



EMPLOYEE HANDBOOK DELAWARE BOTANIC GARDENS

November 2023



DELAWARE
BOTANIC
GARDENS
AT PEPPER CREEK



TABLE OF CONTENTS

Letter from DBG President.....	4–5
Purpose	6
Brief DBG History.....	6–8
Mission, Vision, Values.....	8–9
DBG Organization.....	9
Nature of Employment	9–10
Employment References & Background Check.....	10
Personnel Records – Changes.....	10
Employment Applications	10–11
Performance Evaluations	11
Job Descriptions.....	11–12
Employee Benefits.....	12
Worker's Compensation.....	12–13
Paid Time Off	13
Holiday Leave.....	13
Bereavement Leave	13–14
Jury Duty	14
Witness Duty	14
Time Off Without Pay	14
Stipend-Health Care Expenses	15
Annual Pay Increases.....	15
End of Year Bonuses	15
End of Year Plant Bonus	15
Pay Periods	15–16
Pay Deductions and Set-Off	16
Use of Personal Cell Phones for DBG Business Allowance	16
No Smoking Policy.....	16
Overtime	16–17
Travel Expenses.....	17
Non-Discrimination Policy	17
Access to Personnel Files	17–18
Equal Employment Opportunity.....	18

American Disabilities Act (ADA)	18
Americans With Disabilities Act Policy	19–20
Workplace Harassment Policy	20
Sexual Harassment	21–25
Code of Ethics	25–26
Conflicts of Interest	26
Outside Employment Activities	26
Personal Finances	26
Files & Records	27
Workday Hours	27
Public Open Days	27
Plan of the Day (Open Days)	27–28
Public Relations - Community Outreach	28–30
Gift Acceptance Policy	30–31
Definition of Gifts of Value	31–32
Integrity of Records	32
Volunteer Code of Conduct	32–33
Volunteer Grievance Procedure	33
Leaving Volunteer Service	33–34
Immigration Law Compliance	34
Confidentiality	34–35
Non-disclosures	35
Privacy of Personal Financial Transactions	35
Visitors on Closed Days	35–36
Technology & Systems Security	36–37
Family & Medical Leave Policy	37–39
General Leave Provisions	39–40
Drug and Alcohol Use	40–41
Substance Abuse Policy	41
Attendance and Punctuality	41–42
Resignation	42
Return of DBG Property	42
Solicitation	43
Standards of Conduct	43–45
Corrective Action	45–46
Progressive Discipline	46–47
Procedures to Resolve Issues	48–49
Workplace Courtesy	49
Life-Threatening Illness in the Workplace	49–50
Appendix 1, DBG ByLaws	50–57



DELAWARE
BOTANIC
GARDENS
AT PEPPER CREEK

Dear DBG Employee,

We are excited to have you as part of our unique gardens 'team which has made DBG into an award-winning public garden, recognized for its beautiful gardens and creative land preservation, it's dedicated staff & volunteers and its welcoming hospitality toward guests, staff & volunteers.

DBG is a unique undertaking. New public gardens are not being created every day. Very few public gardens are initiated by community volunteers with very limited resources. Only a handful of public gardens have similar organizational structure to DBG — created & managed by volunteers, implemented by volunteers and a few key paid staffers. As one of the key paid staffers, we have a special obligation to you and you in turn have a special obligation to the volunteers. We would not have DBG without our volunteers — the Board, Advisors, Garden Stewards and Docents. We would not be able to create and maintain DBG without our paid employees. The mutual respect and cooperation among our employees and with our volunteers is essential to the continued success of DBG.

The Board of Directors appreciates your commitment to DBG and our obligation to you includes providing opportunities for your continued professional development and success. We sincerely hope that your skill sets will grow along with the garden and be productive during your time and hopefully career with DBG.

This employee handbook is an overview of our policies and programs and is intended as a guide for you. It explains the professional and ethical conduct standards that are critical to our continued success. We hope you will find the information both informative and helpful.

Whether you have recently joined DBG or are a longtime employee, thank you for being part of the DBG family, and for contributing to our success. We are excited

award-winning public garden, recognized for its beautiful gardens and creative land preservation, it's dedicated Staff & volunteers and its welcoming hospitality toward guests.

Please review the handbook carefully. We are interested in your feedback. If you have any comments or suggestions, please contact the DBG Executive Director, Sheryl J. Swed.

Sincerely,

A handwritten signature in black ink that reads "Raymond J. Sander". The signature is written in a cursive style with a long, sweeping underline.

Raymond J. Sander
DBG President of the Board

PURPOSE

This handbook is designed to acquaint you with Delaware Botanic Gardens (DBG)

unique culture and provide you with information about the organization, working conditions, employee benefits, and some of the major policies affecting your employment.

Please read, understand, and comply with all provisions of the handbook. The handbook describes many of your responsibilities as an employee and outlines the programs we have developed to benefit our employees. Violation of the policies or procedures set forth within this handbook may be grounds for discipline or other action as deemed necessary by DBG.

No employee handbook can anticipate every circumstance or question about every one of our policies. There may be situations you face where the need arises for us to revise, add, or cancel policies. Therefore, DBG reserves the right to add new policies, and to change or cancel existing policies at any time. The only exception is that our employment-at-will policy will not be changed or cancelled. The employment-at-will policy permits you or DBG to end the employment relationship at any time for any reason.

BRIEF DBG HISTORY

The Delaware Botanic Gardens at Pepper Creek (DBG) began its journey in 2012 when a group of energetic and garden-loving Sussex County citizens came together to fill an unmet local need for horticulture education and public gardening resources. So, they launched their dream for a botanic garden in an inspirational waterfront setting in Sussex County.

As later described in the book OUDOLF HUMMELO (THE MONACELLI PRESS, 2021) the Dutch plantsman Piet Oudolf wrote, “A group of local citizens got together to look for a site to establish a public garden that would have both recreational and educational aspects, with a clear focus on native plants. Unlike many such projects, there were no wealthy benefactors, but instead a strong group of citizens who believed that they could achieve and maintain the development of a public garden with minimal resources.” Piet Oudolf designed the High Line Garden in New York City and the Lurie Garden in Chicago. Later in 2015 Piet agreed to design the 2-acre Meadow Garden at Delaware Botanic Gardens, which was built in three phases in 2017-2018. The Meadow Garden is today the crown jewel in the Gardens.

In 2012, these citizens formed Southern Delaware Botanic Gardens, Inc., now

known as the Delaware Botanic Gardens at Pepper Creek (DBG), a 501(c)(3) nonprofit organization. DBG is unique in that it is a volunteer-run organization with a small-dedicated staff. The volunteer Board of Directors and Advisory Council bring their professional experience, horticultural knowledge, and management experience to the Garden. The daily administration, and operations tasks are carried out by a small dedicated staff, the Board Executive Committee and hundreds of volunteer garden stewards and docents. All the volunteers and staff are driven by a core love and passion for horticulture that brought this garden from a dream to a reality in September 2019, when DBG first opened to the public.

In 2021, Delaware Governor John Carney recognized this DBG volunteer role, when he presented the 2021 Outstanding Volunteer Award to the DBG Garden Stewards. At that time, DBG President Ray Sander said, “We are very proud of the thousands of hours our volunteers have donated. Without their time, energy and dedication, there would be no beautiful gardens in Sussex County for the community to visit and enjoy.” The work of the staff and volunteers is seamless and this DBG Team makes the gardens a success.

What DBG has accomplished since its groundbreaking in December 2016 is to create five major gardens - Piet Oudolf Meadow Garden, Learning Garden, Folly Garden, Woodlands Garden and Rhyne Garden. Also, sponsored or special feature gardens like Knoll, East and West Woodland Edge Garden Dry Creek Bed Garden, Inland Dunes Gardens and Woodland Ridge Garden. Such progress is due to the focus on the DBG mission, the creativeness of the site master plan, and the hard work of the DBG board, staff, and volunteers. The continuing strong support of our members, supporters, business partners, and the generosity of the Sussex County Land Trust is key to sustaining the gardens. A copy of the Master Plan is on the DBG 'website (delawaregardens.org), click on “Our Gardens.”

The Sussex County Land Trust's 37-acre site on Pepper Creek, a former farm, was leased in 2015 to the Delaware Botanic Gardens for \$1 a year for the next 99 years (renewable twice). This mutually beneficial arrangement reflects a remarkable partnership between two nonprofit organizations with compatible missions. The public benefits richly by having access to the natural beauty of this topographically significant site along an estuary of one of Delaware's Inland Bays - Pepper Creek.
Summary:

- 2012: DBG begins as “Dream” of Sussex County Citizens, and 501(c)(3) non-profit formed.

- 2015: DBG’s 37-acre site lease signed with Sussex County Land Trust for \$1 a year for 99-years.
- 2015: DBG was awarded \$750,000 in December 2015 with an immediate grant of \$500,000 and a match requirement for the remaining \$250,000. To earn the full grant, DBG was required to raise an additional \$500,000 in donations and pledges within 16 months. In just 10 months we raised \$560,000. The remaining Longwood Foundation grant of \$250,000 was awarded shortly thereafter.
- 2015: Piet Oudolf, famous Dutch plantsman, agrees to design the main 2-acre meadow garden.
- 2016: DBG Ground-breaking Ceremony on December 1st.
- 2017-2018: Meadow Garden, Learning Garden and Folly Garden completed.
- 2019: Grand Opening Ceremony with new Welcome Center on September 16th.
- 2020: Late opening in July and short three-month season due to COVID-19 & Rhyne Garden completed.
- 2021: Mid-March to Mid-November, first full season open. Won Governor’s 2021 Award for Excellence in Volunteer Service
- 2022: March 17th Opening and Ribbon Cutting Ceremony for “Green Technology” Modern Restroom Facility
- 2022: DBG won awards including: 2022 “Best Attraction” from Southern Delaware Tourism, and “Best 2022 Restored Shore Project for Living Shoreline, along with Center for Inland Bays, from American Shore & Beach Preservation Association.
- 2023: DBG Restroom Facility won 2022 Design Honor Award with Sustainability Certificate by the Delaware American Institute of Architects (AIA) to SEA Studio Architects.

MISSION STATEMENT, VISION, VALUES

DBG *Mission* is to create a world-class, inspirational, educational, and sustainable public botanic garden in southern Delaware for the benefit and enjoyment of all.

DBG *Vision* is for beautiful, engaging, gardens that inspire and educate.

DBG *Values* encompass inspirational gardens, environmental stewardship, community focus, education and research, organizational transparency, financial responsibility, and civility and respect.

DBG ORGANIZATION

DBG is a unique volunteer-run organization. The Board of Directors sets the overall policies, approves the Annual Budget and By-Laws. The Board has committees, such as the seven-person Board Executive Committee, usually composed of: The Board President, Vice President, Secretary, Treasurer, Executive Director, and two at-large Board Members, who manage the day-to-day DBG operations.

The Executive Committee and Staff meet regularly to discuss current and planned operational matters.

The Delaware Botanic Gardens 'Board, staff, and volunteers are doing three things at the same time:

- building gardens
- building an organization
- raising funds to sustain the gardens.

The result is a unique, sustainable, inspirational, and accessible garden for public benefit and pleasure of all.

NATURE OF EMPLOYMENT

Employment at DBG is voluntarily and employment is at will. "At will" means that an employee is free to resign at any time, with or without cause. Likewise, "at will" means that DBG may terminate employment at any time, with or without cause or advance notice, as long as DBG does not violate any applicable federal, state or local law.

The policies in this handbook are not intended to create a contract. The policies should not be construed to constitute contractual obligations of any kind or a contract of employment between DBG and an employee. The provisions in the handbook have been developed at the discretion of management and, except for the policy of employment-at-will, may be amended or cancelled at any time, at the sole discretion of DBG.

DBG would like to ensure that outside employment by an employee does not pose

any conflict of interest to its business. DBG requires that new hires disclose outside employment upon date of hire. If an employee is considering outside employment at any time following their date of hire, their supervisor is to be notified in writing. It is the expectation that DBG would take priority when work is scheduled with the outside employer. Activity related to outside employment may not take place during the employee's regular work hours nor involve the use of DBG's resources.

These provisions replace all other existing policies and practices and may not be changed or added to without the express written approval of the DBG Board of Directors.

EMPLOYMENT REFERENCE & BACKGROUND CHECKS

To ensure that individuals who join DBG are well qualified and have a strong potential to be productive and successful, it is the policy of DBG to check the employment references of all applicants. DBG reserves the right to require background checks for positions involving financial transactions and/or positions requiring regular contact with minor children.

The Human Resources Advisor will respond to all reference check inquiries from other employers. Responses to such inquiries will confirm only dates of employment, wage rates, and positions held.

PERSONNEL RECORDS – CHANGES

It is important that DBG always maintain accurate personal records. You are responsible for notifying the Human Resources Advisor of any change in name, home address, telephone number, immigration status, marital status, dependents' information, beneficiary changes, emergency contact or any other pertinent information.

To change your personal information, or if you have questions about what information is required, contact the Human Resources Advisor.

EMPLOYMENT APPLICATIONS

Employment applications must be completed accurately. Applicants and their references should provide accurate and true information during the hiring process. If information is found to be misleading or false, DBG may reject an applicant from further consideration. If the person was already hired, it could result in

termination of employment.

When we process an employment application, we may obtain a consumer credit report for employment purposes only concerning the applicant's credit worthiness, credit standing, and credit capacity.

PERFORMANCE EVALUATION

We encourage you and your supervisor to discuss job performance and goals on an informal, day-to-day basis. Formal performance evaluations are done at the end of the calendar year by the Executive Director, Human Resources Advisor, and your immediate supervisor. The performance evaluation is a time for you and your supervisor to talk about your job responsibilities and the performance requirements of the job. In addition, you and your supervisor will have formal performance evaluations to discuss your work and goals and objectives to identify and correct weaknesses, and to encourage and recognize your strengths. A mid-year performance review will also take place.

A pay increase and/or bonus decision is usually made based on information from the annual performance evaluation. There is no guarantee of a salary raise or performance bonus.

JOB DESCRIPTIONS

DBG tries to have accurate job descriptions for all jobs. A job description includes the following: job title, job summary (gives a general overview of the job's purpose); essential duties and responsibilities; any supervisory responsibilities; qualifications (includes education and/or experience, language skills, mathematical skills, reasoning ability, and any certification required); physical demands; and work environment.

The Human Resources Advisor and the hiring manager prepare a job description when a new job is created. We review existing job descriptions and change them when a job changes. You can help by making sure that your job description is accurate and describes your job duties.

Your job description does not necessarily cover every task or duty that you might be assigned. You may be temporarily assigned additional responsibilities as

necessary. If you have questions or concerns about your job description, contact the Human Resources Advisor.

EMPLOYEE BENEFITS

DBG is still in the initial opening and initial building stages, which means we offer employees minimal benefits due to income restraints. Some benefits are required by law and cover all employees. DBG contributes to social security and pays for worker's compensation, state disability and unemployment insurance on behalf of our employees. DBG pays full-time staff employees a monthly stipend, which we suggest using for health care. While there is no DBG retirement program for full-time employees at this time the Board of Directors has a goal of creating such a joint employee and management retirement program as soon as is practical and affordable.

This employee handbook contains policies describing our minimal benefit programs. These benefits and are described further in this manual.

The following benefits are available to employees:

- Monthly Stipend (For Health Care)
- Bereavement Leave
- Family Leave
- Holiday Leave
- Jury Duty Leave
- Paid Time Off (PTO)
- Short-Term Disability
- Sick Leave Benefits

WORKER'S COMPENSATION INSURANCE

DBG provides workers' compensation insurance program in accordance with state law to our employees. This program does not cost you anything.

The workers' compensation program covers injuries or illnesses that might happen during the course of your employment that require medical, surgical, or hospital treatment. Subject to legal requirements, workers' compensation insurance begins after a short waiting period, or if you are hospitalized, the benefits begin

immediately.

It is very important that you tell your supervisor immediately about any work-related injury or illness, regardless of how minor it might seem at the time. Prompt reporting helps to make sure that you qualify for coverage as quickly as possible and let us investigate the matter promptly.

Workers' compensation covers only work-related injuries and illnesses. Neither DBG nor its insurance carrier will pay workers' compensation benefits for injuries that might happen if you voluntarily participate in an off-duty recreational, social, or athletic activity that we might sponsor.

PAID TIME Off (PTO)

DBG recognizes the importance of time off for employees to have a healthy balance between work and their personal life. DBG provides Paid Time Off (PTO) to eligible employees. PTO can be used for vacation, routine doctor's appointments, personal business, etc. PTO combines traditional vacation and personal days into one flexible, paid time-off package. DBG grants PTO based on your length of service and is administered on a calendar year basis. PTO requests should be made to your immediate supervisor. These requests will be approved based on the staffing needs. Please do not make final arrangements for PTO until your request has been approved. PTO does not carry over to the next calendar year.

HOLIDAY LEAVE

DBG staff will be paid for the following Federal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

BEREAVEMENT LEAVE

DBG provides bereavement leave to employees who have a death in the family. To ask for bereavement leave, see your supervisor.

DBG normally will give you bereavement leave unless there are extreme business reasons that require you be at work. Please get supervisor's approval in order to use your bereavement time. If you need additional time off beyond what DBG pays as bereavement, you may use any available paid time off, again with Supervisor and

Executive Director approval.

JURY DUTY

DBG encourages you to fulfill your civic responsibilities by serving jury duty if you get a summons. Full-time employees with 90 calendar days of service may request up to 2 weeks of paid jury duty leave over any 2-year period. You will be paid your base rate for the number of hours you would normally have worked that day.

If you stay on jury duty longer than paid jury duty allows, DBG will pay you the difference of your jury duty pay to your normal salary.

If you get a jury duty summons, show it to your supervisor as soon as possible. This will help us plan for your possible absence from work. We expect you to come to work whenever the court schedule permits.

Your vacation, sick leave, and holiday benefits will continue to accrue during unpaid jury duty leave.

WITNESS DUTY

If you get a subpoena to testify in court, DBG will give you time off to be a witness. If you are summoned to be a witness for DBG or if we ask you to testify, we will give you time off with pay. If you have to go to court to be a witness for someone other than DBG, we will give you time off without pay. You may also use any available paid leave benefits you have, such as vacation; to be paid for any unpaid time off you need to take.

If you need to get time off to be a witness, show the subpoena to your supervisor as soon as you receive it. We expect you to report for work whenever you are not needed in court.

TIME OFF WITHOUT PAY

Time off without pay may be granted. This should be used only in emergency situations and approved by your supervisor and the Executive Director.

STIPEND-HEALTH CARE EXPENSES

DBG, starting in 2022, pays full-time employees a monthly stipend for Health

Care. The annual value of the stipend is benchmarked to the Federal Health Savings Account (HSA) contribution limit per section 223 of the Internal Revenue Code for an individual (self-only). In 2023, this annual value is \$3,850 to which DBG adds 22% (the highest marginal tax rate for current employees) to in essence reimburse employees for related Federal tax on this stipend. Since DBG does not offer health care insurance at this time DBG offers this additional stipend income in good faith to assist employee's health care expenses. DBG cannot enforce employees to use this taxable stipend income for health care.

ANNUAL PAY INCREASES

The new year's budget is prepared by the DBG Treasurer, with input from the Executive Committee and DBG Directors. During this process, there is a review of the federal government's cost-of-living increase during the current year. A judgement is then made by the Board on any annual pay increase in the new year's budget.

END OF YEAR BONUSES

Each year the DBG management does a review of that year's finances to determine if any year-end bonuses will be considered. Employees should not count on any year-end bonus.

END OF YEAR PLANT BONUS

DBG collects all funds received from garden plant sales at end of the year, the funds are divided equally by the number of full-time employees as a plant bonus. Exceptions to this policy must be approved in advance by the Executive Director. The definition of 'full-time' is taken from the IRS Classification of full-time employment, wherein any employee who works an average of 32 to 40 hours per week or 130 hours per month is classified as full-time. This maximum amount began in 1938 when Congress passed the Fair Labor Standards Act.

PAY PERIODS

DBG pay periods are scheduled on a bi-weekly basis, starting on Sunday and ending 14-days later on a Saturday. Full-time or part-time employees are paid for this period on the following Friday.

PAY DEDUCTIONS AND SET-OFF

Laws require DBG to take deductions from your pay. Deductions are money taken from your pay for required taxes such as federal, state, and local taxes. The law also requires us to deduct Social Security taxes from your pay. We must deduct up to a certain amount called the Social Security "wage base." We also contribute to your Social Security. We pay the same amount of Social Security tax to the government as we deduct from your pay.

We may have to take a "pay setoff" from your paycheck. Pay setoffs mean the DBG must deduct money from your paycheck to pay off a debt you owe us or someone else.

If you want to know why money was deducted from your paycheck or how your pay is calculated, contact the Financial Manager.

USE OF PERSONAL CELL PHONES FOR DBG BUSINESS ALLOWANCE

Currently there is only one location in the gardens that have landline telephones, at the Welcome Center (302-321-9061). Since DBG employees usually are working outside in the gardens, their personal cell phones are used to transact DBG business. DBG may on request provide a cellphone "allowance" to compensate employees/volunteers for the official business use of their personal cell phones.

NO SMOKING

DBG prohibits smoking in the gardens to keep the gardens clean and safe guests and for wildlife.

OVERTIME

There may be times when DBG cannot meet its operating requirements or other needs during regular working hours. If this happens, we may schedule employees to work overtime hours. When possible, we will try to give you advance warning of a mandatory overtime assignment.

Overtime compensation is paid to non-exempt employees in accordance with federal and state wage and hour restrictions. Overtime is payable for all hours worked over 40 hours per week at a rate of one and one half (1 & 1/2) the non-exempt employee regular hourly rate. Time off on personal time, holidays, office closures due to inclement weather or other reason, or any leave of absence will not

be considered hours worked when calculating overtime.

It is our policy that overtime should not be worked without the approval and authorization of the Executive Director. We try to distribute overtime assignments fairly among all employees who are qualified to perform the required work.

TRAVEL EXPENSES

All official DBG off-site travel and Event/Conference appearances by employees/volunteers must be approved in advance by the Executive Director before any commitments are made. DBG will reimburse only approved travel expenses such as travel, meals, lodging, and other expenses as long as they were necessary to meet DBG objectives of the trip. You are expected to keep expenses within reasonable limits.

When a business trip is over, submit your completed travel expense report within 30 days to the Executive Director. With your expense report, you must also submit receipts for expenses over \$25.00. See your supervisor for help and questions about business travel, expense reports, or any other travel issues.

NON-DISCRIMINATION POLICY

DBG treats all employees/volunteers and the public without harassment or discrimination. It is the DBG policy not to discriminate, on the basis of race, religion, creed, national origin, disability, handicap, age, sexual orientation and/or gender identity, marital status, veteran status or any other basis prohibited by federal, state or county laws or regulations.

ACCESS TO PERSONNEL FILES

DBG keeps personnel files on all employees. The personnel files include the job applications and related hiring documents, training records, performance documentation, salary history, and other employment records.

Personnel files are the property of DBG. Because personnel files contain confidential information, the only people who can see them are people with a legitimate approved business reason.

If you wish to review your own file, contact the Human Resources Advisor. You will need to give advance notice if you wish to see your file. You may review your file only when a representative of DBG management is also present.

EQUAL EMPLOYMENT OPPORTUNITY

DBG is an equal opportunity employer and makes all employment decisions without regard to race (including traits historically associated with race such as hair texture and hairstyle), color, religion, sex (including pregnancy, sexual orientation, and gender identity), national origin, disability, age, genetic information, or any other status protected under applicable federal, state, or local laws. This policy applies to all terms and conditions of employment including but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, benefits, compensation, and training. We seek to comply with all applicable federal, state, and local laws related to discrimination and will not tolerate interferences with the ability of any of DBG's employees to perform their job duties.

DBG makes decisions concerning employment based strictly on an individual's qualifications and ability to perform the job under consideration, the comparative qualifications and abilities of other applicants or employees, and the individual's past performance within the organization.

If you believe that an employment decision has been made that does not conform with the Board's commitment to equal opportunity, you should promptly bring the matter to the attention of your immediate supervisor or the Human Resources Advisor. Your complaint will be promptly, thoroughly, and impartially investigated. There will be no retaliation in good faith against any employee or volunteer who files a complaint in good faith, even if the result of the investigation produces insufficient evidence to support the complaint.

AMERICAN DISABILITIES ACT (ADA)

DBG facilities are build and maintained to be in full compliance with the ADA. DBG employees are to be familiar with the ADA compliant requirements. For example, the ramps to the Welcome Center and Restrooms are ADA compliant as are the wide and flat walkways. Guests with mobility issues must be assisted within the availability of DBG resources. For example, we station a golf cart near the Welcome Center on open days to assist guests (if needed) with mobility issues. DBG will always do our best to accommodate people with special needs.

AMERICANS WITH DISABILITIES ACT POLICY

The federal Americans with Disabilities Act (ADA) prohibits discrimination against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation fringe benefits, job training, and other terms, conditions, and privileges of employment. The ADA does not alter DBG's right to hire the best-qualified applicant but does prohibit discrimination against a qualified applicant or employee because of his or her disability, or because of a perceived disability. As a matter of DBG policy, DBG prohibits discrimination of any kind against people with disabilities.

Disabilities Defined

As applicant or employee is considered disabled if he or she (1) has a physical or mental impairment that substantially limits one or more major life activities; (2) has a record, or past history of such an impairment; or (3) is regarded or perceived (correctly or incorrectly) as having such impairment.

A qualified employee or applicant with a disability is an individual who satisfies the requisite skill, experience, education, and other job-related requirements of the position held or desired, and who with or without reasonable accommodations, can perform the essential functions of that position.

Reasonable Accommodations

A reasonable accommodation is any change in the work environment (or in the way things are usually done) to help a person with a disability apply for a job, perform the duties of a job, or enjoy the benefits and privileges of employment.

Qualified applicants or employees who are disabled should request reasonable accommodation from DBG, in order to allow them to perform a particular job. If you are disabled and you desire such reasonable accommodation, contact your immediate supervisor or the Human Resources Advisor.

On receipt of your request, we will meet with you to discuss your disability. We may ask for information from your health care provider(s) regarding the nature of your disability and the nature of your limitations or take other steps necessary to help us determine viable options for reasonable accommodations. We will then work with you to determine whether your disability can be reasonably accommodated, and if it cannot be accommodated, we will explore alternatives with you and endeavor to implement a mutually agreeable accommodation.

Reasonable accommodation may take many forms and it will vary from one employee to another. Please note that according to the ADA, DBG does not have to provide the exact accommodation requested and if more than one accommodation works, we may choose which one to provide, furthermore, DBG does not have to provide an accommodation if doing so would cause a hardship to DBG.

WORKPLACE HARASSMENT POLICY

DBG is committed to providing a work environment that provides employees equality, respect, and dignity. In keeping with this commitment, DBG has adopted a policy of “zero tolerance,” with regard to employee harassment. Harassment is defined under federal law as unwelcome conduct that is based on race, color, religion, sex (including pregnancy, sexual orientation, and gender identity), national origin, age (40 or older) disability or genetic information. Harassment becomes unlawful where: (1) enduring the offensive conduct becomes a condition of continued employment; or (2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating hostile, or abusive.

This policy applies to all aspects of your employment. Harassment of any other person, including, without limitation, fellow employees, volunteers, contractors, visitors, clients, or customers, whether at work or outside of work, is grounds for immediate termination. DBG will make every reasonable effort to ensure that its entire community is familiar with this policy and that all employees are aware that every complaint received will be promptly, thoroughly, and impartially investigated, and resolved appropriately.

Retaliation is prohibited/not allowed against anyone reporting, or thought to have reported, any type of claims for harassment. Retaliation against anyone for participating in an investigation of harassment or against anyone thought to have participated in such an investigation is prohibited. Discouraging anyone from reporting claims of harassment or from participating in investigations into claims of harassment is prohibited. Any such retaliation or discouragement of reporting of claims or participation in investigations may result in immediate termination.

SEXUAL HARASSMENT

Sexual Harassment is prohibited by federal, state, and local laws, and applies

equally to men and women. Federal law defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when the conduct: (1) explicitly or implicitly affects a term or condition of an employee's employment; (2) is used as a basis for employment decisions affecting the employee; or (3) unreasonably interferes with an employee's work performance or creates an intimidating, hostile or offensive working environment.

While all forms of harassment are prohibited, DBG's policy is to emphasize that sexual harassment is unlawful and subjects DBG to liability for harm to victims of sexual harassment. Individuals who engage in sexual harassment may also be subject to criminal and civil liability. Employees who have management or supervisory responsibilities are required to report any complaint that they receive, or any harassment that they observe to the Human Resources Advisor. All employees and volunteers are expected to report any harassment or behaviors that violate this policy.

DBG will not tolerate any form of verbal or physical conduct of a sexual nature that has the purpose or effect to harass, disrupt, offend, embarrass, oppress, or intimidate another individual or which in any way interferes with an employee's work performance or creating an intimidating, hostile or offensive working environment. DBG will not tolerate any form of verbal or physical conduct of a sexual nature, which either explicitly or implicitly requires submission by another employee as a term or condition of that employee's employment. Nor will DBG tolerate a condition whereby submission to or rejection of such conduct is used as the basis for employment decisions affecting the employee. DBG will not tolerate any verbal or physical conduct that is directed at an individual or group of individuals because of their gender identity, sexual orientation, or sexual preference, even when that verbal or physical conduct is not of a sexual nature. Nor will DBG allow conduct that has the purpose or effect of creating a hostile, intimidating, or offensive work environment or that results in an individual or group of individuals receiving either preferential or less than favorable employment decisions based solely on gender identity, sexual orientation, or sexual preference.

Some examples of the types of conduct prohibited under this policy:

This list is not all-inclusive. Other types of behavior not listed may be considered sexually harassing behavior and thus prohibited by DBG.

- Joking, teasing. Conversations, or similar behavior of a sexual or lewd nature.
- Unwanted touching, brushing against or other physical contact with another individual.
- Using sexual, vulgar, or profane language in conversations with other employees, volunteers, vendors, or citizens of the community.
- Unwanted sexual advances, propositions for sexual acts and favors.
- Making sexually degrading or humiliating remarks or gestures to another individual.
- Displaying sexually suggestive objects or pictures including photographs.
- Sending sexually oriented communications, propositioning, or requests.
- Ogling, leering, or staring flirtatiously.
- Stalking, pursuing, trapping someone or in any other way engaging in, or threatening to engage in, any other physically menacing or intimidating behavior.
- Requests, demands, propositions, threats, or suggestions that the submission to or the refusal of sexual advances or favors will affect an employer's or applicants employment, wages, evaluation career development, benefits, work schedule. Continued employment or any other term or condition of his or her employment.
- Making demeaning, insulting, degrading or derogatory remarks to or about an individual or group of individuals based on their gender, sexual orientation, or sexual preference.
- Hostile actions taken against an individual because of the individuals' sex, sexual orientation, gender identity and status of being transgender.
- Making, threatening to make or suggesting any unfavorable employment or membership action against an individual or group of individuals because of their gender, sexual orientation, or sexual preference.
- Using sex-specific derogatory terms to or about another individual or group of individuals based on his or her gender, sexual orientation, or sexual preference.

DBG's policy further prohibits harassment and discrimination based on sex stereotyping. Sex stereotyping occurs when one person perceives a man to be unduly effeminate or a woman to be unduly masculine and harass or discriminates against that person because he or she does not fit the stereotype of being male or female.

Who Can Be a Target of Sexual Harassment

Sexual Harassment can occur between any individuals, regardless of their sex or gender. Protections under the law are for employees, applicants, interns, and non-employees who are on work premises or engaged to do business with DBG.

Where Can Sexual Harassment Occur

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur during business travel. Or employee sponsored events, calls, texts, emails, and social media usage by employees can constitute unlawful sexual harassment, even if it occurs away from the workplace or outside of normal work hours.

What to Do after Experiencing or Witnessing Sexual Harassment

DBG cannot prevent or remedy sexual harassment if it is not reported. Any employee, volunteer, applicant, intern, or non-employee who has been subjected to behavior that may constitute sexual harassment is required to report such behavior to the Human Resources Advisor. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to the Human Resources Advisor immediately.

Reports of sexual harassment may be made verbally or in writing. Once the complaint is received, the Human Resources Advisor will inform the individual who made the complaint of his or her right to file a complaint or charge externally with DOL, or the EECO.

Supervisory Responsibilities and Investigation of Complaints

DBG takes all complaints of sexual harassment seriously and will investigate all complaints of sexual harassment in a prompt, thorough and appropriate manner. Any employee who is a supervisor or manager who receives a complaint or information about sexual harassment, observes what may be sexually harassing behavior or for any reason suspects that sexual harassment is occurring is required to report such instances to the Human Resources Advisor.

Investigations will be conducted in an impartial manner. The process will be as confidential as possible. All information revealed during the investigation of a claim of sexual harassment will be disclosed only on a need-to-know basis where necessary, in order to resolve the matter. The investigation will require the Human Resources Advisor to speak to people with relevant information about the complaint. All employees are required to participate fully in any investigation into a claim of sexual harassment. At the conclusion of the investigation, DBG will inform the parties involved of its findings and take appropriate action.

To knowingly make false accusations of sexual harassment for malicious purposes can have serious effects on innocent persons, and therefore, may result in appropriate disciplinary action determined on a case-by-case basis and on the circumstances of each particular incident of false and malicious accusation. Any disciplinary action could include termination.

Sanctions for Sexual Harassment

After an investigation, anyone DBG finds to have sexually harassed another individual, or to have encouraged, condoned, or acquiesced to the sexually harassing behavior of another individual, is subject to appropriate disciplinary action up to, and including termination.

Non-retaliation

Retaliation against anyone reporting, or thought to have reported, sexual harassment is prohibited. Retaliation against anyone for participating in an investigation of sexual harassment or against anyone thought to have participated in such an investigation is prohibited. Discouraging anyone from reporting claims of harassment or from participating in investigations into claims of sexual harassment is prohibited. Any such retaliation or discouragement of reporting of claims or participation in investigations may result in immediate termination.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by DBG but is prohibited by federal, state and where applicable, local law. In addition to DBG's internal process for handling sexual harassment complaints, employees may choose to pursue legal remedies with the below listed government entities at any time.

Delaware Department of Labor, Office of anti-Discrimination

The Delaware Discrimination Employment Act protects individuals against harassment and discrimination in the workplace. Complaints must be made within 300 days from the date of the incident. There is no cost associated with filing a complaint. The Department will investigate the complaint and determine whether there is reasonable cause to believe that unlawful harassment or discrimination has occurred.

Complaint of sexual harassment may be made with the Delaware Department of

Labor Office of Anti-Discrimination by calling (302) 761-8200 or <https://dia.delawareworks.com/discrimination/>

The Department's procedure for investigating complaints alleging sexual harassment may be found on the OFP web page and on the department Intranet on the Policies and Forms page. Copies may also be obtained from the Department's Office of Fair Practices.

United States Equal Employment Opportunity Commission (EEOC)

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 Federal Civil Rights Act. An individual can file a complaint with the EEOC anytime within 300 days from the incident of harassment. There is no cost to file a complaint. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that unlawful harassment or discrimination has occurred.

The EEOC has district, area, and field offices where complaints can be filed. The EEOC can be reached at 1-800-669-4000 or www.eeoc.gov or via email at info@eeoc.gov

DBG encourages reporting of all perceived incidents of sexual harassment, regardless of who the offender may be. Every employee is encouraged to raise any questions or concerns with the Human Resources Advisor.

To protect the privacy of the people involved, confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under the circumstances. Investigations may include interviews with parties involved and where necessary, individuals who may have observed the alleged conduct or who may have relevant knowledge.

CODE OF ETHICS

The DBG's reputation for integrity is perhaps our most valuable asset. This reputation is determined by the conduct of its Board Members, Employees and Volunteers both inside and outside of normal working hours. We recognize our duty to act in a manner of "public trust" and this is essential. As a non-profit, we depend on individuals, organizations, foundations, and businesses to support and donate to the gardens.

The following is the summary of DBG’s official policy of personal and professional conduct. It is written for the purpose of making explicit the “standards of conduct” expected of DBG Board Members, Employees, and Volunteers. All are expected to adhere to both the letter and the spirit of this Policy.

CONFLICT OF INTEREST:

An employee/volunteer must not represent the DBG in any transaction where he or she has any material connection or substantial financial interest. A material connection includes the involvement of any family member, or close personal friends.

OUTSIDE EMPLOYMENT ACTIVITIES:

Acceptance of outside employment and participation in the affairs of outside organizations must be reported to the Executive Director. Approval for such activities will normally be granted unless such employment is not consistent with the best interest of the DBG. Specific types of outside activities that may raise conflict-of-interest questions include, but are not limited to, the following:

- Employment by a company or organization that is in a business relationship with DBG.
- Writing articles for a fee, unless receiving prior approval from the Executive Director. Any such article written (and photos) in the DBG employee’s official capacity must be submitted prior to publication to the Executive Director for review to ensure accuracy.
- Consulting for a fee, based on information, reports, or analyses gained by employment or volunteer work at DBG.

PERSONAL FINANCES:

Every employee shall maintain personal fiscal integrity, and no employee shall knowingly use his or her DBG credit account for non-official purposes.

FILES & RECORDS

While staff members maintain their own files/records, they should ensure all important records, like copies of grants and major contracts are sent to the central repository for DBG files and records. Those records are kept in Drop Box.com. Any document or file questions should be referred to the Executive Director who will decide if the document should be posted in Drop Box, as the administrator of the DBG Drop Box files. The Executive Director may also allow access to certain drop box files to employees on a case-by-case basis.

WORKDAY HOURS

All paid staff's onsite routine work hours are normally Monday through Friday from 8:00 a.m. to 4:00 p.m. Typically full-time employees have an 8-hour day, with varying start and finish times depending upon staff roles and the needs of the organization. All full-time and part-time employees will have a paid break of 15 minutes within the first 4-hour workday and 15 minutes of the second 4-hour workday for breaks. All full-time and part-time employees will have an unpaid lunch break of 30 minutes in length each workday, which may be extended with supervisor approval.

PUBLIC OPEN DAYS

Currently the gardens are normally open to the public from mid-March to mid-November. The open days/hours are Thursday through Sunday from 9:00 a.m. to 4:00 p.m.

There are special fund-raising events that may be conducted at different hours. For example, in April "Frolic in the Folly" is usually from 4:30 p.m. to 6:30 p.m., and the September Annual Dinner is 5:30 p.m. to 8:00 p.m. For Delmarva Birding and Camera Club Visits, the gardens may open an hour early at 8:00 a.m.

PLAN OF THE DAY (OPEN DAYS)

To staff the gardens when we are open to the public, Thursday through Sunday, the Director of Horticulture issues a "Plan of the Day," which lists a Site Manager for each day and volunteer docents who will be stationed in the Welcome Center at point of sale (POS), as greeters/golf cart operators or in the garden to answer guest questions. There are usually guided tours on open days at 10 a.m. and tour guides

will also be listed.

At the end of the open day, the Site Manager sends a “Close of Business Report” to the Executive Director, other members of the Board Executive Committee, Financial Manager and staff members.

This Close of Business report includes:

- Admissions
- Memberships Sold
- Guided Tour number of guests
- Gift Shop Sales
- Net Sales for day
- Weather
- Comments

Employees are required to take their turn on a rotational basis as Site Manager. The Site Managers work all open day from 9 a.m. to 4 p.m. The docents usually work the open day in two shifts - first shift from 9:00 a.m. to 12:30 p.m. or second shift from 12:30 p.m. to 4:00 p.m. The Site Manager arrives at the gardens one hour before opening time, to ensure the deer fence is deactivated, the Welcome Center and Restrooms are unlocked and everything is ready for guests to arrive. The Site Manager ensures the main gate is opened at 9:00 a.m. and closed at 4:00 p.m. Guests who arrive 30 minutes before 4 p.m. close time are advised that we close at 4 p.m. and they may want to come back another day, since it takes an average of one-hour to fully tour the five gardens.

PUBLIC RELATIONS – COMMUNITY OUTREACH

DBG as a non-profit public garden has different “publics” that you will interface with and assist on a daily basis. First, are people in the internal organization including our Board of Directors, Advisory Council, garden management team, staff, volunteers, members, and contractors. The second external publics include our public guests, foundation supporters, individual donors, business supporters, and the news media. Each of our employees (full or part-time) represents DBG before our many publics. The way we do our jobs presents an image of our entire organization. People judge us by how they are treated each time they have contact with us. Therefore, one of our top employee priorities is always to be courteous, friendly, helpful, and prompt in the attention you give to people you come into contact with both on-site and off-site. DBG sponsors participate in various off-site community events to inform the public about DBG and its mission.

News Media Contacts: DBG has an active news media relations program. All media questions or visit requests shall be referred to the Executive Director or Director Communications & Marketing. Only designated spokespersons on the DBG communications team usually are involved in onsite news media visits. There are employees who are specifically authorized to talk to the news media regarding their area of expertise. For example, the Director of Horticulture is a designated DBG spokesperson on horticultural matters. But, in any case, all your news media contacts and requests should be referred to the Director of Communications & Marketing or Executive Director.

DBG Website: The DBG Website (delawaregardens.org), is the main public “window ’into the gardens. It is always a good idea to refer the public and media contacts to the website, which has a wealth of information about the gardens and upcoming events. Content on the website must be approved by the Executive Director.

Social Media. The online social media, such as Facebook and Instagram, are used by DBG to communicate official information, to inform visitors, and encourage new members, donors and volunteers.

The DBG social media sites highlight what’s in bloom and announces garden events to attract visitors to to DBG. The Executive Director designates employees, who are authorized to post on DBG social media sites. Non-designated employees using DBG email addresses, are not permitted to interact on social media without the specific prior permission of the Executive Director. Currently, the Director of Horticulture manages DBG Social Media sites.

If an employee in their “off-time” use their own personal email to access social media including participation in blogs, or posting photos/videos they should make clear, that their comments and photos/videos posted are “personal” and do not officially represent the DBG in any way.

If an employee identifies any social media information that may affect the DBG image or brand negatively, they should bring that information to the attention of the Executive Director or Director of Communications & Marketing. The DBG Communications Team will take appropriate action.

Crisis Response: If there is an emergency such as an accident or incident onsite, employees should call 911 if emergency help is needed, and contact the Executive Director and Director of Communications & Marketing as soon as possible, so they are prepared to answer any public or media questions about the accident or incident.

Remember that your contact with the people, whether in person, over the telephone, and through all your communications reflect not only on you but also on DBG. Positive public relations will not only enhance the public's image of DBG, but also pay off in greater gardens' loyalty and increased admissions, memberships, and donations.

GIFT ACCEPTANCE POLICY

Employees/Volunteers must be familiar with the DBG Gift Acceptance Policy. Sometimes well-meaning guests may offer some "tip" money or other gratuity to an employee or volunteer. In such a case you should politely decline, and suggest they donate any money to the gardens at the point-of-sale counter in the Welcome Center. DBG employees/volunteers are prohibited from giving or accepting anything of value that benefits them personally.

The DBG is a tax-exempt public charity under Section 501 (c) (3) of the Internal Revenue Code of 1986 (The Code). This gift policy is based on the Code, the policies of the Delaware Community Foundation and the Association of Fundraising Professional's Code of Ethics.

DBG Gift Acceptance Policy covers all individual donations and/or gifts and other distributions offered to DBG. This policy ensures that all individual donations and gifts accepted by DBG are in compliance with the Code, and subject to the approval of the DBG Board. Recommendations and requests regarding any proposed individual donation and /or gift and other distribution to the DBG are not binding upon DBG, and DBG reserves the right to decline a request if it believes the individual donation and/or gift or other distribution is not in the best interests of the DBG and/or may jeopardize the DBG's legal status as a public charity.

Individual donations and/or gifts to DBG must be for charitable, scientific or educational objectives, subject to applicable law and Internal Revenue Service regulations. If you have questions about gifts, please contact the Executive Director.

Individual donations and/or gifts and other distributions will not be accepted:

- to support political campaigns or for lobbying
- to benefit any individual directly
- to benefit of a specific individual, except as an award from a Scholarship Fund Paid directly to the educational institution.

- That result in any tangible benefit to the Donor, Grant Advisor, Successor, family member or related party.
- One of the conditions interpreted as Material Restrictions occurs when the donor reserves the right to name the person to whom the transferred assets must be distributed. Should any inconsistency arise between this Policy and any other DBG Policy, the terms and conditions of the Gift Acceptance Policy shall govern, and DBG reserves the right to take any action, which is in its discretion, it deems reasonably necessary or advisable for the proper administration of any individual donation and/or gift and other distribution to comply with applicable law. The Board of the Delaware Botanic Gardens reserve the right to revise these terms and conditions at any time.

DEFINITION OF GIFTS OF VALUE:

An employee/volunteer must not receive anything “of value” from any individual, company or organization. The term “of value” is an item that is purchasable or exchangeable in the market for some ascertainable value, above what is considered a lesser “nominal value.”

- An employee/volunteer must not accept a fee for performance of any act that the DBG routinely performs.
- An employee/volunteer must not accept a gift from a client or supplier or from any other person or business seeking a business relationship with the DBG.

The above restriction does not apply to minor gifts from relatives, food, or entertainment at a luncheon or business meeting, advertising, or promotional materials of a lesser “nominal value,” plaques or awards by civic or charitable organizations, or gifts of lesser “nominal value” on special occasions such as Holidays. Nominal value is a value that would be within the ability of the employee to reciprocate on a personal basis or with legitimate claim for reimbursement under similar circumstances.

- An employee/volunteer must not sell anything to a client at a value in excess of its worth nor will he or she purchase anything from a client at a value below its worth.
- An employee/volunteer should decline any gift where there would be even the slightest implication of a conflict of interest or of influence on future business dealings.

INTEGRITY OF RECORDS:

Records and accounting information must be accurate and maintained with reliability and integrity. Transactions must be reflected in a timely and accurate manner.

Employees must comply with all internal control procedures established for the safeguarding of assets and proper reporting and disclosure of financial information. All employees are required to respond honestly and candidly when dealing with the DBG's independent and internal auditors, regulators and attorneys.

VOLUNTEER CODE OF CONDUCT

There is a DBG Volunteer Program, Policy & Procedures document (Volunteer Handbook). This document includes the following important volunteer policy, which employees should be aware of:

Standards of Conduct

The lasting impression that volunteers make on those they serve and work with reflects directly on all staff, volunteers and board members of DBG. All words and deeds should help build our volunteer program and its reputation for quality. Volunteers will abide by the Volunteer Code of Conduct.

Volunteers will:

- Get help from DBG staff if asked to do anything that makes them feel uncomfortable.
- Maintain visitors, volunteers and staff's privacy by keeping personal information confidential.
- Adhere to DBG's policy.
- Speak up when they observe situations that appear or violate the Code of Conduct for DBG volunteers.
- Be fair, considerate, and honest with others.
- Respect differences of ability, age, gender, gender expression, culture, belief, ethnicity, sexual orientation, and social or economic status,
- Be professional in words and actions.
- Respect people's personal space and avoid inappropriate or unwanted contact.

- Maintain a safe environment for everyone and never engage in activities likely to cause physical or emotional harm, such as bullying or harassment.
- Immediately report any tool deficiency or unsafe operation to the Volunteer Coordinator or Director of Horticulture. This includes tool failure, broken tools, etc.
- Treat all visitors with respect and protect their well-being.
- With regard to youth and vulnerable adults, volunteers will not:
 - Be alone with a child, youth or vulnerable adult
 - Develop a “special” relationship with a child, youth or vulnerable adult
 - Arrange contact with them outside of DBG’s programs and activities
 - Photograph them without parent/guardian consent and never for non-DBG related use
 - Volunteers should do their best to be present and on time for each event or activity for which they are scheduled. If you know that you will be late or absent, please contact the person in charge of the event or your supervisor at least 24 hours before you are expect to come or as soon as possible so that alternate plans can be made.

VOLUNTEER GRIEVANCE PROCEDURE

Volunteers and staff will act professionally and in accordance with their position descriptions. Should a volunteer have a grievance concerning their work environment, they should report it promptly to the Volunteer Director, Human Resources Advisor, or the Executive Director. Every effort will be made to achieve speedy and effective resolution, and all complaints will be treated confidentially (Confidentially may not be guaranteed for complaints involving sexual harassment or child abuse).

LEAVING VOLUNTEER SERVICE

If you wish to leave your volunteer service for any reason, please contact the Volunteer Director. As a volunteer, you have the right to terminate your volunteer service for any reason. DBG reserves the same right.

Either DBG or the volunteer may initiate conclusion of a volunteer’s services. DBG requests as much notice as possible.

Situations may arise that make it necessary to require that a volunteer no longer provide volunteer services. DBG may release an individual at any time, without prior notice, for any reason, including, but not limited to:

- Restructuring of the volunteer position or program.
- Discrimination or harassment in violation of DBG's policy.
- Violation of the code of conduct, including threatening, intimidating or abusive behavior.
- Possession of drugs, narcotics, intoxicants or weapons while serving as a DBG volunteer.
- Theft, pilfering, fraud or other forms of dishonesty.
- Gross negligence.
- Malicious gossip or derogatory attacks against anyone associated with DBG.
- Other forms of immoral, unethical or grossly improper conduct.
- A volunteer's inability or failure to perform the tasks requested, or the refusal to comply with the Code of Conduct or DBG policies.

IMMIGRATION LAW COMPLIANCE

DBG 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 DBG is required to complete the Employment Eligibility Verification Form I-9 and show documents that prove identity and employment eligibility.

If you have questions or want information on the immigration laws, contact the Human Resources Advisor.

CONFIDENTIALITY

As a DBG employee/volunteer, you agree to confidentiality, that is, to keep the business of the gardens from public disclosure and to protect all privileged information gained during your employment. Any disclosure of confidential or privileged DBG information must be explicitly authorized in advance and in

writing by the President of the Board of Directors or the Executive Director. Improper disclosure of DBG business or privileged information can be misinterpreted or cause serious harm to the DBG. Also, any individual or business financial information that is provided to DBG as part of its business operations is considered confidential and private and will not be disclosed. No staff personnel records shall be made available to any person outside DBG except the authorized governmental agencies. Employees must not discuss their salaries with other employees. Your salary is confidential.

Employees, Board Members, and certain volunteers are asked to sign both confidentiality and conflict of interest documents.

NON-DISCLOSURES

It is very important to DBG that we protect our confidential business information. Confidential information includes, but is not limited to, the following examples:

- Compensation data
- Computer processes
- Computer programs and codes
- Membership lists
- Donation Lists
- Financial information
- Marketing strategies
- Records and Files

PRIVACY OF PERSONAL FINANCIAL TRANSACTIONS

All personal financial information that is submitted to the DBG website or by other means to make purchases for memberships, event tickets, shop purchases or to make DBG donations are considered to be private and will never be disclosed to any outside party.

VISITORS ON CLOSED DAYS

Only visitors who are properly authorized in advance by the Executive Director may be on DBG premises during non-open days. This helps to maintain safety standards, safeguard employee and visitor welfare, protect our property and

facilities, guard confidential information against theft, and reduce potential distractions and disturbances. This does not apply to contractor personnel working onsite.

TECHNOLOGY & SYSTEMS SECURITY

Passwords: Login passwords used to gain access to the DBG's electronic record systems are to be protected. The use of a personal passwords belonging to another employee is strictly prohibited. Passwords may be changed frequently to avoid unauthorized access. The use of encryption software not provided directly by the DBG is strictly prohibited. DBG reserves the right to decrypt without notice any encrypted communication made or received using the DBG's electronic systems and change access when deemed necessary.

Downloading Computer Files: Downloading or copying copyrighted computer files to any of the DBG's electronic systems without the express permission of the copyright holder is illegal and strictly prohibited. Downloading or copying executable programs of any kind to the DBG's electronic systems may expose the systems to computer viruses and is prohibited without express written permission from the System Administrator.

Blogs and Social Media Sites: Employees who have a personal blog or a social networking site (Face Book, Instagram, etc.) should identify all opinions expressed as their own and should comply with all applicable laws, including copyright, privacy and trade secret laws. Employees who are authorized by the Executive Director to run official DBG social media sites will not express personal opinions and post only authorized content. Controversial or offensive language or images on official DBG social or websites sites is prohibited. Any unauthorized content posts on DBG 'online sites which could adversely impact the reputation of the DBG could give rise to discipline, up to and including discharge.

Email: Use of email by employees of DBG is permitted and encouraged where such use supports the goals and objectives of the business. However, DBG has a policy for the use of email whereby the employee must ensure that they:

- comply with current laws
- use email in an acceptable way
- do not create unnecessary business risk by their misuse of the internet

Prohibited Use:

The following usage by an employee is considered unacceptable:

- use of company communications systems for personal business
- revealing any DBG confidential or proprietary system information
- distributing, disseminating, or storing images, text or materials that might be considered indecent, pornographic, obscene or illegal.
- distributing, disseminating, or storing images, text or materials that might be considered discriminatory, offensive or abusive, in that the context is a personal attack, sexist or racist, or might be considered as harassment.
- harming or tarnishing the image, reputation, and/or goodwill of the DBG and/or any of its personnel, including the prohibition from making any discriminatory, disparaging, defamatory or harassing comments when blogging or otherwise engaging in any conduct prohibited by the DBG.
- accessing copyrighted information in a way that violates the copyright
- posting unsolicited personal views on social, political, religious or other nonbusiness related matters on DBG online sites.
- introducing any form of computer virus or malware into the DBG corporate systems networks

FAMILY AND MEDICAL LEAVE POLICY

General: The DBG recognizes that there are times when, due to the birth or adoption of a child, or because of an illness or injury (whether or not work related), an employee will need to be absent temporarily from work. The DBG further recognizes that it is in the employee's as well as the DBG's, best interest to provide a leave of absence in these instances to enable the employee to resolve the situation and return to work in a timely manner. As an employer covered by the Family and Medical Leave Act (FMLA), the DBG will adhere to the obligation of this and any other applicable laws when granting leaves under this policy.

The DBG will provide eligible employees up to a combined total of twelve (12) weeks of leave for a "rolling" 12-month period measured backward from the date an employee uses FMLA for the following reasons:

- Parental Leave: For the birth of a child, or placement of an adopted or foster child.
- Family Leave: To care for a spouse, child or parent with a serious health condition.

- Personal Medical Leave: When an employee is unable to work due to his/her own serious health condition.
- Military Exigency Leave: Arising out of an official call to active duty or call to active duty of a spouse, parent, child or next of kin in the National Guard or the Military Reserves.

Eligibility: Full and part-time employees are eligible for leave once they have been employed by the DBG for at least one (1) year.

Notice: Employees must give at least thirty (30) day notice of expected leave if leave is foreseeable based on an expected birth, placement of a child, or planned medical treatment. If leave is unforeseeable, notice must be provided as soon as practicable under the facts of the particular case and in compliance with the DBG's absence notification policy. Failure to give the required notice may result in the leave being delayed or denied. Within 5 business days of receipt of a request for leave (foreseeable leave) or the start of the leave (unforeseeable leave), the DBG will inform you in writing whether you are eligible for FMLA leave and, if eligible, what your rights and responsibilities are with regard to FMLA leave.

Parental Leave: Parental Leave for the birth or placement of a child must be taken in a block and cannot be taken on an intermittent or reduced schedule basis unless a request for such leave is approved by your immediate supervisor and Human Resources. Parental Leave must be completed within twelve (12) months of the birth or placement of the child; however, employees may use Parental Leave before the placement of an adopted or foster child to consult with attorneys, appear in court, attend counseling sessions, etc. Leave taken by an employee to obtain prenatal care or due to pregnancy-related temporary disability will be treated as Personal Medical Leave.

Family Care Leave: Employees may take leave to care for a spouse, parent or child with a serious health condition, or with a serious injury or illness may be taken. However, the employee will be required to provide records or a determination by a health care provider saying that the leave is medically necessary, on an intermittent or reduced schedule basis. Once paid leave periods are exhausted, the remainder of the Family Care Leave may be on unpaid basis.

Personal Medical Leave: Leave taken due to an employee's own serious health condition (including those resulting from an on-the-job injury illness or injury) may be taken in a block or, if determined by a health care provider to be medically necessary, on an intermittent or reduced schedule basis. Employees taking a

Personal Medical Leave of absence, if the leave time is deemed unrealistic, the remainder of the leave may be unpaid, unless covered by workers' compensation, short or long-term disability insurance.

Employees returning from a Personal Medical Leave of three days or more must provide certification from their health care provider that they are able to resume work and perform the essential duties of their regular job.

Medical Certification: Employees requesting Family Care Leave or Personal Medical Leave must provide certification from a health care provider within fifteen (15) days of the request for leave (foreseeable leave) or the start of the leave (unforeseeable leave) unless it is not possible to do so, under the particular circumstances. The Human Resources Advisor can advise you of requirements to be provided by the health care provider. Failure to timely provide adequate healthcare provider certification may result in medical leave being delayed, denied or revoked.

Return to Work: Employees returning to work at the end of FMLA leave totaling twelve (12) weeks or less per backward rolling twelve (12) month period (26 weeks in one 12-month period for Military Care Leave) will be placed in their original job or an equivalent job with equivalent pay and benefits. Employees will not lose any benefits that accrued before leave was taken. Employees may not, however, be entitled to discretionary raises, promotions, bonus payments, or other benefits that become available during the period of leave.

GENERAL LEAVE PROVISIONS

Leave Requests: Where possible, all requests for leave should be made in writing and must be approved by appropriate members of management. In the event an employee calls in to notify DBG management of the need for unforeseen Family Care or Personal Medical Leave, the employee must complete a written request as soon as possible upon returning to work. Failing to complete the necessary leave requests could result in scheduling services and other problems. Thus, DBG reserves the right to take appropriate action in the event the necessary paperwork is not properly and timely completed.

In the case of COVID-19, if an employee tests positive, they should immediately notify DBG, including providing information on any close contacts made in the past week (7-days). DBG will attempt to contact those recent contacts and advise them of the situation. Employees who have had COVID-19 are required to provide

evidence of a negative COVID-19 test to their supervisor before they are allowed to return to work.

Scheduling Leave and Temporary Transfers: Employees should make reasonable efforts to schedule their leave so as not to unduly disrupt operations. For example, non-emergency medical treatment could be scheduled during non-working hours or in the periods when the gardens are closed.

Failure to Return: Employees failing to return to work at the expiration of their leave or failing to make a request for an extension of their leave prior to its expiration will be considered to have voluntarily terminated their employment.

Alternative Employment: No employee, while on leave of absence, shall work or be gainfully employed either for himself/herself or others unless express, written permission to perform such outside work has been granted by the DBG. Any employee on a leave of absence who is found to be working elsewhere without permission will be automatically terminated.

DRUG AND ALCOHOL USE

DBG is committed to providing a drug-free, healthy, and safe workplace. You are required to come to work in a mental and physical condition that will allow you to perform your job satisfactorily.

DBG employees/volunteers may not use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs while on DBG premises or while conducting any business-related activity away from DBG premises. You may use legally prescribed drugs on the job only if they do not impair your ability to perform the essential functions of your job effectively and safely without endangering yourself or others.

If you violate this policy, it may lead to disciplinary action, up to and including immediate termination of your employment or volunteer 'status. We may also require that employees participate in a substance abuse rehabilitation or treatment program. If you violate this policy, there could also be legal consequences.

If you have questions or concerns about substance dependency or abuse, you can also discuss these matters with your supervisor or the Human Resources Advisor to get help and referrals to community resources.

SUBSTANCE ABUSE POLICY

The DBG is concerned about the effects of the use of illegal drugs and the abuse of alcohol upon the health and safety of its employees/volunteers. We recognize that the illegal use of drugs and the abuse of alcohol lead to increased accidents and medical claims and can lead to the destruction of an employee's health and adversely affect his or her family life. Employees/Volunteers who abuse drugs and alcohol are a danger not only to themselves, but also to their fellow employees/volunteers as well.

DBG intends to maintain a workplace free of the problems associated with the illegal use of drugs and the abuse of alcohol. Our policy is to help employees/volunteers with problems associated with the abuse of drugs and alcohol and to encourage rehabilitation.

Substance abuse problems are defined as (1) reporting to work or working while under the influence of or impaired by alcohol or any other drug, (2) chemical dependence on or abuse of alcohol or other drugs where job performance or safety of employees is adversely affected, or (3) the current use of illegal drugs. The term "illegal drugs" as used in this policy includes, but is not limited to, marijuana, cocaine, heroin, and similar drugs whose possession and use are prohibited under state or federal law in this country, as well as prescription drugs unless validly prescribed by a physician.

This policy covers all DBG employees/volunteers, including, part-time and seasonal or temporary employees, if they are put on the DBG's payroll.

It is the DBG's policy to identify and help those employees with substance abuse problems or who use illegal drugs as defined above and to encourage them to seek assistance on their own. Those who refuse to participate in, cooperate with, or abide by the rules of this policy or their program of rehabilitation will be terminated from employment. Applicants identified as being present substance abusers will be denied employment.

ATTENDANCE AND PUNCTUALITY

We expect DBG employees/volunteers to be reliable and punctual. Good attendance and being on-time is an important job requirement. If you cannot come to work on-time or you will be late for any reason, you are requested to notify your

supervisor at least one hour prior to your scheduled reporting time. If your supervisor is not available, contact the Executive Director.

Employees should clear planned absences at least 24 hours in advance with their supervisor.

Unplanned absences can disrupt work, inconvenience other employees/volunteers, and affect productivity.

Notification from another employee or relative is not usually acceptable, except under emergency conditions. An “excused” absence may include personal or family illness, jury duty, bereavement, or other reasons that would require you miss all or part of a scheduled workday. Employees should substantiate the reason for their absence if asked, including medical statements from their doctor.

Poor attendance record or excessive lateness, may be subject to disciplinary action, up to and including termination of employment.

RESIGNATION

Resignation means voluntarily termination of employment at DBG. If an employee decides to resign, DBG expects a written notification 2 weeks prior to the last day of service.

Although advance notice is not required, you will be helping your co-workers because there will be more time to reassign work. . Prior to the last day of service an exit interview with the employee may be conducted.

RETURN OF DBG PROPERTY

DBG may loan employees/volunteers property, materials or written information to help you do your job. You are responsible for protecting and controlling any DBG property or confidential information we loan you.

If you stop working at DBG, you must return all DBG property immediately. If you do not return our property and if the law allows, we may take money from the employee’s final paycheck to cover the cost.

SOLICITATION

DBG does not allow employees/volunteers or anyone else to solicit or distribute non-DBG literature in the gardens at any time unless getting prior permission from the Executive Director.

STANDARDS OF CONDUCT

Below is a list of conduct guidelines. Please note that individual supervisors may establish additional guidelines and DBG may at any time changes or establish additional guidelines, for particular situations. Failure to follow any conduct guidelines while on DBG premises, either during or outside your work schedule, may result in disciplinary action up to and including immediate termination.

DBG expects all employees and volunteers to work together in a cooperative spirit to best serve the interests of DBG and the public. DBG will not condone the activities of employees or volunteers who achieve results through violation of the law or unethical business dealings. This includes any payments for illegal acts, indirect contributions, rebates, and bribery. DBG does not permit any activity that fails to stand the closest possible public scrutiny.

Examples of standards of conduct includes, but not limited to the following:

- Recognize and respect the rights of co-workers, volunteers, visitors, venders, and clients.
- Report to work according to the assigned schedule.
- Successfully fulfill all the responsibilities of your job as defined by your supervisor and outlined in your job description. You must perform all work efficiently and satisfactorily.
- Notify DBG in advance or as early as possible if you may be absent or late.
- Comply with all health, safety, fire prevention and security rules. Report all injuries, accidents or unsafe conditions to your supervisor immediately.
- Know and comply with DBG policies and procedures.
- Express concerns, complaints, or criticism through appropriate channels.
- When you receive confidential information, keep it confidential. Do not release information about the business without proper authorization. Do not use any information to promote private interest or personal gain.

Prohibited Conduct

DBG is committed to keeping the gardens the kind of place in which all employees

and volunteers are able to enjoy working. The conduct set forth below provides examples of situations that may result in disciplinary action up to and including termination. This list is not exhaustive.

- Committing or threatening to commit violent acts, injury or damage to fellow employees, volunteers, guests or DBG property, whether seriously or in jest, orally or in writing, or by gestures violates DBG policy. Willful damage through negligence, of property of DBG's premises will not be tolerated.
- Theft, attempted theft, unauthorized possession, or removal of DBG property or the property of others.
- Abusing, destroying, damaging, or defacing DBG property or the property of others.
- Participating in illegal, dishonest, or unethical conduct is not tolerated. Do not falsify, alter, forge, or steal DBG's records, property, or data. Unauthorized use of DBG funds, property, or services is not allowed.
- Avoid any action that endangers the property or the reputation of DBG.
- Knowingly falsifying information on an employment application or other personnel records, including, but not limited to, timesheets and expense reports will not be tolerated. You are responsible for accurately recording your time. It is against DBG's policy to alter or falsify a time sheet, punch another employee's timecard, or deliberately deface or falsify timecards or other time keeping records.
- Possession, sale, distribution, use or being under the influence of alcohol, illegal drugs, or a controlled substance at any time on DBG premises.
- Falsification, misuse, removal or unauthorized disclosure of confidential information or records to outsiders.
- Insubordination and refusing to accept work assignments.
- Unexcused and repeated absence from work, or unexcused or repeated tardiness in reporting to work or returning from breaks.
- Rude or discourteous behavior to a client, fellow employee, or volunteer.
- Sleeping during working hours.
- Repeated carelessness or intentional wrongdoing.
- Unwelcome sexual advances, requests for sexual favors, racial and/or other illegal types of harassment and discrimination are prohibited. Every employee is responsible for maintaining a work environment free of all discrimination and harassment. Every employee is expected to cooperate, in the course of any investigation regarding harassment or discrimination charges.
- Making unauthorized copies of any software or data belonging to DBG

violates DBG policy and is strictly prohibited. Use only registered computer software provided by DBG. Unauthorized access to or use of computers or other DBG records is strictly prohibited.

- Any other conduct which violates policies that are contained elsewhere in this handbook.

Employees and volunteers should speak to their supervisor, the Executive Director, or the Human Resources Advisor if you are unsure about what to do, in a given situation. Nothing in this section should be deemed to change the at-will nature of employment with DBG. DBG retains the right to determine in its sole discretion the level of discipline to impose in a particular situation and retains the right to terminate any employee or volunteer with or without cause or notice at its sole discretion.

CORRECTIVE ACTION

DBG holds each of its employees and volunteers to the described rules and standards of conduct. When an employee deviates from these rules and standards, DBG expects the employees' supervisor to take corrective action.

Corrective action at DBG is progressive. That is, the action taken in response to a rule infraction or violation of standards typically follows a pattern increasing in seriousness until the infraction or violation is corrected.

The usual sequence of corrective actions includes a verbal warning, a written warning, and termination of employment. In deciding which initial corrective action would be appropriate, the supervisor will consider the seriousness of the infraction, the circumstances surrounding the matter and the employee's previous record.

Through committed to a progressive approach to corrective action, DBG considers certain rule infractions and violations of standards as grounds for immediate termination of employment. These include but are not limited to:

- Theft in any form.
- Insubordinate behavior.
- Vandalism or destruction of DBG property.
- Untruthfulness about personal work history, skills, or training.
- Divulging DBG business practices.
- Misrepresentations of DBG to a client, a prospective client, general public,

or an employee.

PROGRESSIVE DISCIPLINE

DBG supports the use of progressive discipline to address conduct issues such as misconduct, poor work performance or excessive and/or patterned absences or lateness. No list of rules can include all instances of conduct that can result in discipline and the examples below do not replace sound judgements or common-sense behavior.

Misconduct – Misconduct can lead to poor job performance. Examples include, but are not limited to, behavior that impedes job performance, lowers the morale, or infringes on the personal rights of others, violates DBG policy, undermines management or negatively affects SBG employees, volunteers, visitors or vendor relationships.

Substandard job performance – Action may be required when an employee’s job performance is unsatisfactory, declines or there is evidence that the quality or quantity of work is deteriorating.

Excessive and/or Patterned Absence or Lateness – If DBG determines that an employee, at any time, has excessive and/or patterned absences or lateness, and is abusing scheduled work hours, e.g. arriving late, leaving early, consistently taking extended lunch breaks, and spending more time than necessary away from their workplace, etc. DBG may take disciplinary action up to and including termination.

DBG has established general guidelines to govern the conduct of its employees and volunteers. Generally, a supervisor gives a warning to an employee to explain behavior that is unacceptable. DBG reserves the right to determine the appropriate level of discipline for any inappropriate conduct, including but not limited to demotion, oral and written warnings, suspension with or without pay, and termination.

Issuing Progressive Discipline - In all disciplinary cases if after 24 months elapses from the date the discipline was issued, the employee does not engage in misconduct that results in subsequent disciplinary action, the employee will no longer have an active disciplinary action.

Termination – Employment may be ended by the employee or DBG at any time for

any reason.

Common Reasons for ending the employment are:

- Job Abandonment – Employee who fail to report to work or contact a supervisor or the Human Resources Advisor for two (2) consecutive workdays shall be considered to have abandoned their job without notice. Employees who have abandoned their job are classified as voluntarily quit, due to job abandonment, and are ineligible to receive accrued benefits and are ineligible for rehire.
- Layoff – involuntary employment termination initiated by DBG due to a lack of work, reduction in force (RIF), departmental closure, and the like.
- Resignation – Voluntary employment termination initiated by an employee. All staff should provide DBG with at least two (2) full weeks’ notice prior to leaving DBG. This notice should be in writing and should state the anticipated last day of work. Please provide this information to your supervisor, the Executive Director and the Human Resources Advisor.
- Termination – Involuntary employment termination initiated by DBG when further employment of the employee appears to no longer be in the best interests of DBG. This category includes non-disciplinary termination as well as termination for disciplinary reasons.

Procedures at Termination

Upon termination employees will receive their final pay in accordance with applicable law. Accrued benefits such as benefits under retirement or savings plan will be distributed under the terms of those plans.

DBG will generally schedule exit interviews at the time of employment termination, The exit interview will afford an opportunity to discuss such issues as employee suggestions, complaints, and questions. The exit interview is completely voluntary. DBG appreciates employees taking the time to provide us with valuable feedback.

At the time of departure, employees are required to return all DBG documents and property.

PROCEDURES TO RESOLVE ISSUES

The key to the success of any team is mutual support, respect, and tolerance of any differences. To build an environment of trust, it is essential that all of us openly communicate our desires and expectations and try to work together in a courteous manner to resolve our differences. DBG encourages an open and frank atmosphere in which any employee and/or volunteer issue, problem, complaint, suggestion, or question receives a timely response from supervisors and DBG management.

It is DBG policy to treat all employees fairly and considerately, and to ensure that each employee and volunteer has the right to communicate requests, complaints, problems, suggestions to management regarding his/her well-being at work. When you have a job-related issue, if possible, you should first discuss it with your supervisor. If you are not comfortable speaking to your supervisor, or if you are not satisfied after this discussion, then you should arrange to speak with a manager at the next level, the Human Resources Advisor or the Executive Director.

If a situation occurs when you believe that a condition of employment or a decision that affects you is not fair, you are encouraged to use the following problem resolution steps. You may stop the procedure at any step.

1. You present the problem to your supervisor after the incident occurs. If your supervisor is unavailable or you believe it would be inappropriate to discuss it with your supervisor, you may present the problem to the Human Resources Advisor or the Executive Director.
2. Your supervisor responds to the problem during discussion or after consulting with appropriate management, when necessary. Your supervisor documents the discussion.
3. You present the problem to the Human Resources Advisor if the problem is not resolved.
4. The Human Resources Advisor will counsel you and advise you, and help you to put the problem in writing, visits with your supervisor if necessary, and will then direct you to the Executive Director or the Board Executive Committee for a review of the problem.
5. You can present the problem to the Board's Executive Committee in writing.
6. The Executive Committee reviews and considers the problem and informs

you of the decision and forwards a copy of the written response to the Human Resources Advisor for your file. The Executive Committee has full authority to make any adjustment that is determined to be appropriate to resolve the problem.

Not every problem can be resolved to everyone's total satisfaction. However, we believe that honest discussion and listening to each other will build confidence between employees and management and help make DBG a better place to work..

WORKPLACE COURTESY

DBG is a better place to work when all employees/volunteers show respect and courtesy to each other. Sometimes there are problems when employees/volunteers do not realize that they are bothering or annoying other people. If this happens to you, you should first try to solve the problem by politely telling your co-worker what is bothering you. If the problem continues, please notify your supervisor or the Executive Director.

In most cases, if you use common sense, the problem can be fixed. We encourage you to keep an open mind. If another employee tells you about something that you are doing that makes it hard for that person to work, try to understand the other person's point of view.

LIFE-THREATING ILLNESS IN THE WORKPLACE

Employees/Volunteers with life-threatening illnesses, such as cancer, heart disease, and AIDS, often wish to continue their normal lives, including work, to the degree that they can. DBG wants to help these employees/volunteers to work as long as they continue meeting acceptable performance standards.

DBG will make reasonable accommodations in accordance with all legal requirements to allow qualified employees/volunteers with life-threatening illnesses to perform the essential functions of their jobs.

Medical information on any employee/volunteer is confidential. DBG will take reasonable precautions to protect medical information from inappropriate disclosure. Managers and other employees have a responsibility to respect and maintain the confidentiality of employee medical information. Anyone inappropriately disclosing medical information is subject to disciplinary action, up

to and including termination of employment.

If you have questions or concerns about life-threatening illnesses, you should contact the Human Resources Advisor for information and referral to appropriate services and resources.

The information contained herein is in no way intended to alter the at-will employment status of each employee or to otherwise create a contract for employment.

Appendix I

DELAWARE BOTANIC GARDENS, INC. BYLAWS (Revision approved 07/29/2021)

The DBG By-Laws are the governing rules by which DBG operates, and employees should be familiar with them to understand the DBG governance and policies.

ARTICLE I – NONPROFIT IDENTITY AND MISSION

Delaware Botanic Gardens, Inc., (“DBG”) is a nonprofit 501(c)(3) corporation chartered under the laws of the State of Delaware and located in Sussex County, Delaware. The mission of the Delaware Botanic Gardens is to create a world-class, inspirational, educational, and sustainable public botanic garden in southern Delaware for the benefit and enjoyment of all.

ARTICLE II – ANNUAL PUBLIC MEETING An Annual Public Meeting shall be held in the 2nd quarter of the calendar year at a specific date and time to be determined by the Board of Directors (the “Board”), provided that notification of the date, time, and place of the meeting is sent to the Board at least ten (10) days prior to the meeting. The notification shall include an agenda that may include at least the president’s progress report, financial report, volunteer report, horticulture report, and public outreach communications report. Notice of the meeting shall be given via email. The public will be invited to attend by publication, either electronic or printed, in one or more newspapers published in southern Delaware.

ARTICLE III – BOARD OF DIRECTORS

Section 1. Powers and Duties. The governing body of DBG shall be the Board of Directors, which shall be responsible for formulating DBG’s mission and

developing the strategic plans necessary to achieve that mission. Directors will set policy and provide oversight of the operation and resources of the organization. Board members will serve as advocates for public gardens in general and for DBG in particular. They will promote and market Delaware Botanic Gardens to the community and will foster and encourage its public image and oversee its financial well-being.

Section 2. Non-Discrimination Policy. Membership on the Board of Directors shall not be denied to any person on the basis of race, color, religion, sex, gender identity, sexual orientation, national origin, age, disability, or political affiliation.

Section 3. Ineligibility. Persons under 18 years of age and employees of the Delaware Botanic Gardens are ineligible to serve on the Board of Directors.

Section 4. Number of Directors. The Board of Directors, including officers, shall consist of not fewer than seven (7) nor more than seventeen (17) members.

Section 5. Terms of Office. The term of office for a Board member is three (3) years. Board members shall take office immediately following their election. A Board member's term of office shall coincide with the date of the regularly scheduled Board meeting at which that Board member is elected. A Board member may serve four (4) consecutive terms, in addition to any period of time when a Board member may have completed another term resulting from a vacancy. If a Board member is also an officer, his or her term as a Board member shall be extended, if necessary, to complete the term of the office.

Section 6. Regular Meetings. The Board of Directors shall meet at least quarterly at such times and places and in such manner as the Board may designate. No notice shall be required for regular meetings of the Board of Directors for which the time and place have been fixed.

Section 7. Special Meetings. Special meetings of the Board of Directors, including meetings held by conference call or video conference, may be called by the President or at the written request of a majority of the Board members then in office. Notice of time, place, and purpose of the meeting shall be sent to each member of the Board of Directors not less than two (2) days prior to the meeting.

Section 8. Teleconferencing. Meetings of the Board may be conducted by conference call, videoconference, or other electronic means, as permitted by law, provided that all persons can communicate with one another, and all persons are otherwise able to fully participate in the meeting. Votes of the Board held during such meetings shall have the same force and effect as votes at a meeting at which the members of the Board are physically present.

Section 9. Approval of the Annual Budget. The Board of Directors shall approve the annual budget. The budget shall be submitted to the Board for consideration no later than one week prior to the first Board meeting of the fiscal year.

Section 10. Quorum. At all meetings, a quorum shall consist of a majority of all members of the Board of Directors, excluding any vacant positions. Approval of motions shall require a majority vote of the Board members present at the meeting.

Section 11. Removal. Any member of the Board may be removed with cause by a majority vote of the Board of Directors.

Section 12. Resignation. A Board member may resign at any time by giving written notice to the Board of Directors or to an officer of the Board. Unless otherwise specified in the notice, resignation shall take effect upon receipt thereof by the Board of Directors or such officer.

Section 13. Vacancies. A vacancy on the Board of Directors may be filled by vote of a majority of the Board of Directors then in office. A director elected to fill a vacancy caused by resignation, death, or removal shall be elected to hold office for the unexpired term of his predecessor.

Section 14. Compensation. Board members shall not receive salaries or other compensation for their services, but may be reimbursed for any actual expenses incurred in the performance of their duties for DBG. DBG shall not loan money or property to, or guarantee the obligation of, any Board member.

Section 15. Compensation for Professional Services by Directors. Directors are not precluded from being remunerated for professional services provide to DBG. Such remuneration shall be reasonable and fair to DBG and must be reviewed and approved in accordance with the DBG Conflict of Interest policy and state law.

ARTICLE IV – OFFICERS

Section 1. Officers and Terms. The Officers of the Delaware Botanic Gardens shall be elected by the Board of Directors at their regularly scheduled Board meetings. The officers shall be the President, Vice President, Treasurer, and Recording Secretary, each of whom shall hold office for a term of three (3) years or until his or her successor has been duly elected and qualified. The Treasurer may, but need not be, a Board member. Any two or more offices may be held by the same person except the offices of President and Secretary. Election or reelection to office automatically extends the terms of service on the Board as provided in Article III, Section 5. An officer may be removed by the Board at any time, with or without cause, by a majority vote of the Board. An officer may resign at any time upon written notice to the Board or an officer of the Board.

Section 2. Duties

A. President

- (1) Shall be the chief executive officer of DBG with the responsibility for the general management of DBG's affairs and for carrying out the orders and resolutions of the Board of Directors.
- (2) Serves as DBG's official representative and spokesperson on matters of policy and corporate positions.
- (3) Shall preside at all meetings of the Board of Directors and the Executive Committee.
- (4) Shall appoint chairs of the committees named in the bylaws.
- (5) May sign or co-sign checks.
- (6) Signs contracts upon approval of the Board.
- (7) May attend committee meetings as an *ex officio* member or designate another officer to be an *ex officio* member of any committee.
- (8) Shall execute contracts after approval by the Board of Directors.
- (9) Shall report annually to the Board of Directors.

B. Vice President

- (1) Shall perform the duties of the President in the President's absence.
- (2) Shall serve as the President whenever a vacancy occurs in that office.
- (3) May sign or co-sign checks.
- (4) Shall have such other duties as the Board of Directors or President may prescribe.

C. Treasurer

- (1) Shall be the custodian of the funds of the Delaware Botanic Gardens and shall deposit said funds in DBG's name in such bank accounts or other depositories as the Board of Directors may from time to time determine.
- (2) May sign and co-sign checks.
- (3) May sign contracts upon approval of the President.
- (4) Shall be responsible for collecting all dues and assessments, receiving all monies, and making payments in accordance with the annual budget approved by the Board of Directors.
- (5) Shall cause full and accurate accounts to be kept and shall present financial statements and reports to the Board of Directors at each meeting.

- (6) Shall make available the account records for review by any Board member upon request.
- (7) Shall ensure that all tax returns are filed in a timely manner and in accordance with applicable laws and regulations.
- (8) May recommend to the Board, with approval of the President, a qualified fiscal agent or agents or member of the staff to assist in the performance of all or part of the duties of the treasurer.
- (9) Shall serve as the Chair of the Finance Committee.

D. Recording Secretary

- (1) Shall attend and keep the minutes of all meetings of the Board of Directors and, if requested by the President or Vice President, meetings of the Executive Committee
- (2) Shall keep records of attendance at all meetings of the Board of Directors
- (3) Shall serve all notices on behalf of DBG
- (4) Shall notify all Board members of regular and special meetings
- (5) Shall maintain the official records and files of DBG
- (6) Shall conduct votes by e-mail, when requested
- (7) Shall have custody of the corporate seal and shall affix and attest the same to documents duly authorized by the Board of Directors
- (8) In the absence of the Secretary or if the Secretary is unable to perform his/her duties, such duties shall be performed by a Secretary *pro-temp* appointed by the presiding officer at any meeting.
- (9) Shall perform such other duties as may be assigned by the Board of Directors or the President.

ARTICLE V – EXECUTIVE COMMITTEE

Section 1. Composition. There shall be an Executive Committee consisting of the elected officers and two (2) members of the Board of Directors chosen by the Board.

Section 2. Meetings. The Executive Committee shall meet at the call of the President or upon written notice from any two (2) members of the Committee. A quorum shall be at least three (3) of the members of the Executive Committee, and any decision shall be by affirmative vote of at least three (3) members of the Executive Committee. Any action taken by the Executive Committee shall be presented for review and ratification at the next meeting of the Board of Directors.

ARTICLE VI – COMMITTEES

Section 1. Standing Committees. Standing Committees shall be those representing continuing activities of DBG. The President shall appoint the chairs of these committees.

A. Finance Committee. This committee shall prepare and recommend the DBG annual budget. This committee shall also be responsible for developing the investment policy of DBG and implementing the policy after the policy has been approved by the Board. The Committee shall consist of, at a minimum, a Chair, who shall be the DBG Treasurer, a member of the Board of Directors, and the President as an *ex-officio* member.

B. Nominating Committee. This committee is responsible for developing a slate of proposed officers and Board members for consideration for election by the Board of Directors. The President shall appoint the Chair of the Nominating Committee, who shall then select, at a minimum, two members of the Board to serve on the committee. The committee shall present to the Board proposed slates of candidates for officers and Board members. The final slate of proposed candidates for members and officers of the Board shall be voted on by the Board at a regularly scheduled Board meeting.

Section 2. Special Committees. Special committees may be appointed by the President with the approval of the Board of Directors, which shall designate the duties of the committee and the term of each committee's appointment.

ARTICLE VII – FISCAL POLICIES

Section 1. Fiscal Year. The fiscal year shall be from January 1 through December 31, unless changed by the Board of Directors.

Section 2. Signatures Required for Approval. The Treasurer may sign all checks and orders for payment of expenses that are included in the approved budget or have been approved by the Board. The President shall sign all Board-approved contracts and other instruments in the name of the Delaware Botanic Gardens. Unless authorized to do so by these Bylaws, by the Board of Directors, or by the Executive Committee acting on behalf of the Board, no officer, agent, or employee shall have any power or authority to bind DBG by any grant, contract, or engagement, or to pledge its credit or to render it financially liable for any purpose or in any amount.

Section 3. Loans. No loan shall be contracted on behalf of DBG and no evidence of indebtedness shall be issued in its name unless specifically authorized by a resolution of the Board.

Section 4. Acceptance of Donations. The Board of Directors may accept or reject any contributions, gifts, bequests, or devices if, in the Board's opinion, such

donations do not comply with the stated purposes of DBG or are in violation of any stated DBG policies.

Section 5. Prior Approval Required. All expenditures in excess of five thousand dollars (\$5,000) that are not included in the approved budget shall require prior approval by the Board of Directors.

Section 6. Solicitation of Bids Required. The Board of Directors shall make an effort to solicit at least three (3) bids for capital expenditures expected to cost ten thousand dollars (\$10,000) or more.

ARTICLE VIII – CONFLICT OF INTEREST POLICY

Board members, officers, and members of committees with Board-delegated powers shall comply with DBG’s Conflict of Interest Policy. Each Board member, officer, and member of a committee with Board-delegated powers shall be required to review and sign a statement of agreement to comply with the DBG Conflict of Interest Policy annually.

ARTICLE IX – CONFIDENTIALITY POLICY

Section 1. Confidentiality on the Part of Board of Directors. Board members shall not disclose confidential information belonging to or obtained through their affiliation with DBG to any person, including relatives, friends, and business and professional associates, unless the Board of Directors has authorized disclosure. Confidential information means, but is not limited to plans, processes, reports, financial statements, business or strategic plans, compensation, donor lists, and any other information about donors and donations. This policy does not preclude recognition of donors in the DBG Annual Report. This policy is not intended to prevent disclosure where disclosure is required by law.

Board members shall at all times demonstrate professionalism, good judgment, and care to avoid unauthorized or inadvertent disclosures of confidential information.

At the end of a Board member’s term, he or she shall return to the DBG Secretary all documents, papers, and other materials that may contain confidential information.

Each Board member, officer, and member of a committee with Board-delegated powers shall be required to review and affirm his or her understanding of the Confidentiality Policy annually.

Section 2. Staff Records. No staff records shall be made available to any person outside DBG except the authorized governmental agencies.

Section 3. Donor Records. No donor records shall be made available to any person outside DBG except the authorized governmental agencies.

ARTICLE X – INDEMNIFICATION

Delaware Botanic Gardens shall indemnify any and all persons who serve or have served at any time as elected officers or directors of DBG and their respective heirs, administrators, successors, and assigns against any and all expenses, judgments, fines, and amounts paid in settlement, except in relation to matters as to which any elected officer or director shall be adjudged to be liable for his or her own negligence or misconduct in the performance of his or her duty. In the case of a criminal proceeding, the person may be indemnified only if he had no reasonable cause to believe his conduct was unlawful. Such indemnification shall be in addition to any other rights to which officers and directors may be entitled under the laws of the State of Delaware.

ARTICLE XI – PARLIAMENTARY AUTHORITY

Robert’s Rules of Order Newly Revised shall be the parliamentary authority for all meetings of the Board of Directors.

ARTICLE XII – DISSOLUTION

In the event of any liquidation, dissolution, or winding up of the Delaware Botanic Gardens, the Board shall first pay or make provision to pay all outstanding liabilities of the corporation. The Board shall donate, transfer, and convey all or any part of the remaining assets and property of DBG to such corporation, organization, or institution that qualifies at that time as an exempt organization under Section 501(c)(3) of the Internal Revenue Code, as amended, and has a mission or purpose similar to DBG. If a named recipient is no longer a qualified distributee or is unwilling or unable to accept the distribution, the assets shall be distributed to a fund, foundation, or corporation operated exclusively for the purposes specified in Section 501(c)(3) of the Internal Revenue Code or corresponding provisions of any future laws of the United States and the State of Delaware.

ARTICLE XIII – AMENDMENT OF BYLAWS

These bylaws may be amended, repealed, or altered in whole or in part by a majority vote of the members of the Board of Directors, provided that the proposed changes have been presented at a previous meeting of the Board of Directors and further provided that notice of the consideration of the proposed amendments has been included in the call of the meeting at which the vote is to be taken. (END BYLAWS)

END HANDBOOK