allowed to use company facilities equipment, vehicles, tools, inventory, or services on weekends and after hours, (examples: use tools or garage to work on personal vehicle, borrow a ladder to work on their personal homes' or saw to cut wood products).

If an employee takes a tool off site, it cannot be assumed that the tool will be used or maintained properly. Furthermore, it cannot be assumed that the tool will be used for the task it was designed for, that it will function properly, or that proper safety procedures will be followed. If tools are taken from Heritage Oak Park CDD sites there are no way to ensure that only trained and qualified persons will operate the tool. It is of further concern that if other people use the tool, it may provide even further exposure and risk to Heritage Oak Park CDD. For these reasons employees, contractors or residents will not be allowed to use company tools except on company projects at authorized locations.