



# Employee Handbook



Viva Escrow! Inc.

Welcome to Viva Escrow!

Many years ago, I realized that in this fast paced, exciting industry, a good Escrow person could and would make a difference in the lives of their customers and, at the same time, derive considerable satisfaction from facing, conquering and solving the challenges that come across the desk on a day to day basis. The key component to this satisfaction, from both ends, is *service*.

As you join the Viva Escrow Team, we believe that you are also committed to the accomplishment of Viva Escrow's mission:

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*To provide exceptional escrow service to all our clients!*

This mission is what sets us apart from our competition, and it is the primary reason why we are successful and growing.

Every employee helps make Viva Escrow successful. Our belief is that every one of you is integral to our company and to our mission and we hope that you will be a proud member of our team.

This handbook describes many of our policies, written and designed to further our vision in conjunction with the provision of programs and benefits available to each of you. I suggest that you become familiar with the handbook as soon as possible, so that it may answer your questions about your employment here, as well as provide you with a guideline for expectations between you and the company.

We reviewed hundreds of applicants to find you and we know that we have chosen the best. We are committed to providing you with the proper arena to work and grow, and in return, we know that you will contribute to the accomplishment of Viva Escrow's mission: *To provide exceptional escrow services to all our clients!*



Juliana Tu, CSEO, CEO, CBSS, CEI  
President

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## EMPLOYEE ACKNOWLEDGEMENT FORM

We have completed an update of Viva Escrow's employee handbook. All revised policies are effective January 1, 2011.

The employee handbook describes important information about Viva Escrow. I understand that I should consult the Human Resources Manager if I have any questions that are not answered in the handbook.

I became an employee at Viva Escrow voluntarily. I understand and acknowledge that there is no specified length to my employment at Viva Escrow and that my employment is "at will". I understand and acknowledge that "at will" means that I may terminate my employment at any time, with or without cause or advance notice. I also understand and acknowledge that "at will" means that Viva Escrow may terminate my employment at any time, with or without cause or advance notice.

I understand and acknowledge that there may be changes to the information, policies, and benefits in the handbook. The only exception is that Viva Escrow will not change or cancel its "employment-at-will" policy. I understand that Viva Escrow may add new policies to the handbook as well as replace, change, or cancel existing policies. I understand that I will be told about any handbook changes and I understand that any handbook changes pertaining to my "employment-at-will" status can only be authorized by the President of Viva Escrow in writing.

**Any and all previous policies pertaining to my employment, whether disseminated orally or in writing, are by this document rendered null and void.**

I understand and acknowledge that this handbook *is not* a contract of employment. I have received the handbook and I understand that it is my responsibility to read and follow the policies contained in this handbook and any changes made to it.

This employee handbook is the property of Viva Escrow. It should not be removed from company premises without approval of the Human Resources Manager and must be returned to Viva Escrow upon termination of your employment.

EMPLOYEE'S NAME (printed): \_\_\_\_\_

EMPLOYEE'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_/\_\_\_\_/201\_\_

## Customer Relations

Our customers are very important to us. Every employee is a representative of Viva Escrow to customers and the public. Our customers judge all of us by how we treat them. Nothing is more important than being courteous, friendly, prompt, and helpful. Your contacts with the public, telephone etiquette, and all other written and verbal communications you send to customers reflect not just on you but also on the professionalism of Viva Escrow. Good customer relations can build greater customer loyalty.

## Training

There are two levels of training, mandatory and discretionary. We will pay for all mandatory training, and will reimburse employees for some discretionary training. All Non-Exempt employees will be paid for mandatory training either during or after business hours. Unit managers will notify employees of all such training.

Should an employee choose to participate in discretionary training, she or he should contact the Human Resources Manager for information on Viva Escrow's tuition reimbursement plan. Note: Not all discretionary training will be covered by the company's plan.

## Technology

Viva Escrow shall make its best efforts to provide the most suitable technology to support the work of its employees. Viva Escrow encourages all employees to discuss with management any hurdles they may encounter and to bring up any suggestions on improvements to the company's technological base.

## **101 Nature of Employment**

Effective Date: 09/01/2005

Revision Date: 1/1/2011

This handbook gives a general understanding of the personnel policies of Viva Escrow. It should help answer many common questions. You should review all the policies in the handbook and become familiar with them.

However, this handbook cannot cover every situation or answer every question about employment at Viva Escrow. This handbook is also not an employment contract and is not intended to create contractual obligations of any kind.

Sometimes we may need to change, add, or cancel policies or benefits. We want you to know that this could happen and that Viva Escrow has the right to make changes. The only exception is that we will not change our "employment-at-will" policy. The only official changes to this handbook are changes that are authorized and signed by the President of Viva Escrow.

If for any reason you should believe that a Viva Escrow policy violates the California Labor Code or any other federal or state law, you are instructed to immediately state your concern to the Human Resources Manager, so that immediate action can be taken to correct the policy and bring it into accord with applicable law, if necessary.

## 104 Business Ethics and Conduct

Effective Date: 09/01/2005

Revision Date: 1/1/2011

Viva Escrow is firmly committed to complying with its legal and ethical obligations under all state and federal laws. As a result, we expect all employees, at every level within the company, to comply strictly with all legal and ethical obligations. Our philosophy can only be implemented if our employees recognize their responsibility to treat everyone in an honest and fair manner. Accordingly, any employee's failure to fulfill his or her responsibilities under this policy may result in disciplinary action, up to and including immediate termination.

Viva Escrow holds all employees responsible for carrying out and monitoring compliance with this commitment. If any employee becomes aware of any violation of a legal or ethical obligation, or any unfair or improper treatment of a client, the employee must immediately report the matter to the Human Resources Manager so that it can be investigated right away. In this manner, we can take all necessary steps to investigate any potential violations of our policies and can take appropriate action to correct any violations or incorrect perceptions that may exist. By making it the responsibility of all employees to police compliance with our strict ethical standards and commitment to complying with all legal responsibilities, we can continue to maintain our reputation in the community and industry.

Employees should feel free to report any information regarding this policy without fear of reprisal or retaliation of any kind. Employees can report information to the Human Resources Manager in confidence if they wish. The company will treat such information as confidential to the extent it can do so without failing to fulfill its legal and ethical obligations. In addition, employees who do not wish to identify themselves can report information anonymously.



## 108 Conflicts of Interest

Effective Date: 09/01/2005

Revision Date: 1/1/2011

Viva Escrow has guidelines to avoid real or potential conflicts of interest. It is your duty as an employee of Viva Escrow to follow the below guidelines concerning conflicts of interest. If this is not clear to you or if you have questions about conflicts of interest, contact the Human Resources Manager.

Whenever you conduct business with another company, you must work within the guidelines set up and controlled by the management of Viva Escrow. Business dealings with other companies should not result in unusual gains for those companies. "Unusual gains" means bribes, product bonuses, special fringe benefits, unusual price breaks, and other windfalls that will benefit the other company or an employee of that company. Viva Escrow management must first approve any Viva Escrow promotional plan that could be interpreted to result in unusual gains for another company.

What is a conflict of interest? An actual or potential conflict of interest is when you are in a position to influence a decision or have business dealings on behalf of Viva Escrow that might result in a personal gain for you or for one of your relatives. For conflicts of interest, a relative is any person who is related to you by blood or marriage, or whose relationship with you is similar to being a relative even though they are not related by blood or marriage.

A conflict of interest can also be your involvement in a situation where Viva Escrow and/or our client's confidential information is compromised as a result of your actions; e.g., your having to be loyal to two competitive parties at the same time. Accordingly, being employed by or under contract to a competitor of Viva Escrow while you are an employee of Viva Escrow will be considered a conflict of interest.

We do not automatically assume that there is a conflict of interest if you have a relationship with another company. However, if you are employed by or under contract to a Viva Escrow competitor, or have any influence on transactions involving purchases, contracts, or leases, you must inform your unit manager as soon as possible. By telling us that there is the possibility of an actual or potential conflict of interest, we can set up safeguards to protect everyone involved.

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The possibility for personal gain is not limited to situations where you or your relative has a significant ownership in a firm with which Viva Escrow does business. Personal gains can also result from situations where you or your relative receive a kickback, bribe, substantial gift, or special consideration as a result of a transaction or business dealing involving Viva Escrow.

A failure to satisfactorily resolve a conflict of interest may result in termination of employment.

## 109 Non-Disclosure

Effective Date: 09/01/2005

Revision Date: 1/1/2011

It is very important to Viva Escrow that we protect our confidential business information and trade secrets. Confidential information includes, but is not limited to, the following examples:

- Any customer information, to include customer lists and/or preferences
  - Computer processes
  - Computer programs and codes
  - Financial information
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You may be asked to sign a non-disclosure agreement as a condition of your employment.

If you improperly use or disclose a trade secret or confidential business information, you will be subject to disciplinary action, up to and including termination of employment and legal action. This applies even if you do not get any benefit from releasing the information.

Working in the escrow industry, all employees must adhere to the principle of *confidentiality* when dealing with all files and client information.

## 110 Outside Employment

Effective Date: 09/01/2005

Revision Date: 1/1/2011

You may hold an outside job at a company not a competitor of Viva Escrow as long as you can satisfactorily perform your Viva Escrow job and the job does not interfere with our scheduling demands.

We hold all employees to the same performance standards and scheduling expectations regardless if they have other jobs. In order to remain employed at Viva Escrow, we will ask you to terminate an outside job if we determine that it is impacting your performance or your ability to meet our requirements, which may change over time.

If your outside employment has an undesirable impact on Viva Escrow, we will consider that it is a conflict of interest.

## **1.17 Immigration Law Compliance**

Effective Date: 09/01/2005

Revision Date: 12/1/2010

Viva Escrow is committed to employing only people who are United States citizens or who are aliens legally authorized to work in the United States. We do not illegally discriminate because of a person's citizenship or national origin.

Because we comply with the Immigration Reform and Control Act of 1986, every new employee at Viva Escrow is required to complete the Employment Eligibility Verification Form (I-9) and show documents that prove identity and employment eligibility.

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If you leave Viva Escrow and are rehired, you must complete another Form I-9 if the previous I-9 with Viva Escrow is more than three years old, or if the original I-9 is not accurate anymore, or if we no longer have the original I-9.

If you have questions or want information on the immigration laws, contact the Human Resource Manager.



## **203 Employment Applications and Reference Checks**

Effective Date: 09/01/2005

Revision Date: 1/1/2011

We rely on the accuracy of the information you put on your employment application. We also expect that you and your references give accurate and true information during the hiring process and employment. If we find that any information is misleading, false, or was left out on purpose, we may reject an applicant from further consideration. If the person was already hired, it could result in termination of employment.

To ensure that individuals who join Viva Escrow are well qualified and have a strong potential to be productive and successful, we do check employment references of all applicants.

Regarding reference check inquiries about employees, the Human Resources Manager will respond only to those reference check inquiries that are submitted in writing. Responses to such inquiries will confirm only dates of employment, wage rates, positions held, the functions of the positions held and public data. No employment data will be released without a written authorization and release signed by the individual who is the subject of the inquiry.

## **204 Job Descriptions**

Effective Date: 09/01/2005

Revision Date: 1/1/2011

Viva Escrow uses job descriptions to identify the requirements of a job, set up the hiring criteria, set standards for employee performance evaluations, and establish a basis for making reasonable accommodations for individuals with disabilities. We also review existing job descriptions and change them as required. You can help by making sure that your job description is accurate and current.

Your job description does not necessarily cover every task or duty that you might be assigned. You may be assigned additional responsibilities as necessary. If you have questions or concerns about your job description, contact your unit manager and/or Human Resources Manager.

## 205 Introductory-Period

Effective Date: 09/01/2005

Revision Date: 10/1/2011

An Introductory-Period is defined as the first 180 days of employment starting from the Date-of-Hire\*. Viva Escrow has an Introductory-Period for all new employees. The Introductory-Period serves the following purposes:

- It is a time for you and your unit manager to have open communication about your job responsibilities and the performance requirements of the new job.
- It gives you time to decide if the new job meets your and our expectations and performance requirements.
- It gives us time to evaluate your work habits and abilities to make sure that you can perform your job satisfactorily

Since your employment with Viva Escrow is voluntary and “at will”, you may terminate your employment at any time during or after the Introductory-Period, with or without cause or advance notice. Likewise, Viva Escrow may also terminate your employment at any time during or after the Introductory-Period, with or without cause or advance notice.

If you are absent for a significant amount of time during your Introductory-Period, the length of the leave will automatically extend the Introductory-Period. We may also extend the Introductory-Period if we decide it was not long enough to evaluate your performance. This could happen either during or at the end of the Introductory-Period.

A Regular-Fulltime-Employee is defined as an employee that has successfully completed his or her Introductory-Period.

After 90 days, Fulltime-Employees may also be eligible for other Viva Escrow benefit programs, subject to the terms and conditions of each benefit program. Be sure to review the information for each benefits program to see the exact requirements.

\*

### Date-Of-Hire:

The first day an employee works at Viva Escrow

### **300 Attendance and Punctuality**

Effective Date: 09/01/2005

Revision Date: 1/1/2011

Our Office-Hours are from 8:30 AM to 5:30 PM Mondays through Fridays.

We expect Viva Escrow employees (both exempt and non-exempt) to be reliable and punctual. You should report for work on time and as scheduled. If you cannot come to work or you will be late for any reason, you must notify front desk and/or your unit manager by phone or email as soon as possible.

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Not coming to work during Office-Hours provides poor customer service and inconvenience to other employees. If you have a poor attendance record or excessive lateness, you may be subject to disciplinary action, up to and including termination of employment.

### **301 Work Schedules**

Effective Date: 09/01/2005

Revision Date: 1/1/2011

The normal work schedule is eight hours a day, five days a week.

Your unit manager will tell you what time your work schedule will normally start and end. However, our staffing needs and work demands may require that we change the starting and ending times of work schedules. We may also need to change the number of Work-Hours that are scheduled each Work-Day and Work-Week.

From time to time, due to circumstances beyond our control such as acts of God, power outage etc., it will be necessary to close our offices and send employees home. In the event there are no utilities such as light, heat or water, Non-Exempt-Employees will only be paid for hours worked.

If you fail to report to work or call in, it will be considered an unexcused leave, and you will be subject to disciplinary action. In addition, if you miss three Work-Days or more unexcused leave without notifying your unit manager, the company will consider you to have voluntarily quit your employment and may terminate your employment immediately.



### 302 Timekeeping

Effective Date: 09/01/2005

Revision Date: 1/1/2011

Accurate and timely pay is a central part of Viva Escrow's commitment to provide a positive work environment for all our team members.

All Exempt Employees and Non-Exempt-Employees, are responsible for accurately recording the hours they work.

For Exempt-Employees, any time keeping is kept for the sole purpose of managing the employee's productivity and planning. No Exempt-Employees shall be paid based on the hours or days worked. Exempt-Employees will be strictly paid based on federal and state laws.

All Non-Exempt-Employees are required to keep accurate records of the hours they work each day on time sheets and forms that are provided by Viva Escrow. Non-Exempt-Employees are expected to accurately record the time they report to work and leave work each day at the end of their shift. Unless overtime work has been approved by an employee's unit manager in advance, employees are expected to leave work at their scheduled stopping time. The beginning and ending times of the Meal-Break must also be recorded. Paid Rest-Breaks every 4 hours need not be recorded.

Time records are considered to be the property of Viva Escrow and are not to be taken from the employee's assigned area. They record regular hours worked, Meal-Break periods, overtime, Personal-Hours and Vacation-Days. Accordingly, employees must record the time they begin or end work each day and the beginning and ending of each meal period accurately. Any mistakes or revisions to time records must be reported promptly to your unit manager. No employee may record a time for another employee or tamper with another employee's time record. Any mistakes in time records must be reported to your unit manager immediately.

**Falsification of time records is a very serious manner.** Employees who misreport or falsify time records will be subject to disciplinary action up to and including termination of employment.

Employees should not begin working before the scheduled starting time of their shift and should not work beyond their scheduled stopping times without prior written permission of their unit manager.



### **303 Rest Break and Meal Period**

Effective Date: 09/01/2005

Revision Date: 1/1/2011

Non-Exempt employees **MUST** take one 10-minute PAID rest break every 3 ½ hours to 4 hours of work and one AT LEAST 30-minute (up to 60-minute) meal period on any day when they work at least 6 hours.

During rest breaks and meal periods, employees are relieved of all work duties.

Your unit manager will schedule all rest breaks and meal periods to accommodate work needs.

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### **304 Overtime**

Effective Date: 09/01/2005

Revision Date: 1/1/2011

There may be times when Viva Escrow can not meet its operating requirements or other needs during regular work hours. Viva Escrow may schedule employees to work overtime and we will try to give advance warning of a mandatory overtime assignment. However, all employees are expected to work overtime with minimum notice.

It is our policy that **no overtime can be worked without the approval and authorization of your unit manager**. We will try to distribute overtime assignments fairly among all employees who are qualified to perform the required work. If you work overtime without first getting your unit manager's approval, you may be subject to disciplinary action, up to and including termination of employment.

Employment related notices covering overtime and other conditions of your employment are posted in the employee break area. If you have questions not answered by the posting, contact Human Resources Manager.

Overtime pay is 1.5 times the regular hourly wage.

Double pay (2 times the regular hourly wage) is the actual number of hours worked in excess of 12 hours in one day.

### **305 Paid-Time-Off (PTO) Benefit**

Effective Date: 1/1/2011

Revision Date: 10/1/2011

For the ease of employee benefits tracking and administration, Viva Escrow maintains a Paid-Time-Off (PTO) Benefit that combines the old Vacation-Days and Personal-Hours benefits into a single PTO account. The PTO Benefit is designed in response to employees' needs for time off and allows eligible employees to receive their wages and/or salary for qualified time off of work.

All Fulltime-Employees who have completed their 90 days of employment are eligible for PTO pay.

Fulltime-Employees will accrue 120 hours of PTO time each year of employment beginning upon completion of their 90 days of employment; however no PTO time may be taken by an employee until he/she has completed at least six months of employment with Viva Escrow.

PTO time may be taken for any purpose including vacation, sick leave, personal or family illness, emergencies, etc. Wherever possible PTO requests must be pre-approved and pre-scheduled by the employee's unit manager. Viva Escrow will make every attempt to accommodate employee PTO requests but such requests may be denied based on work needs and scheduling requirements. Where pre-approval is not possible, due to an emergency or short notice, employees must make every effort to contact their unit manager to report their absence from work for PTO.

Employees may not accrue a balance of more than 180 hours of PTO hours in their account at any time. In the event an employee's unused PTO hours equals 180 hours, no further PTO hours will be accrued until their unused PTO balance falls below 180 hours.

When using PTO hours, employees are not normally required to state the purposes for which the time off will be used. However the PTO Benefit is not intended to allow employees to take excessive unscheduled PTO hours. Excessive unexcused absences or abuse of PTO hours may result in disciplinary action.

If an employee terminates his/her employment with Viva Escrow after completing 90 days of employment, the employee will be paid any accrued but unused PTO hours in the employee's account.

### 307 Holiday Pay

Effective Date: 09/01/2005

Revision Date: 10/1/2011

Viva Escrow offers Fulltime-Employees who have completed their 90 days of employment the following paid holidays:

- New Year's Day (January 1)
- Martin Luther King, Jr. Day (third Monday in January)
- Presidents' Day (third Monday in February)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Thanksgiving Day (fourth Thursday in November)
- Day after Thanksgiving
- Christmas Day (December 25)

If a holiday falls on a Saturday, it will be observed on the preceding Friday. If a holiday falls on a Sunday, it will be observed on the next Monday.

Holiday pay for non-exempt employees is eight hours of pay at their current hourly rate. Exempt employees will receive their normal pay which includes the holiday.

In order to be eligible for holiday benefits, employees must work the last scheduled workday before and the first scheduled Work-Day after the holiday, or be on an authorized leave or Paid-Time-Off (PTO) days.

Employees on unpaid leaves of absence for any reason are not eligible for holiday pay benefits that occur during the period they are on such leave.

While it is rare that employees are required to work on a designated holiday, it might happen. Employees who are required to work on a holiday will receive their regular pay but will not receive additional holiday pay.



### **308 Payroll Schedule**

Effective Date: 09/01/2005

Revision Date: 1/1/2011

Employees will be paid on the 15<sup>th</sup> and the end of every month.

If the payday lies on a non Work-Day, employees will be paid on the day prior to the non Work-Day.

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### **312 Salary and Wage Administration**

Effective Date: 09/01/2005

Revision Date:

We have a salary and wage administration program at Viva Escrow. The salary and wage administration program helps us have consistent pay practices, comply with federal and state laws, support our commitment to Equal Employment Opportunity, and offer competitive salaries within our industry.

We are committed to paying equitable wages that are based on the requirements and responsibilities of each job. We also try to pay wages that are comparable to the wages paid to employees in similar jobs in other organizations in the area.

Compensation for each job is based on several factors. These factors include, but are not limited to, the difficulty in successfully performing the essential functions of the position, and salary/wage survey data (how other employers pay their employees in similar positions in the local area).

We may give merit-based pay adjustments when an employee demonstrates an exceptional efficient and consistent performance of his or her essential functions. These adjustments are based on a number of factors including the information documented by the formal performance evaluations. Note: No merit increase will be given to employees for simply completing the Introductory-Period or attend training outside normal business hours.

If you have a question about compensation in your area or for your job, talk with your unit manager. If you have a question about Viva Escrow's salary and wage administration, contact the Human Resources Manager.



### 316 Health Insurance

Effective Date: 09/01/2005

Revision Date: 10/1/2011

Fulltime-Employees who have completed their 90 days of employment are eligible to participate in the company's chosen health/dental insurance plan. The plan is subject to the terms and conditions of the agreement(s) between Viva Escrow and the insurance carrier of choice.

A participating employee pays 50% of his/her insurance premium and Viva Escrow pays a matching 50% of the premium. A participating employee pays 100% of his/her qualified family members' premium.

Employee's monthly premium is deducted from his/her payroll monthly. The premiums are paid on a monthly basis and are paid in advance (your current month's payroll deduction pays the next month's premium).

The earliest health insurance starting date is the first day of the next month after 90 days after the Date-of-Hire. Please note your health insurance is subject to the insurance company's underwriting approval.

If you choose not to participate in Viva Escrow's insurance program, you must sign a waiver to that effect and you will not be paid the premium amount.

If you are enrolled in the health insurance plan and change to an employment classification (such as Employment-Termination) that would make you no longer eligible, you may be able to continue your health care benefits under the Consolidated Omnibus Budget Reconciliation Act (COBRA) or California Continuation Benefits Replacement Act (Cal-COBRA). Please contact the Human Resources Manager regarding COBRA and Cal-COBRA.

Viva Escrow reserves the right to change or terminate the plan at any time in accordance with state law.

### **318 Retirement Benefit**

Effective Date: 09/01/2005

Revision Date: 10/1/2011

Viva Escrow offers Fulltime-Employees who have completed their 90 days of employment SIMPLE IRA (Savings Incentive Match Plan for Employees) as retirement benefit (subject to the terms and conditions of the agreement). This tax-deferred, self-directed plan helps you to save and invest for your retirement.

You will receive more information such as contribution limitation, employer matching, administrative fees, withdraws and etc. when you sign up for SIMPLE IRA. If you participate in the SIMPLE IRA and change to an employment classification that would make you no longer eligible, you may withdraw (subject to income tax and cancellation fees) or rollover your funds to alternative investment accounts. Viva Escrow reserves the right to change or terminate the plan at any time.

### **389 Performance Evaluation**

Effective Date: 09/01/2005

Revision Date: 1/1/2011

All Viva Escrow employees will be evaluated on their accomplishment of the essential functions/duties and competencies listed in their job description.

We encourage the employee and his/her unit manager to discuss job performance and goals on an informal basis regularly. Formal performance evaluations are done at the end of the employee's Introductory-Period for any position. In addition, the employee and his/her unit manager will have periodic formal performance evaluations to discuss employee's work and goals, to encourage and recognize the employee's strengths, and to identify and correct weaknesses.

In the unlikely event that an employee's performance should be less than satisfactory after the employee's Introductory-Period, Viva Escrow may choose to terminate the employee immediately since the employee is "at-will," or it may choose to require the employee to enter into a Performance Improvement Plan. This plan may or may not be in writing, but it will include a review of the job description between the employee and the employee's unit manager. Should Viva Escrow decide to require the employee to enter into a Performance Improvement Plan, *this will not* change the employee's "at-will" status; thus the employee may be terminated with or without successful completion of the Performance Improvement Plan.

## 405 Employment Termination

Effective Date: 09/01/2005

Revision Date: 1/1/2011

There can be many reasons why employment may terminate. The following are some of the most common reasons for termination of employment:

- \* Resignation - voluntary employment termination initiated by an employee.
- \* Discharge - involuntary employment termination initiated by Viva Escrow.
- \* Retirement - voluntary employment termination initiated by an employee.

We will usually schedule an exit interview if you terminate. At the exit interview, we can go over such topics as your benefits, benefits conversion rights, repayment of any outstanding debt to Viva Escrow, or return of Viva Escrow-owned property. You may also make suggestions or complaints and ask questions at the exit interview. **Note: Should wish for Viva Escrow to provide reference information we will do so only after you have signed a written release permitting us to do so. Viva Escrow will only provide the following information: Dates of employment, wage rates, positions held, the functions of the positions held and public data.**

Since your employment with Viva Escrow is voluntary and "at will", you may terminate your employment at any time, with or without cause or advance notice. Likewise, Viva Escrow may terminate your employment at any time, with or without cause or advance notice.

When you terminate, you will receive your final pay in accordance with applicable state law. If the employee is an Escrow Officer or a Jr. Escrow Officer, the employee will be required to leave the premises immediately upon giving notice of resignation or receiving notice of the employee's discharge from Viva Escrow. The day of notice of resignation or discharge shall be deemed the final day of work. Thereafter, the Escrow Officer's or Jr. Escrow Officer's final day of employment shall be the next business day, at which time the employee shall be paid all amounts due. Amounts due shall include any regular salary plus commissions on files closed as of Close of Business on the final day of work. **All escrow files are the property of Viva Escrow and cannot be taken by the employee after termination of employment.**

Your benefits are affected by termination in several ways. All accrued, vested benefits that are due and payable at termination will be paid out. You may be allowed to continue some benefits, such as health insurance, by paying for them yourself. You will be notified in writing about which benefits you can continue and the limitations and details of how to continue them.



## **510 Access to Personnel Files**

Effective Date: 09/01/2005

Revision Date: 1/1/2011

Viva Escrow maintains personnel files for all employees. The personnel files include the job applications and other hiring related documents, training records, performance documentation, salary history, and other employment records.

Personnel files are the property of Viva Escrow. Because personnel files contain confidential information, the only people who can see them are people with a legitimate business reason. If you wish to review your own file, contact the Human Resources Manager. You will need to give reasonable advance notice if you wish to see your file. You may review your file only when management of Viva Escrow is also present. You may have a copy of any document containing your signature that is a part of your personnel file.

## **514 Visitors in the Workplace**

Effective Date: 09/01/2005

Revision Date: 1/1/2011

Only visitors who are properly authorized may be on Viva Escrow premises. This helps to maintain safety standards, safeguard employee and customer welfare, protect our property and facilities, guard confidential information against theft, and reduce potential distractions and disturbances.

Because of safety and security reasons, we ask that you discourage family and friends from visiting you at work. If you do have a visitor, we will ask you to meet that person outside of your work area.

All visitors should enter Viva Escrow at the reception area. If you have visitors, you are responsible for their conduct and to watch out for their safety.

If you see an unauthorized person at work, notify your unit manager immediately or direct the person to the reception area.



## 520 Solicitation

Effective Date: 09/01/2005

Revision Date: 1/1/2011

Employees shall have an undisturbed work environment to perform assigned duties and responsibilities during working hours. Therefore, no one is allowed to solicit, sell, canvas, or distribute merchandise or literature on behalf of any personal or outside business or organization on matters not directly related to our company work activities. This policy applies throughout Viva Escrow's offices.

We do not permit posting of items for solicitation on bulletin boards or the circulation of memos soliciting sales or contributions to charity. You may not do so through the email system. As examples, e-mail shall not be used to solicit for outside business ventures, personal parties, social meetings, charities, membership in any organization, political causes, religious causes, or other matters not connected to the company's business.

The only exception to this policy will involve those activities and events relating to officially company-sponsored or approved activities.

## 603 Bereavement Leave

Effective Date: 09/01/2005

Revision Date: 1/1/2011

Viva Escrow provides bereavement leave to employees who need to take time off due to death of an immediate family member. To request bereavement leave, see your unit manager.

All employees are eligible for up to two days of bereavement leave with pay per incident upon the death of an Immediate-Family-Member\*.

While you are on a paid bereavement leave, you will receive your base pay rate but you will receive any special forms of pay, such as incentives, commissions, bonuses, or shift differentials.

\*

Immediate-Family-Member means your spouse, parent, child, brother, or sister; your spouse's parent, child, brother, or sister; and your child's spouse.

## 607 Pregnancy-Disability-Leave (PDL)

Effective Date: 09/01/2005

Revision Date: 1/1/2011

Viva Escrow provides Pregnancy-Disability-Leaves without pay to eligible employees who are temporarily unable to work due to disabilities related to pregnancy, childbirth, or related medical conditions, in accordance with applicable state law.

All female employees are eligible to request PDL.

If you think you will need a PDL, give your request to your unit manager at least 30 days before the leave would start. This will help us plan for your possible leave. If it is an unexpected situation, make your request as soon as possible.

We require a health care provider's statement verifying the need for PDL and the start and expected end dates. You are responsible for telling us about any subsequent changes to that information. Before you can return to work, Viva Escrow may require verification from a health care provider stating that you are fit to return.

Unpaid pregnancy leaves are normally for the period of the pregnancy disability, up to a maximum of 16 weeks within any 12-month period. You may elect to use any of your available PTO days during the otherwise unpaid portion of the PDL.

Subject to the terms, conditions, and limitations of the applicable plans, Viva Escrow will continue to provide health insurance benefits for the full period of a PDL.

Benefit accruals, such as PTO hours and holiday benefits, will continue during an approved PDL period.

Please give us at least two weeks advance notice before you plan to return. When you return from PDL, you will go back to the same job unless, because of business reasons, the job no longer exists or we could not save it for you because it meant undermining our ability to operate safely and efficiently. If the same job is not available, we will offer you a comparable job in terms of pay, location, job content, and promotional opportunities.

If you do not come back to work promptly at the end of a PDL, Viva Escrow will assume that you have resigned.

## 608 Medical Leaves of Absence

Effective Date: 1/1/2011

Revision Date:

Any regular full-time employee who is temporarily disabled and unable to work due to a medical condition, will, upon request, be granted a leave of absence without pay for the period of his or her disability, provided such period shall not exceed 30 days.

An employee who is granted a medical leave of absence shall be entitled to utilize accumulated PTO time during the period of his or her disability leave. Subject to the terms, conditions, and limitations of the applicable plans, Viva Escrow will continue to provide health insurance benefits for the full period the medical disability leave.

An employee who requires a leave of absence for medical reasons must notify the Human Resources Manager in writing of the need for such a leave. The employee must provide at least 30 days advance notice before the date the leave will begin if the need for the leave is foreseeable.

If the employee learns of the need for a leave less than 30 (thirty) days before the date the leave must begin, the employee must provide as much advance notice as practicable. Such notice must specify that a need for a medical leave exists, the date such leave will begin, and the expected duration of the disability. The notice must be accompanied by a medical certification of a health care provider that verifies the existence of the medical condition, the anticipated duration of the disability, and the dates the leave is expected to begin and end. An employee who requests such a leave may be required to provide additional medical certifications from time to time thereafter in order to provide updated information regarding the employee's condition.

Before returning to work from a medical leave of absence, an employee shall be required to provide a written verification from the employee's health care provider that indicates that he or she is fit to return to work.

Requests for extension of medical leaves of absence beyond 30 (thirty) days will be considered if they are received by the Human Resources Manager in writing before the expiration of the approved leave, are supported by proof of continued disability in the form of a certification by a health care provider, and request extensions that do not cause the total period of absence to exceed two months. An employee who fails to report to work immediately following the expiration of an approved leave will be deemed to have voluntarily resigned.



## 609 Personal Leaves of Absence

Effective Date: 1/1/2011

Revision Date:

A personal leave of absence without pay may be granted to a regular full time employee for a reasonable period of time up to 30 (thirty) days. The leave may be extended for a reasonable period of time due to special circumstances, as determined on an individual basis by the top management. Requests for personal leave must be submitted in writing and must be approved in writing by the top management before the leave begins.

Requests for extensions of such leaves must also be submitted in writing in advance. It is the employee's responsibility to report to work at the end of the approved leave. An employee who fails to report to work on the work day after the leave expires will be considered to have voluntarily terminated employment.

An employee who is granted a personal leave of absence shall be entitled to utilize accumulated PTO time during the period of his or her disability leave. Health insurance benefits and accruals of PTO time will be discontinued during the period of a personal leave of absence.

## 611 Jury Duty Leave

Effective Date: 09/01/2005

Revision Date: 1/1/2011

Viva Escrow encourages you to fulfill your civic responsibilities by serving jury duty if you get a summons. You shall be granted unpaid jury duty leave. You may also use any available Personal-Time-Off (PTO) hours to be paid for an unpaid jury duty leave.

If you get a jury duty summons, inform your unit manager as soon as possible. Please also provide a copy of your summons to your unit manager. This will help us plan for your possible leave from work. We expect you to come to work whenever the court schedule permits.

Please also provide a copy of "Certificate of Jury Service" once you are done serving jury duty.

Subject to the terms, conditions, and limitations of the applicable plans, Viva Escrow will continue to provide health insurance benefits for the full period of unpaid jury duty leave.

Your Personal-Time-Off (PTO) hours will continue to accrue while you are on Jury Duty leave.



## 703 Sexual and Other Unlawful Harassment

Effective Date: 09/01/2005

Revision Date: 1/1/2011

The reason that Viva Escrow exists is to “Provide exceptional escrow services to all our customers.” It is our vision to provide those exceptional services by finding the best people and provide them with a “reasonable workplace,” in which, they can provide exceptional services. Harassing any person for any reason *does not* enhance our efforts to create a reasonable workplace; indeed, it is a direct detriment to providing a reasonable workplace, and in turn, finding and keeping the best people. Harassment of any kind or sort goes directly against our very reason for existing. Therefore, it is the explicit policy of Viva Escrow’s management to forbid the harassment of any person associated with Viva Escrow, to include its customers, employees, unit managers and vendors.

**It is the explicit policy of Viva Escrow’s owners and management that any person associated with Viva Escrow *will not* engage in any conduct that demeans, harasses, discriminates against or otherwise *unreasonably* interferes with the performance of any other person associated with Viva Escrow.**

Specifically, all persons associated with Viva Escrow will be able to associate with Viva Escrow without fear of being harassed on the basis of an individual's age, ancestry, citizenship, color, marital or parental status, national origin, political affiliation, pregnancy, race, religion, sex or gender, perceived sex or gender, sexual orientation, military or veterans' status, physical or mental disability, medical condition unrelated to the person's ability to perform the job, or the perception that a person is associated with a person who has or is perceived to have any of these characteristics. In addition, Company policy prohibits discrimination and harassment on any other basis protected by federal, state, or local law, ordinance, or regulation.

The conduct prohibited by this policy, whether verbal, physical, or visual, includes any discriminatory employment action and any unwelcome conduct that adversely affects an individual because of his/her protected status. Among the types of unwelcome conduct prohibited by this policy are epithets, slurs, negative stereotyping, intimidating acts, and circulation or posting of written or graphic materials that show hostility toward individuals because of their protected status. The Company prohibits such conduct in the workplace even if the conduct is not sufficiently severe or pervasive to constitute actionable harassment.

What is harassment? It is any *unreasonable* conduct that intentionally or unintentionally creates an uncomfortable and/or hostile work environment. Such as the following:

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1. Offensive verbal conduct such as epithets, derogatory jokes or comments, slurs, insulting sounds, unwanted sexual innuendos, advances, or propositions, and/or graphic, suggestive or obscene comments, letters, notes, or invitations;
2. Offensive visual conduct such as derogatory and/or sexually suggestive images, posters, pictures, photography, cartoons, drawings, or gestures;
3. Offensive or otherwise unwelcome physical conduct such as patting, grabbing, pinching, brushing against another's body, assault, or any other unwanted physical contact or touching as well as blocking normal movement or otherwise interfering with another's work based on any protected basis;
4. Threats or unwelcome pressure to submit to sexual requests and offers of employment benefits in return for sexual favors; and
5. Retaliation for having reported or threatened to report harassment.

The above examples are not exhaustive of what can be considered unreasonable conduct. **It is a matter of being respectful of other people in any and all circumstances.**

All the above described conduct constitutes harassment when the

- Submission to the conduct is made either an explicit or implicit term or condition of employment;
- Submission to or rejection of the conduct is used as the basis for an adverse employment decision affecting an employee; or
- The conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

Harassing conduct based on gender often is sexual in nature. However, this policy forbids harassment based on gender even if the offensive conduct is not sexual in nature. In addition, sexual or gender harassment can be by a person of either the same or opposite sex. Finally, this policy also forbids harassment based upon a person's perceived gender—meaning that gender that they elect to adopt.

All allegations of sexual harassment will be quickly and discreetly investigated. To the extent possible, your confidentiality and that of any witnesses and the alleged harasser will be protected against unnecessary disclosure. When the investigation is completed, you will be informed of the outcome of the investigation.

Any unit manager who becomes aware of possible sexual or other unlawful harassment must immediately advise the HR Manager so it can be investigated in a timely and confidential manner. Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment.

#### **What to do if you experience or witness any harassment**

The best way to counter any offensive conduct in the workplace is to simply tell the offending person that you do not like his or her behavior and that you expect them to stop it. This action usually stops the behavior *and* avoids any retaliation from the offending person or others. Some employees are not comfortable in taking such action, for whatever reason.

You are not required to tell the offending person how you feel. It is Viva Escrow's responsibility to ensure a harassment free workplace. Thus, company owners and management instructs and strongly encourages you to report immediately any offensive conduct by any person, whether or not you feel comfortable confronting the person yourself.

**If you experience or witness offensive behavior from any customer or company supervisor, you must immediately notify the President of what you saw and heard. DO NOT wait to report this behavior. Seek out the President and report the behavior verbally. You may be instructed to submit a written report of the incident after reporting it verbally.**

## 705 Dress Code

Effective Date: 12/1/2010

Revision Date: 7/19/2012

Viva Escrow prides itself on the professional atmosphere it maintains, and expects its staff to present a professional appearance as they represent the company. Their dress should be in a manner consistent with Viva Escrow's following standards.

### For Women

A neat, sharp, and professional image is key and appropriate every day. Your business attire needs to be clean, free of odors, stains, neatly pressed and in good condition. Your clothes should fit correctly without being oversized or too tight. You should be able to comfortably sit down and lean over without worry of exposure. Test your clothing at home before coming to the office.

	Standard	Unacceptable
Office Attire (for most professional look. Available at all times when in office):  <ul style="list-style-type: none"> <li>• Whenever meeting with clients in the office (office hours, off-hours, weekends)</li> <li>• When representing Viva Escrow offsite; such as signups outside of the office, attend meetings, conferences, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>• Suits</li> <li>• Sport Coats</li> <li>• Blazers</li> <li>• Leather Jackets (simple styles)</li> <li>• Cardigans</li> </ul>	<ul style="list-style-type: none"> <li>• Casual Outerwear Jackets (e.g. hoodies)</li> <li>• Denim Jackets</li> </ul>
Dresses, Skirts	<ul style="list-style-type: none"> <li>• Tailored dresses and Skirts of an appropriate length (mid-knee to ankle)</li> <li>• Tailored Sleeveless Dresses</li> <li>• Slits can be from mid-knee to ankle for longer Dresses and Skirts</li> </ul>	<ul style="list-style-type: none"> <li>• Mini Dresses, Mini-Skirts</li> <li>• Dresses with cutouts or low backs or spaghetti straps</li> <li>• Dresses/Skirts with excessively high slits (side, back or front)</li> </ul>



	Standard	Unacceptable
Tops, Blouses	<ul style="list-style-type: none"> <li>• Tailored Tops, Blouses</li> <li>• Sweaters, Vests</li> <li>• Cardigans or Turtlenecks</li> <li>• Sleeveless (professional)</li> </ul>	<ul style="list-style-type: none"> <li>• Shirts with “loud” prints (e.g. Hawaiian prints)</li> <li>• Sweatshirts, T-shirts</li> <li>• Casual Tank Tops</li> <li>• Any top that has an excessively low-neck line is tight fitting, sheer or reveals mid-section.</li> <li>• No bra straps should EVER show</li> <li>• No cleavage</li> </ul>
Slacks, Pants	<ul style="list-style-type: none"> <li>• Dress Slacks</li> <li>• Cotton Dress Slacks</li> <li>• Pantsuits</li> </ul>	<ul style="list-style-type: none"> <li>• All Jeans</li> <li>• Leggings</li> <li>• Sweatpants</li> <li>• Capri or Crop Pants</li> <li>• Shorts</li> </ul>
Footwear (primary and spare shoes)	<ul style="list-style-type: none"> <li>• Dress Pumps</li> <li>• Dress Sandals – must have back strap or closed back</li> <li>• Only 2-3 (manicured) toes can be exposed</li> <li>• Flats</li> <li>• Loafers</li> <li>• Boots</li> <li>• Sneakers (for emergencies only)</li> </ul>	<ul style="list-style-type: none"> <li>• Sneakers</li> <li>• Clogs</li> <li>• Flip Flops</li> <li>• Dress Sandals without back strap or closed back</li> <li>• Casual Beach Sandals</li> <li>• 5 toes exposed</li> <li>• UGGs</li> </ul>

#### Grooming and Hygiene

- No excessive perfume/cologne, makeup, garish, ragged fingernails, unkempt/unruly hair.
- Be aware of excessive body odor/breath and clothing retaining food and cigarettes
- Long hair should be neat and professional. Pulled back is preferable. Bangs and any loose hair should be secured so there is no excessive “hair touching” when working with clients.

**For Men**

A neat, sharp, and professional image is key and appropriate every day. Your business attire needs to be clean, free of odors, stains, neatly pressed and in good condition. Your clothes should fit correctly without being oversized or too tight.

	Standard	Unacceptable
Office Attire: <ul style="list-style-type: none"> <li>• When meeting with clients in the office;</li> <li>• When representing Viva Escrow offsite; such as signups after hours, attend meetings, conferences, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>• Suits</li> <li>• Sport Coats</li> <li>• Blazers or Cardigans</li> <li>• Leather Jackets (simple styles)</li> </ul>	<ul style="list-style-type: none"> <li>• Casual Outerwear Jackets (e.g. hoodies)</li> <li>• Denim Jackets</li> </ul>
Shirts	<ul style="list-style-type: none"> <li>• Long Sleeve Dress Shirt with a Tie</li> </ul>	<ul style="list-style-type: none"> <li>• Short Sleeve Shirts</li> <li>• Loud Prints</li> </ul>
Slacks, Pants	<ul style="list-style-type: none"> <li>• Dress Slacks</li> <li>• Cotton Dress Slacks</li> </ul>	<ul style="list-style-type: none"> <li>• All Jeans</li> <li>• Sweatpants</li> <li>• Crop Pants</li> <li>• Shorts</li> </ul>
Footwear	<ul style="list-style-type: none"> <li>• Dress shoes</li> <li>• Loafers</li> <li>• Sneakers (for emergencies only)</li> </ul>	<ul style="list-style-type: none"> <li>• Sneakers</li> <li>• Boat Shoes</li> <li>• Sandals</li> </ul>

**Grooming and Hygiene**

- No excessive perfume/cologne, makeup, garish, ragged, chipped fingernails, unkempt/unruly hair.
- Beards and moustaches should be neatly groomed.
- Be aware of excessive body odor/breath and clothing retaining food and cigarette smells

Staff who have questions regarding appropriate dress and attire should direct them to the HR Manager in advance to avoid conflicts and potential problems, which may include disciplinary action including termination.

## **804 Use of Office Telephones**

Effective Date: 09/01/2005

Revision Date: 1/1/2011

Viva Escrow telephones are provided for business use. Therefore, you must use discretion in making or receiving personal calls. Personal calls should be reserved for important and/or emergency matters only. Should an employee abuse this policy, Viva Escrow reserves the right to discipline the employee at the appropriate level, up to and including termination.

Telephone communications are an important reflection of our image to customers and the community. Always use proper telephone manners.

Viva Escrow reserves the right to monitor all telephone calls over company telephones for quality assurance and/or training purposes.

## **805 Cell Phone Usage**

Effective Date: 09/01/2005

Revision Date: 1/1/2011

Personal cell phone calls should be reserved for important and/or emergency matters only during Work-Hours. Should an employee abuse this policy, Viva Escrow reserves the right to discipline the employee at the appropriate level, up to and including termination.

Employees may use their personal cell phones for personal calls while on Rest-Breaks or Meal-Breaks. (You must take your Rest-Breaks or Meal-Breaks away from your desk and work area.)

Viva Escrow provides cellular telephones to some employees as a business tool. They are provided to assist employees in communicating with management, other employees and others with whom they may conduct business. Cell phone use is intended for business-related calls only and personal calls are not permitted. Cell phone invoices may be regularly monitored.

Employees may have access to a cell phone while in their cars and should remember that their primary responsibility is driving safely and obeying the rules of the road. Employees are prohibited from using cell phones to conduct business while driving and should safely pull off the road and come to a complete stop before dialing or talking on the phone.

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As a representative of Viva Escrow, cell phone users are reminded that the regular business etiquette employed when speaking from office phones or in meetings applies to conversations conducted over a cell phone.



## 816 Computer and Email Usage

Effective Date: 09/01/2005

Revision Date: 1/1/2011

To help you do your job, Viva Escrow may give you access to computers, computer files, the email system, and software. You should not use a password, access a file, or retrieve any stored communication without authorization.

Viva Escrow's computers and software, including the email and Internet software, are the property of Viva Escrow. We have provided these tools for business purposes only. **Your rights of privacy do not extend to Viva Escrow's computer systems or software!** To ensure quality work and that all employees are following this policy, we will monitor computer and email usage.

We try hard to have a workplace that is free of harassment and sensitive to the diversity of our employees. Therefore, we do not allow employees to use computers and email in ways that are disruptive, offensive to others, or harmful to morale.

At Viva Escrow you may not display, download, or email sexually explicit images, messages, and cartoons. You also may not use computers and email for ethnic slurs, racial comments, off-color jokes, or anything that another person might take as harassment or disrespect.

You may not use email to ask other people to contribute to or to tell them about businesses outside of Viva Escrow, religious or political causes, outside organizations, or any other non-business matters unless they are official company sponsored or approved causes.

Viva Escrow buys and licenses computer software for business purposes. We do not own the copyright to this software or its documentation. Unless the software developer authorizes us, we do not have the right to use the software on more than one computer.

You may only use software on local area networks or on multiple machines according to the software license agreement. Viva Escrow prohibits the illegal duplication of software and its documentation.

If you know about any violations to this policy, notify your unit manager or IT manager. Employees who violate this policy are subject to disciplinary action, up to and including termination of employment.

## **818 Workplace Monitoring**

Effective Date: 09/01/2005

Revision Date: 1/1/2011

Viva Escrow conducts workplace monitoring to help ensure better customer service, quality control, training needs, employee safety and facility security. The company may monitor workplace telephones, e-mail, Internet, computer and server usage.

In addition, Viva Escrow performs camera surveillance of non-private workplace areas. Camera monitoring 1) provides a convenience to front desk personnel when answering incoming calls and 2) identifies safety concerns, detects theft and misconduct, discourages and prevents harassment and workplace violence.

All computer network equipment, services, or technology that we furnish are the property of Viva Escrow. We reserve the right to monitor computer activities and data that is stored in our computer network systems. We also reserve the right to find and read any data that you write, send, or receive by our computer network.

Employees who communicate with customers may have their telephone conversations monitored or recorded.

We are sensitive to employees' legitimate privacy rights; we will make every effort to guarantee that workplace monitoring is always done ethically and with respect.

## **880 Personal Electronic Devices**

Effective Date: 09/01/2005

Revision Date: 1/1/2011

It is Viva Escrow's desire to provide exceptional escrow services to all our clients and maintain quality work environment for all our employees. While many people like to work with their personal music/podcast/video playing, that same music/podcast/video may be distracting to clients and other staff members.

Therefore, it is our policy that **no personal electronic device be used for music/podcast/video playing during office hours**. This includes, but is not limited to, PCs, radios, CD players, portable televisions, MP3 players, smart phones, iPhones, iPods, and iPads whether used with or without headphones/earbuds.

Violation of this policy may result in disciplinary action up to termination of employment.



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