

**RCTF AGENCY  
EMPLOYEE HANDBOOK/ HUMAN RESOURCES  
POLICY MANUAL**

**2026**

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# **1. Introduction**

## **1.1 Nature of Employee Handbook**

This Employee Handbook contains the employment practices and policies of the “AGENCY” in effect at the time of publication. All previously issued versions of this Employee Handbook and the policies it contained, and any inconsistent policy statements or memoranda are superseded. This Employee Handbook and the policies it contains shall be referred to collectively as “the Handbook.” Nothing in this Handbook, or any other document, including benefit plan descriptions, creates or is intended to create a promise or representation of continued or permanent employment for any employee. All employees, other than Regular Full-time and Regular part-time employees that have completed their probationary period, are “at-will” employees. This means that either AGENCY or the employee may terminate the employment relationship at-will, at any time, for any reason. Nothing in this Handbook, or in other documents provided or statements made to employees, is intended to modify this at-will relationship.

## **1.2 Purpose**

The purpose of this Employee Handbook is to provide fair and systematic procedures for administering all matters affecting the status and activities of employees of AGENCY. This Handbook is adopted in the belief that the procedures it contains are in the best interest of all AGENCY employees. The Employee Handbook is provided to assist employees in rendering their most effective service to the organization and to the public, and for their professional development.

## **1.3 Revisions**

AGENCY reserves the right to revise, modify, delete, or add to any and all policies, procedures, work rules, or benefits referred to in this Handbook or in any other document without notice. Any such changes must be in writing and must be signed or initialed by AGENCY’s Executive Director. No oral statements or representations can in any way change or alter the provisions of the Handbook.

## **1.4 Duty to Comply**

It shall be the duty of all persons working at AGENCY to comply with and assist in carrying out the provisions of this Handbook and other such policies and procedures as the Executive Director may issue.

## **1.5 Variances**

The Executive Director is vested with the power to vary or modify the strict application of the provisions of this Handbook to avoid injustice when it is in the best interest of AGENCY. Any such variance must be granted in writing and signed by the Executive Director.

## **1.6 Severability**

If any portion of this Handbook is held to be invalid, it shall not affect the validity of the remaining portions of the Handbook.

## **1.7 Coverage**

This Handbook applies to all AGENCY employees except where exceptions are noted in the Handbook or in supplemental employee agreements signed by the Executive Director that specifically state that their provisions supersede portions of this Handbook. This Handbook does not apply to the Executive Director, who serves under contract at the will of AGENCY's Board.

## **1.8 Definitions**

The following terms, as defined below, are used throughout this Handbook

a. **Anniversary Date**

The anniversary date for all employees is the date of employment. The anniversary date is the date from which salary and leave benefits are calculated. This term is sometimes used to describe the anniversary date of when an employee was transferred, promoted, or otherwise moved to a new position at AGENCY.

b. **Appointing Authority**

That authority to hire, promote, transfer, discipline, demote, suspend, terminate, and take such other actions that generally occur within the employment context.

c. **Board of Directors or Board**

The AGENCY Board of Directors.

d. **Bullying**

Bullying is abusive conduct that includes threatening, humiliating or intimidating behaviors; verbal abuse, and interference, sabotage, or undermining of a person's work performance. AGENCY will not tolerate bullying of any form.

e. **Class or Classification**

A group of positions sufficiently similar in duties, responsibilities, authority, and qualifications for employment to permit combining them under a single title and equitable application of common standards of selection and compensation.

f. **Director**

An employee who holds an executive-level position

g. Discrimination

Any unequal treatment or actions that directly or indirectly result in unequal treatment or harassment of persons based upon a person's race (traits historically associated with race, including, but not limited to, hair texture and protective hairstyles), color, religion (all aspects of religious beliefs, observance, or practice, including religious dress and grooming practices), national origin (including language use), ancestry, age (40 and above), gender identity or expression (including transgender, gender fluid, or gender transition status), sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), medical condition (including cancer or a record or history of cancer), reproductive health decision-making, physical disability, mental disability, genetic information, sexual orientation, marital status, registered domestic partner status, veteran status or current or prospective service in the uniformed services, use of cannabis outside of work, or any other category protected under federal, state, or local law. Included in the definition of each protected category is the perception of membership in a protected category and an individual's association with an actual or perceived member of a protected category.

h. Domestic Partner

A domestic partner is a person who has legally established a domestic partnership with a AGENCY employee. A domestic partnership shall be established for purposes of this Handbook when both partners file a Declaration of Domestic Partnership, provided all the following prerequisites are met:

- The domestic partners have registered their domestic partnership with the California Secretary of State.
- Neither person is married or a member of another domestic partnership.
- Neither person is related to the other by blood in such a way that would prevent legal marriage in the State of California.
- Both persons are legally capable of consenting to a domestic partnership.
- Both persons are at least 18 years of age or otherwise meet the legal requirements for a domestic partnership in the State of California.

i. Equal Opportunity

A condition, situation, or practice that is free from discrimination as defined in this Handbook.

j. Exempt Employee

Certain executive, management, administrative, and professional employees are exempt from the overtime requirements of the Fair Labor Standards Act (FLSA) and, therefore, are not paid for overtime.

k. Grievance

A grievance is initiated by an employee or group of employees who believe they are adversely affected by the misinterpretation or misapplication of a written policy. Certain

issues are not subject to a grievance. The grievance exclusions are set forth in Section 11 of this Handbook.

l. Immediate Family Member

Relatives, such as a spouse, domestic partner, children/stepchildren, siblings/step-siblings, parent, parent-in-law, parent of employee's domestic partner, grandparent, and grandchildren. A child includes a biological, foster, or adopted child, a stepchild, a legal ward, a child of a domestic partner, or a child of a person standing in loco parentis. A parent includes a biological, foster, or adoptive parent, a step-parent, or a legal guardian, or a person who stood in loco parentis when the employee was a minor child.

m. Probationary Period

A working trial period for new Regular employees. During this time, new employees are assessed on their ability to successfully perform the functions of the position for which they were appointed and are provided with constructive feedback.

The probationary period is generally six (6) months and may be extended pursuant to Section 3.27 of this Handbook.

n. Job Relevant Tests

Tests which examine skills and abilities that are required for performance on a specific job.

o. Limited-Term Employee

An individual who is hired for a limited period of time, either on a full-time or part-time basis, to work on a particular project or to supplement existing staff resources due to workload demand.

*Refer to Section 3.10 (Limited-Term Employees) of this Handbook for further information.*

p. Non-Exempt Employee

Generally, employees paid on an hourly basis who are covered by provisions of the Fair Labor Standards Act (FLSA). These employees receive overtime pay at one- and one-half times their normal hourly rate for hours worked over 40 per work week.

q. Qualified Person

An applicant who demonstrates satisfactory competence to perform the work required and can carry out the essential functions of the position.

r. Retired Annuitant

A person who has retired from the California Public Employees' Retirement System (CalPERS) and is hired by AGENCY for a limited duration assignment, consistent with regulations pertaining to CalPERS annuitants.

*Refer to Section 3.11 (Retirees or Annuitants) of this Handbook for further information.*

s. Sexual Harassment

Sexual harassment is defined as any unwelcome behavior in regard to sexual advances, requests for sexual favors, and/or other verbal, physical, or visual contact of a sexual or sexist nature, which occurs either explicitly or implicitly as a condition of employment, as a basis for employment decisions affecting an employee, or has the potential to affect the employee's work performance negatively and/or create an intimidating, hostile, or otherwise offensive work environment. Examples of sexual harassment include: sexually-oriented remarks; inappropriate jokes; the display or distribution of offensive photographs, posters, or cartoons; slurs, epithets, threats, or derogatory comments whether on a computer, on paper, or in any other form; and any unwelcome physical touching.

All employees are required to attend periodic training regarding the prevention of sexual harassment. New employees must attend training within six (6) months of their date of hire, and at least once every two (2) years thereafter.

*Refer to the Discrimination and Harassment Prevention Policy in the Supplemental Policies section of this Handbook for further information.*

t. Spouse

The husband or wife of a legally married employee. A spouse may be the opposite- or same-sex as the employee.

u. Substance Abuse

Use or possession of illegal drugs, alcohol, or controlled substances that could impair an employee's ability to perform the functions of his/her/their job safely, efficiently, and effectively.

*Refer to the Substance Abuse Policy in the Supplemental Policies section of this Handbook for further information.*

v. Supervisor

When this term is used in this Handbook, it refers to the person in the position above the employee's position in the organizational chart who is directly responsible for supervising the work of the employee.

## 2. Responsibilities

### 2.1 Authority of Executive Director

The Executive Director shall be responsible for administration of the human resources program and is hereby deemed to be the appointing authority with the power to appoint, promote, transfer, discipline, and terminate all employees of AGENCY subject to the provisions of this Handbook. The purpose of the Delegation of Authority by CEO policy is to designate the persons authorized by the CEO to carry out some of the functions that have been delegated to the CEO by the Board as set forth in the AGENCY Bylaws and Board policies.

## **2.2 Director of Finance and Administration**

The Executive Director is authorized to appoint a Director of Finance and Administration who shall be primarily responsible for ensuring that the mechanics of the human resources program is carried out efficiently and effectively and that accepted standards of human resources management are met.

## **2.3 Equal Employment Opportunity Office**

The Executive Director is authorized to appoint an Equal Employment Opportunity Officer Equal; ("EEO Officer") who shall be primarily responsible for ensuring equal employment opportunity in accordance with federal and state law, and relevant administrative requirements.

## **2.4 Employees**

All employees are required to comply with the applicable mandates of this Handbook as well as all other AGENCY policies and procedures. Employees are responsible for reviewing all AGENCY policies. Employees shall acknowledge receipt of the Handbook at the time of hire and when Handbook revisions are authorized by the Board of Directors.

# **3. Employment Practices**

## **3.1 Appointment**

The Executive Director is authorized to fill vacancies with qualified persons.

## **3.2 Competitive Recruitment**

The general policy of AGENCY is to ensure that recruitment, selection, and hiring of Regular employees is accomplished in an open competitive, and objective manner, and in a fully documented and timely fashion.

## **3.3 Competitive Recruitment- Exceptions**

Vacancies for Regular employee positions shall be filled via competitive recruitment process.

Exceptions to this requirement include:

- 3.3.1 When the Executive Director determines that it is in AGENCY's best interest to promote an existing AGENCY employee.
- 3.3.2 When the Executive Director determines that it is in AGENCY's best interest to appoint a particular, qualified individual to ensure continuity of work.
- 3.3.3 When a vacancy occurs and a qualified candidate is on one of AGENCY's recruitment list, the candidate may be selected in accordance with Section 3.13.

When an entity provides funding to AGENCY and such funding is conditioned upon, or the continuity of the work is dependent upon, a particular individual continuing to perform the work supported by that funding.

### **3.4 Contingent Workforce**

In order to meet short term increases in agency workload demands, the Executive Director may approve Limited Term, Retired Annuitant, or independent contract positions in addition to the approved Regular employee positions. The Executive Director may fill Limited-Term, Retired Annuitant or independent contract positions without unitizing AGENCY's standard competitive recruitment process.

### **3.5 Disability and Accommodations**

To comply with applicable state and federal laws ensuring equal employment opportunities to qualified individuals with a disability, AGENCY will make reasonable accommodations for the known physical or mental limitations of a qualified person with a disability, who is an applicant or employee, unless undue hardship to AGENCY would result. An applicant or employee who requires an accommodation in order to perform the essential functions of a job should contact his/her supervisor, the Director of Finance and Administration and request such an accommodation.

An employee requesting an accommodation, or who the Director Finance and Administrative services has good cause to believe may be entitled to an accommodation, may be directed to provide documentation of the need for an accommodation from a medical care provider of the employee's choice or from a physician of AGENCY's choice at AGENCY's expense.

### **3.6 Employment Related Checks, Screenings, and Verifications**

As a condition of employment, AGENCY employees may be required to undergo pre-and/or post-employment tests, or screenings. These may include degree verification, professional credential verification, criminal history/background investigation, credit history checks, physical performance tests, medical tests, drug screening, or other checks relevant to the employee's position. The requirements for these tests, checks, and screening will be clearly described in job posting and/or job descriptions.

### **3.7 Reference Checks**

AGENCY conducts reference checks on potential new employees as part of its recruitment and selection process activities. Reference checks help ensure the most suitable candidates are hired for job openings by clarifying, verifying, and adding to the information already learned about a candidate from the employment application, interviews, and any job-related tests.

AGENCY does not typically provide letters of recommendation or professional references for current and former employees for employment purposes. Human Resources will verify the

employment status of an employee and will confirm dates of employment and positions held. Letters of support may be provided to accompany applications for graduate-level education at the discretion of the Director.

### **3.8 Employment of Family and Relatives**

The employment of members of an employee's immediate family shall be avoided except under extraordinary circumstance. If such employment is in the best interest of AGENCY, it shall be authorized only by action of the Executive Director.

*Refer to AGENCY's Employment of Relatives and Spouses/Domestic Partners Policy/Procedure for further information on this topic*

### **3.9 Equal Employment Opportunity**

AGENCY is an equal employment opportunity employer. It is the policy of AGENCY to actively recruit, hire, train, promote, and make all other employment decisions without regard to race (traits historically associated with race, including, but not limited to, hair texture and protective hair styles), color, religion (all aspects of religious beliefs, observance, or practice, including religious dress and grooming practices), national origin (including language use), ancestry, age (40 and above), gender identity or expression (including transgender, gender fluid, or gender transition status) sex (including pregnancy, child birth, breastfeeding, or related medical conditions), medical condition (including cancer or a record or history of cancer), physical disability, mental disability, genetic information, sexual orientation, registered domestic partner status, marital status, veteran's status or current or prospective service in the uniformed services, or any other category protected under federal, state, or local law, in accordance with all applicable laws and regulations. Include in the definition of each protected category is the perception of membership in a protected category and an individual's association with an actual or perceived member of a protected category.

### **3.10 Eligibility to work in the United States**

The federal Immigration Reform and Control Act of 1986 (IRCA) requires all employers to verify the identity and legal right to work of all employees. In keeping with this obligation, AGENCY requires each employee to provide original documentation for review by Human Resources that shows his/her/their identity and legal authorization to work in the United States.

Each person accepting an offer of employment from AGENCY must attest to their identity and legal authorization to work by fully completing an I-9 Form; this will be supplied by Human Resources with other New Employee forms and must be completed within three work days of the start date. Former employees who are rehired must also complete the I-9 Form if they have

not completed an I-9 with AGENCY within the past three years, or if their previous I-9 is no longer retained or valid.

All offers of employment and continued employment are conditional upon an individual being able to furnish AGENCY, without assistance or sponsorship from AGENCY, satisfactory evidence of both his/her/their identity and legal authorization to work on behalf of AGENCY in the United States. AGENCY will not sponsor, assist, or otherwise support employees with obtaining authorization to work in the United States.

Unless traveling for authorized AGENCY business, employees are not permitted to work outside of the United States. An exception is made for exempt employees who may need to respond to intermittent work activities that arise during personal time off. AGENCY will not assist or support employees with obtaining work authorization to work in a foreign country.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the Director of Human Resources.

### **3.11 Part-Time Work Schedule**

Regular employees holding full-time positions may request a temporary part-time work schedules in order to achieve work life balance needs. Such request shall be made in writing to the employee's supervisor and Executive Director, and should include a justification and proposed length of time for the temporary part-time work schedule, in addition to a plan for how workload responsibilities will be covered during the temporary part-time schedule period. Temporary part-time work schedules are approved by the Executive Director and if granted, will be granted for a specific period of time based on AGENCY needs, employee performance, and other factors. Employee benefits and compensation may be reduced and the employee will be required to sign an agreement. The Executive Director has the right to revoke his/her approval of a temporary part-time schedule based on agency needs.

Temporary employees shall work a part-time schedule of less than 20 hours per week on average (calculated using a 12-month initial and/or Standard Measurement period) and no more than 1,000 hours in a fiscal year, unless a written waiver of the part-time work schedule requirement has been signed by the Executive Director and is in effect for a specific period of time.

### **3.12 Probationary Process**

Generally, new part-time or Full-time employees hired for Regular positions are in a probationary status for six months. A Probationary employee is an at will employee who may be terminated at any time by the Executive Director without cause and without the right to any of the grievance or pre-or post-disciplinary procedures described in Section 8.2, 8.3, and 9.

After completion of the probationary period, Probationary employees may become Regular employees if they have worked successfully, demonstrated effectiveness, and displayed the necessary skills to satisfactorily perform their job. A Probationary Evaluation Form is used to document performance standards.

If satisfactory job performance is not demonstrated by an employee during the initial six-month probationary period, the supervisor may recommend an extension of the probationary period for up to an additional six months. This action must be approved by the Executive Director or designee. During an extension of the probationary period, the Probationary employee may be terminated at any time by the Executive Director without cause, notice, or the right to any of the grievance or pre-or post-disciplinary procedures described in sections 8.2, 8.3, and 9.

If applicable, written notification of termination of employment shall be served on the employee and a copy filed with the Director of Finance and Administration.

Employees who are promoted or demoted to another position within AGENCY may be required to undergo an additional probationary period and will be notified if a probationary period will apply.

### **3.13 Recruitment/Selection Test**

As a component of the recruitment and selection process, applicants for employment may be requested to performed one or more job related test. These may include demonstrations of written, oral, or physical abilities, or other forms of testing designed to fairly examine the qualifications of applicants. No question which elicits information concerning marital status, race, color, disability, medical condition, ancestry, national origin, sexual orientation, genetic information, or political or religious affiliation may be used as a basis for a decision on an applicant's qualification for employment.

No question which elicits information concerning race (traits historically associated with race, including, but not limited to, hair texture and protective hair styles), color, religion (all aspects of religious beliefs, observance, or practice, including religious dress and grooming practices), national origin (including language use), ancestry, age (40 and above), gender identity or expression (including transgender, gender fluid, or gender transition status) sex (including pregnancy, child birth, breastfeeding, or related medical conditions), medical condition (including cancer or a record or history of cancer), physical disability, mental disability, genetic information, sexual orientation, registered domestic partner status, marital status, veteran's status or current or prospective service in the uniformed services, or any other category protected under federal, state, or local law will be used as a basis for a decision on an applicant's qualification for employment.

### **3.14 Recruitment List**

If within one year of hiring an employee for a position, that position, or a position with similar qualifications, becomes vacant, acceptable and qualifies candidates from the previous recruitment may be considered to interview for the available position.

### **3.15 Rehiring Terminated Employees**

It is against AGENCY policy to rehire any person who was formerly employed by AGENCY if that person was terminated for a cause subject to discipline.

### **3.16 Religious Accommodation**

AGENCY will make reasonable accommodation for the known religious beliefs and practices of a qualified person, who is a job applicant or employee, unless undue hardship to AGENCY would result. Accommodations may include, but are not limited to, the wearing or carrying of religious clothing, jewelry or artifacts, and hair styles, facial hair, or body hair, which are part of an individual's observance of his or her beliefs. An applicant or employee who requires a religious accommodation in order to perform the essential functions of a job should contact his/her supervisor or the Director for Finance and Administration to request such an accommodation.

### **3.17 Retirees or Annuitants**

A Retired Annuitant is a person who has retired from the California Public Employees' Retirement System (CalPERS) and employed by AGENCY as a TIPS employee. An annuitant may be hired if they have specialized skills needed to perform work of a limited duration or the employment is needed during an emergency to prevent the stoppage of agency business. An annuitant also may be hired while the recruitment for a vacant Regular position is being conducted.

Retired annuitants are limited to working a cumulative 960 hours per payroll fiscal year for all CalPERS agencies and must meet the requirements established by state law and CalPERS in order to be eligible for employment. It is the responsibility of the retired annuitant to confirm their eligibility to work for AGENCY, and to track their total hours worked in any fiscal year and notify AGENCY if they are approaching the 960-hour maximum.

Retired Annuitants do not have the same rights as Regular, Limited-Term, or other categories of employees and do not receive benefits. Unless otherwise specifically stated in this Handbook, the rights and benefits in this Handbook do not apply to Retired Annuitants unless otherwise required by law. The following rules apply specifically to Retired Annuitants:

- Work performed by a Retired Annuitant for AGENCY is not eligible for service credit with CalPERS;
- Retired Annuitants shall work a part-time schedule of less than 30 hours per week on average (calculated using a 12-month Initial and/or Standard Measurement Period);
- Retired Annuitants are limited to a maximum of 12 months of employment. An exception to this limit may be granted by the Director, in consultation with the Director of Human Resources, if the annuitant has unique skills, knowledge, or experience that are necessary for completion of a special project that is not considered part of the agency's recurring work program;
- Retired Annuitants are prohibited from working in a Regular part-time position on an ongoing basis, even if the position is less than 960 hours in a fiscal year;

Retired Annuitants do not earn holiday pay, Paid Time Off (PTO), vacation, sick pay, floating holidays, or any other form of paid leave;

- Retired Annuitants do not receive the employee cafeteria plan, or health, dental, vision, life/AD&D, or disability insurance benefits;
- Retired Annuitants are not eligible to contribute to the Deferred Compensation Plan, participate in the Transportation Demand Management (TDM) benefit, have a Flexible Spending Account, be covered by the Employee Assistance Program (EAP), receive reimbursement under the Home Computer Purchase program, or be reimbursed for courses taken;
- Retired Annuitants may qualify for a Flexible Work Schedule;
- Exempt Retired Annuitants employees shall not earn compensatory time; and
- Retired Annuitants are not eligible for reimbursement for licenses, certification, or similar fees related to a profession unless such licensure or certification is required in order for the employee to carry out his or her essential job functions at AGENCY.

Retired Annuitants are employed as at-will employees and can be terminated at any time without notice or cause.

### **3.18 Unsuccessful Recruitment**

If within one year of an unsuccessful recruitment where all AGENCY procedures were properly followed and documented, a satisfactory candidate who meets the requirements of the available position becomes known, it shall be at the discretion of the Executive Director to offer that candidate the position.

## **4. AGENCY**

### **4.1 Accident Reporting**

Employees involved in automobile or other accidents or injuries relating to employments at AGENCY shall report such accidents and/or injuries to their immediate supervisor and the Director of Finance and Administration as soon as possible and shall fill out a Report of Injury Form. Employees requiring medical treatment for work related injury must obtain care from the agency's provider (as posted on bulletin boards) unless the employee has pre-designated his/her personal physician prior to the date of injury/illness.

If an employee required medical attention on the day of the injury the employee is paid for a full day's work regardless of the number of hours worked. Further absence due to the injury are only permitted with a physician's note. Time off for periodic doctor, physical therapy or other medical appointments related to the treatment of the injury are deducted from the employee's sick leave balance.

### **4.2 Business Use of personal Cell Phones**

AGENCY recognize that cell phones, in particular smart phones (mobile phones that combine digital voice service with advanced features and connectivity that allow e-mail capability, internet access, data storage, etc.), are a helpful tool for employees who routinely work outside the office, need to be reached outside of usual business hours, or travel frequently on behalf of the agency. AGENCY does not typically purchase or provide cell phones to employees. Instead, AGENCY believes it is mutually beneficial to provide a monthly service allowance of \$XX to eligible employees who use their cell phone for agency related business

### **4.3 Conflict of Interest**

AGENCY may not enter into contracts, other than employment contracts, with employees, members or an employee's immediate family, or with entities in which an employee has a financial or other prohibited interest if the contract will cause a conflict of interest prohibited by state or federal law. If an employee is aware that AGENCY is considering entering into such a contract, the employee must notify the Executive Director immediately of the potential conflict of interest. Failure to report such a conflict shall subject an employee to discipline up to and including termination

### **4.4 Discrimination**

It's the policy of AGENCY to provide a work environment free from unlawful discrimination. Discrimination occurs when a person or group of people are treated differently based upon the following: race (traits historically associated with race, including, but not limited to, hair texture and protective hair styles), color, religion (all aspects of religious beliefs, observance, or practice, including religious dress and grooming practices), national origin (including language use), ancestry, age (40 and above), gender identity or expression (including transgender, gender fluid, or gender transition status) sex (including pregnancy, child birth, breastfeeding, or

related medical conditions), medical condition (including cancer or a record or history of cancer), physical disability, mental disability, genetic information, sexual orientation, registered domestic partner status, marital status, veteran's status or current or prospective service in the uniformed services, or any other category protected under federal, state, or local law. Included in the definition of each protected category is the perception of membership in a protected category and an individual's association with an actual or perceived member of a protected category. Discrimination can include any unequal treatment or actions that directly or indirectly result in unequal treatment of persons in a class protected by law.

This policy is applicable to job applicants, unpaid interns, and employees with regard to hiring, promotions, assignments, termination, or any term, condition, or privilege of employment. Also, AGENCY will not discriminate against a job applicant or employee because he or she possesses a driver's license issued under section 12801.9 of the California Vehicle Code, which issues licenses to non-citizens.

AGENCY is committed to investigating and resolving any complaints of discriminations. Retaliation for making a complaint or participating in the investigatory process is prohibited. Disciplinary action, up to and including termination, will be taken for improper behavior. Employees are expected to adhere to a standard or conduct that is respectful to all persons within the work environment. AGENCY's Discrimination and Harassment Prevention Policy contains reporting requirements for all personnel. Any concerns or incidents regarding discrimination shall be reported immediately by the person with knowledge, either seen or heard, that an incident may have occurred, in accordance with the policy.

Employees in supervisory positions have an affirmative obligation to report all harassment and discrimination of which they are aware to the Executive Director.

*Refer to AGENCY's Discrimination and Harassment Prevention Policy/Procedure for further information on this topic.*

#### **4.5 Drug-and Alcohol-Free Workplace**

AGENCY is committed to providing a drug and alcohol-free workplace and preventing substance abuse by employees.

An employee performing AGENCY business shall not be under the influence of a controlled substance and employees shall not engage in the manufacture, distribution, dispensing, or use of controlled substance. An employee shall not sell, offer, or provide an illegal drug to another person while conducting AGENCY business.

Employees shall not possess or consume an open container of alcohol or an illegal drug on AGENCY premises, nor shall employees allow an open container of alcohol or an illegal drug to be placed or carried in an AGENCY vehicle or in any vehicle over which an employee has controlled while conducting AMABG business. AGENCY discourages the consumption of alcohol

by employees while conducting AGENCY business whether or not such consumption will cause the employee to be considered under the influence of alcohol.

Sealed containers of alcohol, such as those gifted to or between co-workers, or purchased by an employee for consumption during non-working hours away from AGENCY premises, are permitted on a limited basis. In such cases, the sealed container must remain under the control of the employee in their office or workstation, kept out of the immediate view of other, and be removed from AGENCY premises at the end of the business day on which it was received. Employees shall not place the sealed container of alcohol in public or common areas, such as a refrigerator in a break room.

*Refer to AGENCY Substance Abuse Policy for further information on this subject*

#### **4.6 Financial Disclosure**

As required by law, some AGENCY employees must file a Financial Disclosure Statement entitled Form 700, Statement of Economic Interest. The Statement must be filled upon entering employment, and annually thereafter prior to March 31, and/or when an employee's position is first identified as a position designated for financial disclosures, and at termination from employment. Failure to submit the required financial disclosures in a complete and timely manner may be the cause for discipline.

#### **4.7 Gifts and Gratuities**

No employee of AGENCY shall accept any favors, gifts (e.g., meals), or gratuities of significant value from persons, concern, or corporations who have, or seek to have contracts with AGENCY. Favors, gifts, or gratuities totaling less than \$50 annually from a person, concern, or corporation shall not be considered significant for purposes of AGENCY policy. Violation of this section may result in immediate termination of an employee.

#### **4.8 Harassment**

It is the policy of AGENCY to provide a work environment free from harassment of an applicant or employee because race (traits historically associated with race, including, but not limited to, hair texture and protective hair styles), color, religion (all aspects of religious beliefs, observance, or practice, including religious dress and grooming practices), national origin (including language use), ancestry, age (40 and above), gender identity or expression (including transgender, gender fluid, or gender transition status) sex (including pregnancy, child birth, breastfeeding, or related medical conditions), medical condition (including cancer or a record or history of cancer), physical disability, mental disability, genetic information, sexual orientation, registered domestic partner status, marital status, veteran's status or current or prospective service in the uniformed services, or any other category protected under federal, state, or local law. Included in the definition of each protected category is the perception of membership in a protected category and an individual's association with an actual or perceived member of a protected category. Harassment can include any unwelcome, unsolicited, or unwanted behavior that offends, humiliates, embarrasses, intimidates, or otherwise causes

distress, that is based on a person's status in one of the categories above, and that is severe and pervasive in nature.

In addition, abusive conduct is prohibited at AGENCY. "Abusive conduct" means: conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interest. Abusive conduct may include repeated infliction of verbal abuse, such as derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance.

This policy is applicable to job applicants, unpaid interns, employees, volunteers and independent contractors.

AGENCY is committed to investigating and resolving any complaints of harassment, including sexual harassment and abusive conduct. Retaliation for making a complaint or participating in the investigatory process is prohibited. Disciplinary action, up to and including termination, will be taken for improper behavior. AGENCY employees, volunteers and contractors are expected to adhere to a standard of conduct that is respectful to all persons within the work environment. AGENCY's Sexual Harassment and Complaint Procedures Policy contains reporting requirements for employees. Any concerns or incidents regarding abusive conduct, harassment or discrimination should be reported immediately by any employee with knowledge, either seen or heard, that an incident may have occurred, in accordance with the Discrimination and Harassment Prevention and Sexual Harassment Policies. Employees in supervisory position have an affirmative obligation to report all abusive conduct, harassment, and discrimination of which they are aware to the Director of Finance and Administration.

*Refer to AGENCY's Sexual Harassment and Complaint Procedures Policy and Discrimination and Harassment Prevention Policy for further information on this topic.*

#### **4.9 Heat Illness Prevention**

AGENCY has established procedures that reduce the risk of heat illness for employees who routinely, or from time-to-time, perform their job duties in an outdoor location, whenever environmental or personal risk factors for heat illness are present. For purposes of this policy, examples of "outdoor work locations" include, but are not limited to, roadways and associated facilities, construction sites, fields and parkland areas, beaches and lagoons, yards, outdoor areas adjacent to buildings, such as loading docks, and sites where outdoor public outreach activities occur. Additional protective measure and caution will be exercised when the risk for heat illness is higher, such as during a heat wave or in other severe working or environmental conditions.

*Refer to AGENCY's Heat Illness Prevention for further information on this topic.*

#### **4.10 Injury and Illness Prevention**

All persons working at AGENCY, including regular staff, interns, temporary and contract employees and volunteers are responsible for complying with safe and healthful work practices including the following activities:

Informing employees of the provisions of our Injury and Illness Prevention Program

Evaluating the safety performance of employees when appropriate

Disciplining employees for failure to comply with safe and healthful work practices.

*Refer to AGENCY's Injury and Illness Prevention Policy/Procedure Supplement for further information on this topic*

#### **4.11 Intellectual Property**

In accordance with California law, all intellectual property developed by employees during employment by AGENCY using AGENCY equipment or funds are the property of AGENCY. Title to the intellectual property may belong exclusively to the employee inventor if the employee develops the intellectual property on personal time using non-AGENCY property and the intellectual property is not within the scope of the employee's job description or classification.

#### **4.12 Outside Employment/ Endeavor**

AGENCY employees are not permitted to engage in any outside endeavor that may cause a conflict with their employment at AGENCY without prior approval. Outside endeavors include, but are not limited to, employment with another organization, operation of self-owned or family business outside occupation, enterprise, or participation on a board of directors, committee, or similar entity, whether or not any such position are paid or performed as a volunteer.

The outside employment/endeavor must not trigger any of the following criteria:

- a) Create a conflict of interest with the employee's AGENCY position
- b) Interfere with the employee's efficiency and quality of work for AGENCY
- c) Interfere with the employee's ability to perform his/her AGENCY job responsibilities during core AGENCY business hours.

Employees are required to consult with the Executive Director if there is any possibility that outside employment or an endeavor will cause a financial or organizational conflict of interest for the employee and/or AGENCY.

The employee shall notify the Executive Director of the name and location of any outside endeavor (including self-employment) prior to engaging in any outside endeavor that will or

could trigger one of the criteria above. Outside work or business ownership shall be permitted only upon prior approval of the Executive Director before engaging in an enterprise such as serving on a board of committee outside of AGENCY if there is any possibility that such service will cause a financial or organizational conflict of interest for the employee.

#### **4.13 Electronic Resources Usage- No Privacy**

Person using AGENCY electronic resources, including but not limited to computers, iPads, phones, servers, networks, copiers, and scanners should have no expectation of privacy with regard to the information owned, retained, used, or transmitted to AGENCY. This lack of privacy applies whether or not a device is password protected and whether or not data is stored on hardware at the employee's workstation or share drive space. Such information is within AGENCY's control and may be searched or made subject to disclosure at any item. AGENCY policy prohibits use of AGENCY electronic resources for certain types of activities.

*Refer to AGENCY's Technology and Electronic Resources Policy/Procedure for further information on this topic.*

#### **4.14 Performance Management**

AGENCY's Performance Management program offers a system or processes and tools that coordinate the efforts of employees in making contributions to the agency's programs, projects, and services. To be most effective, performance management requires effective collaboration and communication between supervisors and employees. Core activities include establishing performance expectations, setting goals and objectives, periodic check-in meetings to assess progress toward meeting goals and resetting priorities if new projects or tasks arise, and feedback discussions that support employee growth and development.

#### **4.15 Personal Information- Updating the Agency**

It shall be the responsibility of each employee to keep the Director of Finance and Administration current on personal information necessary to administer the benefits and emergency notification programs, including the employee's current address and phone number.

#### **4.16 Personnel Records**

Confidential personnel records and other written documents, including attendance records, performance evaluations, or disciplinary documentation, shall be retained as necessary for human resources administration and to protect the interest of AGENCY and its employees.

Employee medical records such as authorization for medical leave, benefits, and workers' compensation records shall be maintained in files separate from personnel records and shall be kept private to the extent permitted by law. Employees shall have the right to access their personnel files with prior notice. Files will be made available within 30 days of such request. Files may not be removed from the AGENCY office. In addition, employees shall be allowed copies of documents in their personnel files.

#### **4.17 Political Activity**

No employee of AGENCY shall participate in any political activity prohibited by pertinent provisions of state or federal law.

#### **4.18 Private Gain**

No employee of AGENCY shall use an AGENCY position or its facilities, equipment, supplies, or information developed at public expense for private gain or advantage.

#### **4.19 Safe Work Environment**

It is the policy of AGENCY to provide a safe work environment free of violence and hostility. All persons working at AGENCY are prohibited from engaging in hostile acts while carrying out duties for AGENCY, including, but not limited to assaults, threats, use of profanity or abusive language, harassment, theft, destruction, defacement, misuse of AGENCY's property, insubordination, possession of firearm or other weapons, and reporting to work under the influence of alcohol or controlled substances. Employees are required to report incidents of violence, possession of weapons, or unsafe hazardous conditions to the Executive Director.

*Refer to the AGENCY Violence in the workplace Policy/Procedure for further information on this topic.*

#### **4.20 Sale on AGENCY Property**

The sales, offering for sale, solicitation of sales or orders for vending or peddling of any goods, wares, articles, services, or merchandise of any kind for a for-profit business enterpriser using AGENCY equipment or its premises is prohibited. The prohibition does not apply to AGENCY employees or agents conducting AGENCY business, or to transactions or activities relating to employee sponsored causes and events, such as, but not limited to, holiday picnics or retirement parties.

#### **4.21 Standard of Conduct**

In order to assist in fostering the desired AGENCY goals, the staff together with the local community, has the right to expect the business of AGENCY to be conducted with efficiency, fairness, impartiality, and integrity. Employment at AGENCY carries with an obligation to the public interest. It requires standards of professional behavior from staff that promotes and maintains public interest. It requires standards of professional behavior from staff that promoted and maintains public confidence and trust. At the same time, staff should not be subject to unnecessary restrictions simply because they work for AGENCY. Staff has the normal rights of persons under the state and federal law. Although no one set of rules can answer all ethical questions, the Standard of Conduct policy provides AGENCY staff with an ethical framework for their decisions, actions, and behavior. In this regard, it explains the principles covering appropriate conduct in a variety of content and outlines the minimum standard of behavior expected of staff. Staff are expected to comply with this policy as well as all other

state and federal laws regarding employment by public agencies including, but not limited to, conflict of interest laws.

*Refer to AGENCY's Standard of Conduct Policy/Procedure for further information on this topic.*

#### **4.22 Substance Abuse**

It is policy of AGENCY to establish and maintain a safe and healthy workplace for all AGENCY employees that is free of any adverse effects on job performance caused in any way by the use or presence of drugs or alcohol. AGENCY's Employee Assistance Program provides assistance toward rehabilitation for any eligible employee seeking help to overcoming addiction to, dependence upon, or problems related to the abuse of drugs or alcohol.

*Refer to AGENCY's Substance Abuse Policy/Procedure for further information on this subject.*

#### **4.23 Technology and Electronic Resources**

The use of AGENCY's technology and electronic resources is a privilege that may be revoked at any time. AGENCY will not tolerate misuse of its property. AGENCY's technology and electronic resources include, but are not limited to: computing services, computer system, facsimile machines, and photocopiers.

The Technology and Electronic Resources Policy applies to all users of AGENCY's technology and electronic resources, whether or not they are employees or independent contractors; whether or not they are using AGENCY's technology or resources during or after work hours; or whether they access the technology or resources from AGENCY's premises or some other location.

User should not expect that the information placed on or through AGENCY's electronic resources is private. By using AGENCY's technology and electronic resources, users consent to the monitoring discusses in the Technology and Electronic Resources Policy without any additional notice.

*Refer to AGENCY's Technology and Electronic Resources Policy/Procedure for further information on this topic*

#### **4.24 Tobacco/Smoke Free Environment**

AGENCY maintains a tobacco- ad smoke-free work environment for the benefit of employees, customers, vendors, and other visitors. Smoking and vaping is prohibited within any enclosed AGENCY office space or within 20 feet of an exit, entrance, or window of a building on AGENCY premises.

Smoking is defined as the burning of any type of lighted pipe, cigar, cigarette, or any other smoking equipment, whether filled with tobacco or any other substance or material. Chewing tobacco or any other form of non-smoke tobacco is prohibited because of its hygienic impact

on people and facilities. Vaping refers to the use of electronic nicotine delivery systems or electronic smoking devices such as e-cigarettes, e-pipes, e-hookahs and e cigars.

#### **4.25 Vehicle Use and Safe Driving**

Employees who are required to drive an AGENCY vehicle or their own vehicle for AGENCY business are required to maintain a valid California driver's license (or license from their state of residency) and meet the Driver Eligibility Standards defined in the supplementary policy titled "Vehicle Use and Safe Driving." Employees who drive their own vehicle for AGENCY business also must maintain current vehicle registration and auto insurance coverage that meets the minimum requirements of California law. AGENCY is not responsible for any loss damage to an employee's vehicle. AGENCY reserves the right to periodically request proof of a valid driver's license and insurance and check the Department of Motor Vehicle records for all employees who drive as part of their job.

*Refer to the Vehicle Use and Safe Driving Policy in the Supplemental Policies section this Handbook for further information*

#### **4.26 Violence in the Workplace**

AGENCY attempts to provide a safe work environment free of violence, threats, or intimidation. All persons at AGENCY can help to ensure a safe working environment by taking precautions and reporting inappropriate behavior.

Violence, threats, and intimidation are prohibited in AGENCY's workplace. AGENCY defines violence, threats, and intimidation to include:

- Physical abuse
- Physical or verbal intimidation
- Threats
- Vandalism
- Arson
- Sabotage
- Stalking
- Telephone harassment
- Obscene telephone calls
- Use, sale, or possession of weapons at the workplace
- Acts that management deems inappropriate to the workplace
- Offensive jokes or comments regarding participation in violent events

This list is not meant to be exhaustive.

*Refer to AGENCY's Violence in the Workplace Policy/Procedure for further information on this topic*

## 4.27 Bullying

AGENCY expects all employees to treat others in the workplace – coworkers, supervisors, members of the public, consultants, and vendors - with dignity, respect, and professional courtesy. AGENCY will not tolerate bullying of any form.

AGENCY defines bullying as repeated, malicious, health-harming mistreatment of one or more people by one or more perpetrators that a reasonable person would find hostile, offensive, and unrelated to AGENCY's legitimate business interests. Bullying is abusive conduct that includes threatening, humiliating or intimidating behaviors; verbal abuse, and interference, sabotage, or undermining of a person's work performance.

AGENCY considers the following types of behavior as bullying:

- Verbal bullying. Slandering, ridiculing or maligning a person or his or her family; persistent name-calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
- Physical bullying. Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property.
- Gesture bullying. Nonverbal gestures that can convey threatening messages.
- Exclusion. Socially or physically excluding or disregarding a person in work-related activities.

Employees who feel they have experienced bullying should report this to their supervisor, a Director, or to the Director of Human Resources before the conduct becomes severe or pervasive. All employees are strongly encouraged to report any bullying conduct they experience or witness as soon as possible to allow AGENCY to take appropriate action.

AGENCY is committed to investigating and resolving any complaints of bullying and abusive conduct. Retaliation for making a complaint or participating in the investigatory process is prohibited. Disciplinary action, up to and including termination, will be taken for improper behavior.

Employees in supervisory positions have an affirmative obligation to immediately report all instances of bullying, abusive conduct, or retaliation of which they are aware to the Director of Human Resources.

*Refer to the **Discrimination and Harassment Prevention Policy** for further information.*

## 4.28 Whistle Blower Complaints

AGENCY is committed to being a good steward of public resources and has implemented systems of internal and management control to reduce the possibility of fraud, waste and

abuse. However, these systems do not eliminate the possibility. It is the policy of AMABG to encourage employees to disclose wrongful conduct which constitutes serious violation of AGENCY policy; violation of state and federal laws; the use of AGENCY property, resources or authority for personal gain or other non-business related purposes. AGENCY is committed to investigation whistle blower complaints and taken necessary corrective action. Retaliation for making a complaint or participating in the investigation process is prohibited.

*Refer to AGENCY's Whistle Blower Complaint Policy/Procedure for further information on this topic*

#### **4.29 Workplace Privacy**

Generally, AGENCY employees will be assigned a desk and a workplace to carry their duties. The desk, electronic equipment, and other office equipment are AGENCY property. From time to time, it may be necessary for AGENCY supervisory staff or their designed to look in files desk drawers, and office space utilized by other employees. Employees should not expect their desk, file cabinets, or office space to be private. Employees should also not expect privacy with regard to information placed on AGENCY's PC's and other electronic resources.

*Refer to AGENCY's Technology and Electronic Resources Policy/Procedure for further information on this topic*

## **5. Benefit Highlights**

### **5.1 Available Benefits**

The benefits described in Section 5 and its subparts are generally available to all Regular, Probationary, and Limited-Term Full-Time employees, except as noted below. Some of the benefits outlines in Section 5 of this Handbook also are available to Retired Annuitants, Temporary, and Contract Staff as specifically stated in this Handbook.

### **5.2 Benefit Program Changes**

AGENCY may add, change, modify, or terminate any benefits offered to employees at any time and will communicate changes in writing to affected employee. Employees are responsible for reading benefit plan documents and/or summary plan descriptions. To the extent there are any inconsistencies between information in this Handbook and the benefit plan documents and/or summary plan descriptions, the benefit plan documents and/or summary plan descriptions will prevail.

### **5.3 Continuation of Benefits (COBRA)**

COBRA is a statute that provides for the continuation of group health insurance coverage for members and/or qualifies beneficiaries when coverage would end because of the following reasons:

Loss of coverage of a member or qualifies beneficiary due to a reduction in benefit-eligible employment hours or termination of benefit-eligible employment, excluding termination for gross misconduct;

Loss of coverage of a qualifies beneficiary due to divorce or legal separation;

Loss of coverage of a qualifies beneficiary due to death of a member;

Loss of coverage of a qualifies beneficiary due to the member's entitlement to Medicare benefits; and

No longer meeting the eligibility requirements as a member's dependent.

If anyone is terminated, the employee will be sent notification regarding their rights and obligations under COBRA. Otherwise, the employee or qualified beneficiary is responsible for informing the Director of Finance and Administration of any circumstances under which continuing coverage under COBRA would apply.

#### **5.4 Deferred Compensation Program**

AGENCY offers all Regular, Probationary, and Limited-Term Full-Time employees the ability to enroll in a Deferred Compensation Program.

#### **5.5 Dental Insurance**

AGENCY provides Regular, Probationary, and Limited-Term Full-Time employees with dental insurance. AGENCY pays for employee dental insurance premiums, dependent coverage is available at employee expense to the extent permitted by AGENCY's Dental Plan documents. Part-time Regular, probationary, and Limited-Term Full-Time employees will pay a pro-rated premium for dental insurance benefits based upon the number of hours worked each week.

#### **5.6 Disability Insurance**

AGENCY shall provide long-term disability insurance for all Regular, Probationary, and Limited-Term Full-time employees. An employee must utilize any accrued leave as a supplementary source to ensure payment of normal wages of up to 40 hours per workweek while on disability leave. In no event will an employee be allowed to use accrued leave to receive aggregate pay and benefits in excess of the amount of wages earned by the employee in a typical workweek prior to his/her commencement of leave. If an employee uses accrued leave while waiting for his/her disability payments to commence, the agency will make adjustments as appropriate for any leave used that resulted in an overpayment as indicated above.

#### **5.7 Domestic Partner Benefits**

A domestic partner or child of an employee whose domestic partnership has been established as provided in this Handbook, shall be entitled to the health benefits available under AGENCY's contract with CalPERS and its dental and vision insurance providers. AGENCY will respond to all

other request for insurance benefit coverage for dependents of its employees consistent with applicable laws and insurance policy provisions.

### **5.8 Employee Assistance Program**

A domestic partner or child of an employee whose domestic partnership has been established as provided in this Handbook, shall be entitled to the health benefits available under AGENCY's contract with CalPERS and its dental and vision insurance providers. AGENCY will respond to all other request for insurance benefit coverage for dependents of its employees consistent with applicable laws and insurance policy provisions.

### **5.9 Ergonomics**

Ergonomics is the science of arranging the environment to fit the person in it. Applying ergonomic principles can help reduce the risk of injuries in the workplace. The goal of AGENCY's Ergonomics Program is to reduce or eliminate work-related hazards that contribute to the development of musculo-skeletal disorders (MSD's). AGENCY will take a proactive approach in anticipating ergonomic hazards and correcting them.

If AGENCY determines that an employee's MSD or MSD signs or symptoms, are connected to that employee's job, AGENCY will provide the employee with an opportunity to contact a health care professional and receive work restrictions, if necessary. If an MSD or MSD sign or symptom, is reported to the Director of Finance and Administration who will evaluate the job and, if MSD hazards are found, will take steps to reduce those hazards. Please contact the Director of Finance and Administration if you would like a workspace analysis.

*Refer to AGENCY's Ergonomics Policy/Procedure for further information on this topic*

### **5.10 Life Event Change**

A Life Event Change allows an employee to add or remove dependent from their current benefit plan elections when unforeseen circumstances occurred between Open Enrollments. Only specific events qualify as a change in family status; these include:

- Marriage
- Divorce/legal separation/annulment
- Birth of a child
- Child reaching maximum coverage age
- Legal adoption/placement of child
- Involuntary loss of outside coverage
- Open enrollment at spouse's employment
- Beginning/end of Same Sex Domestic Partner Relationship

In addition to the events noted above, an employee may revoke their election of AGENCY-provided medical insurance outside open enrollment if:

The employee's hours of service are reduced to fewer than 30 hours per week on average and the employee has enrolled in a health insurance plan offered via health care reform Exchange.

The employee has enrolled in a health insurance plan offered via and Exchange and wishes to avoid duplicate coverage due to an overlap in plan years.

If a qualifying event occurs, it must be reported within 31 days, and the family change must relate to the benefit change requested. As an example, adding or dropping medical plan dependents is common in the case of birth, marriage, or divorce. If a benefit change request is not made within the 31-day period following the facility change, changes cannot be made until the next Open Enrollment period. A family status change does not give an employee the ability to change benefit plans (for example, move from HMO to a PPO), only to add or remove dependents from their current benefits plan elections

### **5.11 Flexible Spending Program**

AGENCY offers all Regular, Probationary, and Limited-Term employees the ability to participate in a flexible spending program for medical, orthodontics, and child-care expenses through AGENCY's Flexible Spending Program.

### **5.12 Flexible Work Schedules**

AGENCY supports the concept that use of an alternative work schedule as a means of providing work/life balance. AGENCY reviews an alternative work schedule as one that permits flexible starting and ending times within limits set by management. These schedules generally adhere to the agency's core work hours.

A flexible program can maximize employee productivity, improve morale, reduce traffic congestion during peak travel periods, provide opportunities for employees to conduct personal business without taking either paid or unpaid time off, allow greater employee participation in family and community activities, and increase flexibility in meeting irregular scheduling need while still being a productive employee. Alternative work schedules are subject to approval by both AGENCY and the employee as it may not be appropriate for some employees and some jobs. Approval is at management's option; it is not a benefit to which employees have any vested right. Approval of an alternative work schedule can be revoked at the discretion of the Executive Director.

*Refer to AGENCY's Flexible Work Schedule Policy/Procedure for further information on this topic.*

### **5.13 Life Insurance**

AGENCY shall provide term life insurance for all Regular, Probationary, and Limited-Term employees in the amount of \$50,000.

#### **5.14 Medical Insurance**

AGENCY provides Regular, and Limited-Term employees with medical insurance; coverage also is available for an employee's dependents, to the extent permitted by AGENCY's Medical Plan documents.

AGENCY employees can choose from among the health plan(s) offered by AGENCY. Premiums for specific health plans are paid on behalf of the employee by AGENCY. Coverage is effective the first of the month after the employee's hire date COBRA coverage available upon termination is subject to conditions. AGENCY pays only the non-elective employer contribution for retiree coverage according to conditions define by CALPERS.

Regular Full-time employees may take cash in-lieu of medical benefits option. The option pays a monthly benefit of \$500. Any Regular Full-time employee that is eligible and chooses this option must provide evidence that they have current medical coverage elsewhere. Proof of coverage must be provided annually. Should medical coverage lapse, the employee shall immediately forfeit their cash in-lieu option and will be enrolled in all AGENCY medical benefits.

#### **5.15 Open Enrollment**

AGENCY provides an Open Enrollment period once a year; usually in the month of September, during which time benefit-eligible employees may review current benefit elections, or enroll in or make changes to existing coverage for the following benefit plans: health, dental, vision, and flexible spending accounts. In certain life-status change situations, benefit elections may be made outside of the Open Enrollment period; refer to Section 5.11 for additional information.

#### **5.16 Retirement**

AGENCY employees may defer compensation up to that amount permitted under current Internal Revenue Service regulations by investing in either or both the CalPERS' supplemental income plan (Voya financial) and the ICMA-RC Deferred Compensation Program as contracted by AGENCY.

At the time of hire, AGENCY employees are automatically members of the Medicare system. AGENCY and its employees each pay statutory amounts into the plan.

At the time of hire, AGENCY employees automatically become members of the Federal Social Security System for Retirement. AGENCY and its employees each pay statutory amounts into the fund.

Subject to continuing approval of the AGENCY Board, all employees hired prior to February 1, 2012, who are active CalPERS members, are eligible to have the member's share of the CalPERS retirement benefit, equal to 7 percent of salary, paid by AGENCY. EMPLOYEES hired after February 12, are responsible for paying the employee contribution of the CalPERS retirement benefit.

### **5.17 Teleworking Outside of the Office**

AGENCY supports teleworking as an innovating work option benefiting AGENCY employees and the region. Teleworking is an opportunity for employees to establish an alternate work arrangement that allows them to work at home or another location for part of their regular workweek.

A teleworking program can maximize employee productivity, improve employee morale and motivation, and reduce traffic congestion during peak travel periods. Teleworking is subject to approval by both AGENCY and the Teleworker as it may not be appropriate for some employees and some jobs.

Teleworking cannot interfere with the accomplishment of AGENCY business nor can teleworking cause a reduction in the levels or service presently being provided. Approval for teleworking is at management's option; it is not a benefit to which employees have any vested right. Approval of a teleworking schedule can be revoked at the discretion of the Executive Director.

*Refer to AGENCY's Teleworking Outside of the Office Policy/Procedure for further information on this topic.*

### **5.18 Vision Insurance**

AGENCY provides Regular, Probationary, and Limited-Term employees vision insurance. Coverage also is available for an employee's dependents, based upon AGENCY's Vision Plan documents. AGENCY pays for employee vision insurance premiums, dependent coverage is paid by the employee. Part-time Regular, Probationary, and Limited-Term employees will pay a prorated premium for vision insurance benefits based upon the number of hours worked each week.

### **5.19 Workers' Compensation**

AGENCY shall provide Worker's Compensation as required by the Worker's Compensation Act of the State of California. An employee must utilize any accrued leave as a sole or supplementary source of income to ensure payment of normal wages of up to 40 hours per workweek while on leave for Worker's Compensation injury. In no event will an employee be allowed to use accrued leave to receive aggregate pay and benefits in excess of the amount of wages earned in a typical prior to his/her commencement of leave.

While on an approved Worker's Compensation leave, AGENCY will continue to pay the employee's health insurance premiums to the extent those premiums normally were covered by AGENCY and the employee shall continue to accrue vacation/sick leave benefits.

## **6. Time Off**

### **6.1 Administrative Leave**

AGENCY may place an employee on Administrative Leave, with pay and benefits, when it is determined that it is in the best interest of the employee and/or the agency that the employee not remain in the office. Examples of reasons an employee may be placed on Administrative Leave include: 1. To facilitate the investigation of allegations or misconduct, or 2. To remove an individual from the workplace who is, or has the potential, to behave in a disruptive manner. All Administrative Leave requests will be coordinated by the Director of Finance and Administration and approved by the Executive Director.

### **6.2 Bereavement Leave**

Full-time Regular and Limited-Term employees may take three days (in state) or five days (out of state) of paid bereavement leave per occurrence due to the death of a member of the immediate family. Immediate family member is defined as a relative such as a spouse, children or step-children, sister, brother, father, mother, father-in-law, mother-in-law, grandparent, step-parent, one who stands in place of a parent, domestic partner, children of a domestic partner, or other relative living in the same household. Employees are not required to use accrued vacation or floating holiday for qualified bereavement leave in accordance with the above stated hours. Part-time Regular and Limited-Term employees will receive pro-rated leave benefits based upon their pre-approved standard work schedule.

Full-time Regular and Limited-Term employees are also entitled to unpaid bereavement leave in accordance with California law. Full-time Regular and Limited-Term employees may take unpaid bereavement leave upon the death of a family member. Employees can also take this leave for reproductive loss events, like a failed adoption, failed surrogacy, or miscarriage. Employees can take up to 5 days of unpaid leave for each death or reproductive loss event. Employees can only take up to 20 days of leave for reproductive loss events in a 12-month period. Leave doesn't need to be taken consecutively but must be taken within 3 months of the event. Leave can be taken for each death of a "family member" and for each reproductive loss event they or their spouse experience, including a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction. Bereavement leave is separate from and in addition to any other leave an employee is entitled to, including leave under the California Family Rights Act. If an employee is on another type of leave during their reproductive loss event, they can take reproductive loss leave within 3 months of finishing the other form of leave.

### **6.3 Bone Marrow and Organ Donation Leave**

Full-time Regular employees are eligible to receive up to 30 business days of paid leave to serve as an organ donor and up to 5 business days of paid leave to serve as a bone marrow donor in a one-year period. The one-year period is measured from the date the employee's leave begins and shall consist of 12 consecutive months. Employees must be employed by AGENCY for at least 90 days immediately preceding the commencement of leave and request leave in writing.

Employees must also provide the Director of Finance and Administration written physical verification of the purpose and length of each leave. When available, the employee must utilize up to five business days of accrued but unused sick or vacation leave for initial bone marrow donation leave and up to two weeks of accrued but unused sick or vacation leave for initial organ donation leave.

#### **6.4 Catastrophic Leave**

AGENCY has a Catastrophic Leave Program Policy that may provide an employee additional paid time off when all of his/her leave balance are exhausted, the employee qualifies for Catastrophic Leave under the policy, and another employee has donated vacation, or sick leave time to the catastrophic leave program. All such donations shall be credited as sick leave time to the employee receiving the benefit.

*Refer to AGENCY's Catastrophic Leave Policy/Procedure for further information on this topic.*

#### **6.5 Civil Air Patrol Leave**

Regular Full-time employees who are voluntary members of the California Wing of the Civil Air Patrol will be permitted no less than 10 days of unpaid leave per calendar year in order to respond to an emergency operational mission as defined by the state law. In order to qualify for the leave under this policy, an employee volunteer member must be employed by AGENCY for at least 90 days immediately preceding the commencement of leave. The employee must give AGENCY as much notice as possible of the intended leave dates. Leave for a single emergency operational mission shall not exceed three days, unless extension of the time is granted by the governmental entity that authorized the emergency operational mission, and the extension of the leave is approved by AGENCY. AGENCY may require certification from the proper Civil Air Patrol authority to verify the employee's eligibility for leave. AGENCY reserves the right to deny the leave request if the employee fails to provide the required certification. Upon expiration of the leave, AGENCY will restore the employee to his or her position or to a position with equivalent seniority, benefits, pay, and other terms and conditions of employment, unless the employee is not restored because of conditions unrelated to use of leave under this policy. This policy does not apply to employees who serve as first responders or disaster service workers for local, state, or federal agency to the same or simultaneous emergency operational mission. Employees may substitute accrued vacation for unpaid leave, but are not required to exhaust accrued leave prior to taking leave under this policy.

#### **6.6 Court Appearances**

Unless an employee is appearing on behalf of or at the request of AGENCY, an employee must obtain approval from his/her supervisor and use accrued vacation or take leave without pay for appearances in court as a witness or as a party to a lawsuit.

#### **6.7 Disability Leave**

Employees will be granted disability leave as requested by law. Disability benefits will be paid to eligible employees following a 30 day waiting period at a rate of up to 60% of

regular base pay. During the 30 day waiting period, employees must use accrued vacation, sick leave, catastrophic leave, time, floating holidays, or other available leave balances. Once payment of disability benefits commences, employees must use available leave time balances to supplement their disability benefits in order to maintain their normal leave of pay during the disability period.

Employees must notify AGENCY immediately upon a physician's determination that the employee no longer is disabled and/or is able to return to work. If an employee fails to report to work after a physician has determined that the employee is able to return to work and the employee has not obtained approval for leave of absence, the employee will be considered to have voluntarily resigned, effective 3 (three) days after the first workday the physician designated he/she no longer is disabled and/or is able to return to work.

*Refer to AGENCY's Family Care and Medical Leave Policy for information about benefit coverage during disability leave.*

## **6.8 Domestic Violence Leave**

AGENCY will not discriminate against employees who are victims of domestic violence, sexual assault or stalking for taking time off from work to obtain or attempt to obtain any relief, including but not limited to, a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of a victim or his or her child.

AGENCY will also not discriminate against an employee who is a victim of domestic violence, sexual assault or stalking for taking time off from work to seek medical attention for injuries caused by such domestic violence, sexual assault or stalking, to obtain services from a related support program, to obtain psychological counseling, or to participate in actions to increase safety from future domestic violence, sexual assault or stalking, including temporary or permanent relocation.

Affected employee must give AGENCY reasonable notice that they are required to be absent for a purpose stated above, except for unscheduled or emergency court appearance or other emergency circumstances. In such a case, AGENCY will take no action against affected employees if, within a reasonable time after the appearance, they provide AGENCY with documentary evidence that their absence was required for any of the above reasons.

## **6.9 Energy Services Leave**

Employees who perform emergency duty as a volunteer firefighter, reserve peace officer, or as emergency rescue personnel, as defined, may take up to 14 days per year as leave of absence for the purpose of engaging in fire, law enforcement, or emergency training.

## **6.10 Extended Leave of Absence**

An extended leave of absence is an absence in excess of three weeks. No such leave shall be granted except upon written request of the employee to the Executive Director. Approval

shall be in writing and a copy shall be filed in the employee's personnel folder. No benefits or reinstatement rights will accrue to an employee, including those based on seniority, during the time an employee is on an extended leave of absence unless such accrual is required by law.

The Executive Director may grant a Regular employee a leave of absence for a period not to exceed 6 (six) months (included any leave required by law) if either or both of the following is found:

- a. The employee's activities during the leave of absence will improve the employee's proficiency, return of the employee is desired and expected, and granted the leave is in AGENCY's best interest.
- b. Circumstances are such that the employee must resign if leave is not granted, the employee's return is desired and expected, and the inconvenience of the employee's absence justified.

Additional leave beyond 6 (six) months may be granted by the Executive Director to Regular employees for extraordinary reasons such as a job rotation with another government agency or sabbatical leave that provides opportunities for employee to pursue studies or career development that will benefit AGENCY.

#### **6.11 Family Care and Medical Leave**

In compliance with the Family and Medical Leave Act, the California Family Rights Act, and the Pregnancy Disability Leave Act, the Executive Director will grant job-protected family and medical leave to eligible employees for up to 12 weeks per rolling 12-month period for the reasons shown below.

- Birth or a child in or to care for the child
- Placement of a child with the employee for adoption or foster care
- When leave is taken under FMLA, an employee may be granted time off to care for a parent (or someone who stands in place of the parent), spouse, or child due to serious health condition. When leave is taken under CFRA, an employee may be granted time off to care for a parent (or someone who stands in place of a parent), spouse, registered domestic partner, child, grandparent, grandchild, or sibling (related to another person by blood, adoption, or affinity through common legal or biological parent with a serious health condition)
- Serious health condition that makes the employee unable to perform the functions of the employee's position
- Caring for an immediate family member who is a member of the National Guard or Reservist

Up to 4 months (defined as one third of a year, 17 ½ weeks, or 693 hours) of Pregnancy Disability Leave (PDL) may be granted to eligible employees who are disabled related to pregnancy or pregnancy medical condition, Pregnancy Disability Leave is coordinated with leave provided under FMLA and/or CFRA.

Up to 26 (twenty-six) weeks of Military Caregiver Leave may be granted to eligible employees for care of an injured service member in the Armed Forces or Reserves who has a qualifying exigency.

Employee must use accrued sick leave and vacation leave balances while on Family Care and Medical Leave and may use accrued leave while on maternity leave for reason of Pregnancy Disability Leave. Sick leave and vacation credits ceased to accrue effective the beginning of the pay period after the leave time has been exhausted.

*Refer to AGENCY's Family Care and Medical Leave Policy/Procedure for further information on this topic.*

## **6.12 Holidays, Agency**

Full-time Regular, Probationary and Limited-Term employees shall be entitled to be absent from work on designated holidays and will be paid for the holiday. Part-time Regular, Probationary, and Limited-Term employees on any other type of consistent, reduce work schedule shall be paid for the designated agency holidays on a pro-rated basis upon their pre-approved Part-time work schedule.

The following holidays shall be observed:

New Year's Day

President's Day

Memorial Day

Independence Day

Labor Day

Veterans Day

Thanksgiving Day and the day after

Christmas Eve and Christmas Day

Special holiday proclaimed by the President of the United States and the Governor of California may be granted upon approval of the Executive Director and ratified by the Board of Directors.

When a holiday falls on a Saturday, the prior Friday shall be observed. When a holiday falls on a Sunday, the following Monday shall be observed.

When a holiday falls on a regular scheduled flex day, another day will be determined to substitute for all staff. Exempt employees will not receive additional pay or benefits if they work on a holiday.

Holiday pay will be prorated for full-time employees who are not in a fully paid status at the time of the holiday as follows:

- For non-exempt employees – pro-rated holiday pay will be determined by comparing the number of hours the employee is in paid status during the week in which the holiday falls relative to the number of available work hours during the week in which the holiday falls (80 hours less holiday hours).
- For example employees – pro-rated holiday pay will be determined by comparing the number of hours the employee is in a paid status during the pay-period in which the holiday falls relative to the number of available work hours in which the holiday falls (80 hours less holiday hours).

The holiday schedule for the upcoming calendar year shall be posted in AGENCY offices and circulated to staff annually each December.

### **6.13 Holidays, Floating**

Full-time Regular, Probationary, and Limited-Term Full-time employees are entitled to two floating holidays, not to exceed 18 hours, per calendar year. New employees are credited two floating holidays upon the first day of employment and every July 1 thereafter. Under normal circumstances, the use of floating holiday must be approved in advance at the discretion of the employee's immediate supervisor. Floating holidays cannot be accrued and must be taken in full day increments.

### **6.14 Jury Duty**

All Regular, Probationary, and Limited-Term employees when duly called by a public authority to serve on any jury duty, shall be entitled to be absent from their duties with AGENCY during the period of such service or while necessarily being present in court as a result of such call. Under these circumstances, the employee shall be paid their normal salary and benefits and any payments received by them for such jury duty. The employee should notify his/her supervisor of the need to take time off from work for jury duty as soon as the summons is received. The employee shall provide written verification from the court clerk for each day of jury duty, showing the time the employee arrived for duty and left the court for the day. If work time remains after any day or jury selection or jury duty, the employee is expected to make arrangements with their supervisor regarding the appropriateness of returning to work for the day. AGENCY may request deferment of jury service for an employee during peak periods of work at AGENCY. All part-time Regular, Probationary, and Limited-Term employees on any other type of consistent, reduced work schedule. Part-time employees are not eligible for this benefit. For those employees with an

approved flex schedule, if jury duty falls on the employee's regular scheduled flex day, the employee will not be entitled to paid time off for that day and will resume their normal flex schedule upon returning to work.

For non-exempt employees, it is important to remember that no more than 40 hours can be recorded in a workweek. Depending upon the number of jury duty hours occurring during a workweek, the manager and employee must discuss reallocating work hours for the remainder of the workweek so that, combined with the jury duty hours, total hours equal no more than 40 for the workweek.

### **6.15 Lack of Authorization for Leave**

It's the employee's responsibility to acquire authorization for leave from his/her immediate supervisor. Absence of any employee without authorized leave for three consecutive days shall constitute a voluntary resignation of the employee and voluntary waiver of all rights afforded by this Handbook. Failure of an employee to report for work or to obtain authorization for continuance of leave within three working days after the expiration of authorized leave of absence shall constitute voluntary resignation of the employee and voluntary waiver of all rights afforded by this Handbook.

### **6.16 Lactation Breaks**

AGENCY will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child. The break time should coincide with the employee's paid rest period. A private room with a door that can be locked will be designated for lactation. Employees should contact Director of Finance and Administration with any additional accommodation requests.

Employees have the right to file a complaint with the Labor Commissioner for any violation of rights provided under Chapter 3.8 of the California Labor Code regarding lactation accommodation.

### **6.17 Maternity/Paternity Leave**

Maternity/Paternity leave will be provided to eligible employees upon the birth or adoption of a child. To the extent the request for Maternity/Paternity leave falls within the provisions of the Family and Medical Leave Act, the California Family Rights Act, the Pregnancy Disability Leave Act, or other applicable laws, the Director of Finance and Administration will grant job-protected leave in coordination with the employee's supervisor and Department Director and in accordance with AGENCY's Family Care and Medical Leave Policy. If the request for Maternity/Paternity leave extends beyond the time period required by law or the employee is not eligible for job-protected leave, the leave request will be considered an Extended Leave of Absence (refer to Section 6.7) and approval for such leave must be provided by the Executive Director.

*Refer to AGENCY's Family Care and Medical Leave Policy/Procedure for further information on this topic*

### **6.18 Meal Periods**

Each supervisor is responsible for scheduling the meal periods of his/her non-exempt employees. All non-exempt employees must take at least 30-minute meal period during the day if the employee will work more than five hours. This break must be taken during the day and not "tacked" onto the end of the work day. The agency shall not assign non-exempt employee work-related responsibilities during the meal period.

### **6.19 Military Leave**

Military leave shall be granted in accordance with provisions of state and federal law. Employees who have been employed by AGENCY for at least 12 continuous months prior to the request for military leave will receive their normal pay and benefits for 30 (thirty) calendar days aggregate per fiscal year. Employees taking military leave in excess of 30 (thirty) calendar days aggregate per fiscal year, whether for reserve duties or active duty, will be placed on unpaid leave. Part-time employees who have worked for at least 12 continuous months prior to the request for military leave will receive pay during the 30-calendar-day period in proportion to the average percentage of full-time hours worked during the three calendar months preceding the leave. While on unpaid leave military leave, employees will not accrue sick leave, vacation leave, holiday pay, or cafeteria benefits, but will receive length-of-service credits if they return to their employment with AGENCY at the end of their military leave. If an employee wishes to continue any of his/her benefits while in unpaid status, the employee should contact the Director of Finance and Administration.

### **6.20 Military Spouse/Domestic Partner Leave**

Pursuant to California Military and Veterans Code Section 3953.10, spouses and registered domestic partners of qualified members of the military, as defined by law, may be eligible for up to 10 (ten) days of unpaid leave when the qualified member is on leave for more than 10 (ten) days from the military deployment.

### **6.21 Religious Leave**

Upon request to their supervisors, employees may be granted a leave of absence on vacation time or without pay of the required observance of a special religious celebration.

### **6.22 Rest Periods**

Each non-exempt employee shall be entitled to appropriate paid rest periods as authorized by the employee's supervisor. Rest periods shall be up to 15 minutes length. At least one rest period shall be available to non-exempt employees every four hours.

### **6.23 School Visitation Leave**

Regular Full-time employee's who are the parent or guardian of a child who is suspended and are required to appear at the child's school, may take time off without pay if they provide reasonable advance notice to their supervisor of the need for time.

Employees who are the parent, guardian, or grandparent having custody of children in grades K-12, or children attending a licensed daycare facility, are allowed up to 40 hours of leave without pay per calendar year to participate in activities of their child's school or day care facility unless employed at a worksite less than 25 employees. This leave should not exceed eight hours in any calendar month. Requests for such leave must be made in advance of the planned absence and employees must provide documentation from the school or day care facility as proof of their participation in school or day care activities. Exempt employees may be provided time off with pay when necessary to comply with state and federal wage and hours laws

### **6.24 Sick Leave**

Sick leave with pay, to the extent that it has been accrued, shall be granted to all eligible employees as provided herein.

Sick leave shall be allowed for:

1. Personal illness or physical incapacity resulting from causes beyond the employee's control
2. Enforced quarantine of the employee in accordance with the community health regulations
3. Medical and dental appointments or other illness prevention measurements for the employee or his/her immediate family.
4. Attending to the illness of a child, parent, spouse, or domestic partner of the employee. A child includes a biological, foster or adopted child, a stepchild, a legal ward, a child of a domestic partner, or a child of a person standing *in loco parentis*. A parent includes a biological, foster, or adoptive parent, a step-parent, or a legal guardian.
5. Birth of a child and in order to care for the child, or placement of a child with the employee for adoption or foster care.
6. Pay for sick leave for the foregoing reasons shall be to the extent that the compensation is not payable under the terms of Worker's Compensation

Insurance Act of the State of California, by any insurance coverage provided to the employee by AMBAG at its cost, or as may be otherwise allowed by these policies.

- Full-time Regular employees accrue sick leave at the rate of 4 hours per two-week pay period (8 hours per month or 96 hours per annum).
- Regular part-time employees and interns receive 40 hours of sick leave per annum, in accordance with California Paid Sick Leave law. The number of eligible sick leave hours that employees receive is subject to update as changes to the law are enacted. All regular part-time employees and interns who work at least 30 days within a year in California, including part-time, per diem, and temporary employees, are covered by this law with some narrow exceptions.
- Accrual of sick leave will not be cashed upon termination of employee.
- Sick leave shall be taken and recorded in increments of not less than ¼ hours for non-exempt employees.
- In order to be paid for sick leave, the employee's supervisor must be notified by the employee no later than 8:30 a.m. of the day sick leave is taken. Under any circumstances, the Executive Director may require a physician's certificate for any sick leave requested; in any event, a physician's certificate will be required if an employee is absent for more than five consecutive days. The physician's certificate must be given to the Director of Finance and Administration.

The physician's certificate as used in the prior subsection includes, but is not limited to : written prognosis from the treating physician as to the expected convalescence period, if any; specific physical restrictions, if any, that bear on the employee's ability to perform his/her duties; and/or a second opinion on the employee's condition from a physician or physicians of AMBAG's choice (and at AMBAG's expense), based upon independent medical evaluation(s) and/or review of the employee's physician's report(s).

## **6.25 Special Reporting Requirements for Use of Sick Leave**

An employee with a serious health condition, or who has an immediate family member with such a condition, may be entitled to leave under the California Family Rights Act (CFRA) or the Family and Medical Leave Act (FMLA). To ensure employees receive all benefits they are entitled to under the law, a supervisor must inform the Director of Finance and Administration if an employee calls in sick for more than three consecutive work days, or when the supervisor knows that the employee will be taken off more than three consecutive work days due to the illness or medical treatment of the employee or the employee's immediate family member

*Refer to AGENCY's Family Care and Medical Leave Policy/Procedure*

- 6.25.1 Employees granted leave of any type for more than five consecutive work days due to their own illness will be required to provide a physician's certification to the Director of Finance and Administration, signed by their medical care provider, before allowed to return to work.
- 6.25.2 Employees who use vacation and choose not to inform their supervisor or the Director of Finance and Administration of their need for leave assume the risk of losing their protections under the FMLA or CFRA as AGENCY then will not have any reason to know whether the employee's rights under those laws have been triggered. In the event that the Director of Finance and Administration learns that an employee's leave is qualified under FMLA or CFRA, the Director will contact the employee and take the necessary steps to designate the leave as FMLA or CFRA as applicable.

## **6.26 Time off Without Pay**

Employees may request limited periods of time without pay when they do not have any vacation or floating holiday balances available for use. Such a request must be pre-approved by the supervisor in coordination with the Director of Finance and Administration. If the time period requested for time off without pay exceeds three weeks, the request must be approved by the Executive Director in accordance with Section 6.67 (Extended Leave of Absence). Employees may not take time off without pay if they have any vacation or floating holiday time available unless the days taken off have been designated as voluntary unpaid time off by the Executive Director. Leave balances automatically will be used by Payroll in order indicated in the last sentence in the event an employee takes time off without identifying the type of leave to be used on his/her timesheet. During time off without pay, payment of health benefit premiums is the responsibility of the employee.

Employees who fail to obtain advance permission, or fail to contact their supervisor while absent from work, for three or more consecutive work days may be considered to have abandoned their employment and may be subject to discipline up to and including termination.

## **6.27 Vacation Leave**

Vacation leave shall be granted at reasonable times approved by the employee's supervisor.

- 6.27.1 Vacation leave with pay, to the extent it has been accrued, shall be granted to eligible Regular employees. An employee who terminated employment will be paid for accrued vacation.  
  
Eligible Full-time employees are entitled to the full vacation allowance specified in section 6.23.2 hereof.
- 6.27.2 Vacation Leave Earned: Full time regular employees who have been employed by AGENCY less than 60 months earn 80 hours of vacation

annually. Employees with AGENCY for 60 to 120 month earn 120 hours of vacation annually, and those over 120 months tenure earn 160 hours of vacation annually.

- 6.27.3 Maximum accrual amounts apply to vacation leave balances. No employee shall be permitted to accrue additional vacation time if the employee has a balance in excess of 240 hours until the balance is brought below the applicable limit.

Accrued vacation hours in excess of 240 must be used by January 1 each year. In certain circumstances, the Executive Director may approve a carryover of year-end accruals over 240 hours, however, in no event shall payment for accrued vacation on termination exceed 240 hours. An employee who accrues the maximum hours of vacation shall cease accruing time until his/her accrual drops below the maximum. Accrued vacation hours in excess of 240 must be used by June 30 each year. An employee who accrues the maximum hours of vacation shall cease accruing time until his/her accrual drops below the maximum. In certain circumstances, the Executive Director may approve a carryover of year-end accruals over 240 hours, however, in no event shall payment for accrued vacation on termination exceed 240 hours, unless approved by the Executive Director.

## **6.28 Victims of Felony Crimes Leave**

AGENCY will grant reasonable and necessary leave from work without pay, to employees who are victims, or whose spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, stepfather, registered domestic partner, or child of a registered domestic partner is victim of a violent or serious felony or felonious theft or embezzlement, for the purpose of attending legal proceedings related to the crime.

Affected employees may elect to use accrued paid vacation, personal leave and/or sick leave in lieu of unpaid leave.

When feasible, affected employees must provide AGENCY with advance notice of the employee's need for leave, including a copy of the notice of the scheduled proceeding. If advance notice is not feasible, affected employees must provide documentation evidencing the legal proceeding requiring the employee's absence within a reasonable time after leave is taken.

Exempt employee may be provided time off with pay when necessary to comply with state and federal wage and hour laws.

## **6.29 Voting Leave**

Time off for voting shall be provided to any employee during regular office hours if the employee is unable to reach the polls during non-working hours. Time off will be provided in accordance with the provisions of the Elections Code of the State of California.

## **6.30 Witness Leave**

Regular Full-time employees are given the necessary time off without pay to attend or participate in a court proceeding in accordance with state law. Employees should notify their supervisor of the need to take witness leave as far in advance as is possible. Exempt employees may be provided time off with pay when necessary to comply with state and federal wage and hour laws.

# **7. Pay Practices**

## **7.1 Employee Incentive Program**

Regular and Limited-Term employees are eligible for bonus awards based upon exceeding performance goals and objectives in their performance evaluations. Bonus awards must be authorized by the Executive Director and provided for in the annual Budget

## **7.2 Hours of Work**

All employees shall work such hours as directed by their supervisor. Each employee shall keep, and their supervisor shall certify, regular attendance records and labor charges that shall be reported to AGENCY Payroll staff as directed.

## **7.3 Overtime**

Non-exempt employees who work in excess of 40 hours per week qualify for overtime. All employees must obtain prior approval from their supervisor to work overtime. Overtime can be earned as follows:

- 7.3.1 Non-Exempt Employees: Will be paid overtime as follows: time and one-half for all hours worked beyond the established alternative workweek hours; time and one-half for all hours worked over 40 in a workweek; double time for all hours worked in excess of 12 hours each day. Overtime must be approved in advance by the employee's supervisor. Vacation, sick, holiday, jury duty, bereavement, and other non-worked paid time off hours are not included as hours worked when calculating overtime. In lieu of paid overtime, compensatory time may be earned at rate of one and one-half for every hour worked in excess of 40 hours. Compensatory time shall be converted to vacation time for purposes of record keeping.
- 7.3.2 AGENCY will pay double the employee's regular rate of pay for the following: All hours worked beyond twelve hours in a single workday and

the hours worked beyond eight hours on the seventh consecutive days worked in a single week.

No employee shall be required to work overtime unless given reasonable notice.

The Director of Finance and Administration will determine the exempt status of all executive, professional, and administrative employees according to regulations defined in the Fair Labor Standards Act (FLSA). A list of exempt positions shall be kept by the Director of Finance and Administration.

#### **7.4 Pay Periods**

Employees shall be paid semimonthly. The Executive Director may assign a different pay period when it is deemed to be beneficial to AGENCY.

#### **7.5 Payday**

Employees will normally be paid on the 15 and the last day of the month. In the event the normal payday falls on a holiday or weekend, payday shall occur the last workday before the holiday or the weekend. The Executive Director may assign a different payday when it is deemed to be beneficial to AGENCY.

#### **7.6 Payroll Deductions**

Payroll deductions will be made for income tax withholding and other deductions required by law. Employees may authorize additional approved elective deductions. Changes to deductions will go into effect no later than the beginning of the next pay period after the change is submitted.

#### **7.7 Separation Pay**

Payment of a sum of equal to all accrued vacation leave and wages shall be made to each employee upon separation from employment at the rate of pay as the date of said separation. In the event of the death of the employee, final pay shall be submitted to the employee's estate.

#### **7.8 Time Reporting**

It is responsibility of all employees to record their time accurately on their timesheet in a timely manner. No-exempt employees are requested to record their time in increments rounded to the hour.

Supervisors are responsible for ensuring the work and leave time reported by an employee is accurate for the pay period and validating this by approving the employee's timesheet or timecard in a timely manner. In the event an employee is unable to complete his/her timesheet, it is the supervisor's responsibility to complete it on the employee's behalf.

Timesheets are due to be submitted and approved by the deadlines posted by Payroll. Changes to the submission and approval deadline due to holidays or other circumstances will be

communicated in a timely manner. Corrections to previously reported time must be submitted as soon as the discovery is made.

Access to the electronic time and attendance system is administered by the Director of Finance and Administration. Under no circumstances should login ID and password be shared.

Any falsification or misrepresentation of time and attendance information may result in disciplinary action, up to and including termination.

## **8. Discipline**

### **8.1 Causes for Discipline**

Employee misconduct shall be cause for disciplinary action. The term “misconduct” means not only any improper action by an employee in the employee’s official capacity or role, but also conduct by an employee which is not connected with the employee’s official duties or roles, but which affect the employee’s ability to perform his/her duties, and any improper use of the position for personal advantages. None of the causes below will be applied to the extent the behavior at issue qualifies as legally protected activity consistent with federal or state law. Sufficient cause for discipline shall include, but not limited to:

- a. Absence from duty of failure to attend specified employee training without leave or reasonable cause;
- b. Abuse of leave privileges;
- c. Unexpected or excessive absence or tardiness;
- d. Failure to report for duty after a leave of absence has expired or after a leave of absence has been disapproved;
- e. Incompetence (i.e., inability to meet the minimum standards or essential functions of an employee’s position for a significant period of time);
- f. Unwillingness to perform the normal quality or quantity of assigned work;
- g. Failure to obey a reasonable oral or written order;
- h. Discourteous treatment of the public or other employees;
- i. Actions which constitute an unwholesome influence on other employees, such as harassment or discrimination, which includes sexual harassment;

- j. Using, possessing, dealing, distributing, or being under the influence of intoxicating beverages, un-prescribed narcotics, or unlawful drug while on duty or at work locations, or reporting to work, or operating AGENCY vehicles or equipment;
- k. Fraud or dishonesty in securing employment or promotion;
- l. Deliberate or willful falsification, alteration, destruction, or removal of AGENCY records including, but not limited to, employment applications, personnel records, timesheets, or other confidential records;
- m. Theft or any other improper or authorized use, removal, or destruction of AGENCY property or property belonging to someone other than the employee subject to discipline;
- n. Improper use of AGENCY's technological property, such as access to inappropriate Web sites or illegal activities that violate AGENCY's Technology and Electric Resource Policy;
- o. Violation of AGENCY ordinances, resolutions, policies, rules, or regulations;
- p. Conviction of a felony or conviction of a misdemeanor involving moral turpitude;
- q. Dishonesty involving employment;
- r. Bringing or possessing a weapon, such as an explosive, firearm, or a knife, that is of no reasonable use to an employee on AGENCY's property;
- s. Acceptance, from any source other than AGENCY, of one or more gifts from a particular person or agency (with an aggregate value in excess of \$50 annually), or other form of remuneration (except jury duty pay). In addition to regular compensation to an employee for the performance of his/her official duties. Honorariums or other payments received by a AGENCY employee for speaking engagements while acting in his/her official capacity as AGENCY employee must be remitted to AGENCY;
- t. Outside employment or endeavor, paid or unpaid, not specifically authorized by the Executive Director (see Section 4.10);
- u. Any willful act or conduct, either during or outside of duty hours, which is of such a nature that it causes discredit to AGENCY;

- v. Violation of any federal, state, or local law directly impacting the employee's fitness for employment;
- w. Poor attitude or conduct that disrupts the working environment at AGENCY by causing disruption in workflow, distress to another person, or disharmony among co-workers;
- x. Unauthorized disclosure of confidential or trade secret records or information to third parties, including but not limited to personal social security numbers, medical records, and records relating to a lawsuit, investigation, procurement negotiation, or release of any other records as may be prohibited;
- y. Failure to pay debt owed to AGENCY in a timely manner;
- z. Failure to pass an employment-related background check, screening, or verification;
- aa. Loss of legal authorization to work in the United States;
- bb. Working overtime without pre-approval from the employee's supervisor;
- cc. Violation of AGENCY policies, rules or regulations.

## **8.2 Disciplinary Actions**

Nothing in these Policies requires AGENCY to impose disciplinary action in any progressive fashion, particular order, or in relation to the number of prior disciplinary infractions. Rather, AGENCY reserves the right to impose any form of discipline it deems appropriate in any given circumstance. AGENCY reserves the right to deviate from its disciplinary policies when circumstances warrant such a deviation. The Director of Finance and Administration, in consultation with the Executive Director and is vested with the authority to determine the appropriate course of action. The Director of Finance and Administration should be informed of the disciplinary problem prior to the issuance of written warning. More severe types of discipline, such as suspension, reduction in pay, demotion, or dismissal, will not be taken without prior approval of the Executive Director. This section (8.2 and its subparts) does not apply to at-will Probationary, Limited-Term, temporary and annuitant employees, who can be terminated at any time with or without cause and are not entitled to a disciplinary process; it applied only to Regular employees, The following list includes some, but not all, of the forms of disciplinary measures AGENCY may impose:

- a. Counseling: Disciplinary counseling is any informal discussion with an employee designed to help the employee remedy identified problems in skills, abilities, or work performance. Supervisors are responsible to note the date and content of the discussion, but no record need to be placed in the employee's personnel file. Counseling should be used whenever possible before taking more server action

and as a follow-up after formal action. This form of discipline is not subject to review by the Employee Response Meeting or Full Evidentiary Hearing procedures described in Section 8.3.

- b. **Oral Reprimand:** Oral reprimand is an informal verbal notice to an employee that his/her behavior or performance must be improved. It defines areas where improvement is needed, set goals, and informs the employee that failure to improve may result in more serious action. Oral reprimands usually are given by the supervisor when counseling has failed to produce desired changed. The supervisor shall note the date and content of the oral reprimand, but no record need to be placed in the employee's personnel file. This form of discipline is not subject to review by the Employee Response Meeting or Full Evidentiary Hearing procedures described in Section 8.3
- c. **Performance Evaluation:** Behavior, attitude, and/or performance problems may be noted in written disciplinary evaluation at any time. The evaluation should define areas where improvement is needed, set goals, and inform the employee that failure to improve may result in more serious action. This form of discipline is not subject to review by the Employee Response Meeting or Full Evidentiary Hearing procedures described in Section 8.3
- d. **Written Reprimand:** Written reprimand is a formal notice to an employee that further disciplinary action will be taken unless his/her behavior or performance improved, a copy of which is placed in the employee's personnel file. The employee will be requested to execute the written document as acknowledgement of the discussion. Signed copies will be provided to the employee. The written reprimand should be specific and contain information regarding what occurred; the date and time; which rule; policy, etc., was violated; and what the employee is directed to do to correct the situation. This form of discipline is not subject to review by the Employee Response Meeting or Full Evidentiary Hearing procedures described in Section 8.3. The employee shall be notified of his/her rights to provide a written response within five working days or receiving the reprimand, which will be included in the personnel file, along with the written reprimand.
- e. **Suspension:** Suspension is the temporary removal of the employee from the employee's duties without pay. Both exempt and nonexempt employees may be suspended in partial workweek increments for disciplinary purposes. An employee on suspension without pay shall not accrue benefits that normally accrue based upon time worked. If a regular employee is suspended for two working days or less, the employee shall have no right to review by either the Employee Response Meeting or Full Evidentiary Hearing process. If a Regular employee is suspended for three or more work days, the employee may request

review by the Employee Response Meeting process, but shall have no right to review by the Full Evidentiary Hearing procedures described in Section 8.3

- f. **Reduction In Pay:** Reduction in pay shall be a decrease in salary to a lower pay within the salary range for disciplinary purposes. If this type of discipline is imposed, the employee may request review by the Employee Response Meeting process, but shall have no right to review by the Full Evidentiary Hearing procedures described in Section 8.3
- g. **Demotion:** Demotion is the transfer of an employee to a lower classification, provided they meet the minimum qualification for the lower-level position and AGENCY can accommodate the demotion. A demotion also may include a reduction in pay as discussed above. If this type of discipline is imposed, the employee may request review by the Employee Response Meeting process, but shall have no right to review by the Full Evidentiary Hearing procedures described in Section 8.3.
- h. **Dismissal:** Dismissal is the removal of an employee from the services of AGENCY. If this type of discipline is imposed, the employee may request review by the Employee Response Meeting process and by the Full Evidentiary Hearing process described in Section 8.3. Employees other than Regular employees may be dismissed at any time without notice, cause, or the right to any of the pre- or post-disciplinary procedures described in Section 8.3.

### **8.3 Disciplinary Procedures**

Disciplinary actions may range from informal conversations to dismissal. Counseling and oral reprimands are considered informal. Written reprimands are more formal and the employee is given the opportunity to respond in writing, with the comments placed in his/her personnel file along with the reprimand. This section (8.3 and its subparts) applies to Regular employees only. All other employees are employed at-will and can be terminated at any time, with or without cause, and are not entitled to a disciplinary process.

Reduction in pay, demotions. Suspensions of 3 (three) or more work days, and dismissals all are actions for which a Regular employee may request an Employee Response Meeting. If an employee is to be dismissed, the employee may request both an Employee Response Meeting and a Full Evidentiary Hearing. In these cases, the following procedure should be followed:

- a. *Notice of Intent to Discipline:* Whenever AGENCY intends to reduce a Regular employee's pay, demote the employee, suspend the employee for three or more days, or dismiss the employee, a written Notice of Intent to Discipline shall be given to the Regular employee prior to imposing the discipline.

- The type of disciplinary action and effective date of disciplinary action intended;
  - The specific charges upon which the action is based;
  - A factual summary of the grounds upon which the charges are based;
  - A copy of all written material, reports, or documents upon which the discipline is based, or in the case of extensive documents, a reference to the availability of the documents for review or copying;
  - Notice of the employee's right to respond either orally or in writing;
  - The date, time, and person to whom the employee should respond in 5 (five) working days to request an Employee Response Meeting;
  - Notice that failure to respond at the time specified shall constitute a waiver of the right to respond prior to final discipline being imposed.
- b. **Employee Response Meeting:** Regular employees have the right to respond to the Notice of Intent to Discipline and have a right to be represented at any meeting set to hear the employee's response. The employee may request a meeting, known as an "Employee Response Meeting," to determine if the proposed discipline is justified. The Employee Response Meeting is not an Evidentiary Hearing but is considered a pre-disciplinary conference where the Regular employee's response is considered before final determination of the discipline is made. A request for an Employee Response Meeting must be in writing and must be delivered to the Director of Finance and Administration on or before 5 (five) working days after the employee's receipt of the Notice of Intent to Discipline. Within 2 (two) working days of receipt of the request for an Employee Response Meeting, the Director of Finance and Administration shall notify the employee of the time and place for the Employee Response Meeting. The Employee Response Meeting will take place no later than 10 (ten) working days after receipt of the request. The employee or the employee's authorized representative, including legal counsel, and the Executive Director, may agree to a later date for the Employee Response Meeting if necessary under the circumstances. The employee shall be entitled to be present at the Employee Response Meeting, together with an attorney and/or a designed representative. If the employee does not respond and request an Employee Response Meeting within five working days, the terms of the Notice of Intent will be carried out without further delay or any additional notice.
- c. **Final Notice if Employee Response Meeting is Requested:** Within 15 (fifteen) working days of the Employee Response Meeting, the Executive Director or his/her designee will either:
1. Withdraw the proposed disciplinary action;
  2. Administer a modified disciplinary action; or
  3. Administer the proposed disciplinary action

If discipline is warranted, the Regular employee shall receive a written Final Notice of Disciplinary Action. The Final Notice shall include the following:

1. The disciplinary action taken;
  2. The effective date of the disciplinary action taken;
  3. Specific changes upon which the action is based;
  4. A summary of the facts upon which the charges are based;
  5. A reference to the written material, reports, and documents upon which the disciplinary action is based; and
  6. Notice of the employee's right to appeal if the final notice imposes dismissal.
- d. Full Evidentiary Hearing: Following an Employee Response Meeting , if the Final Notice imposes dismissal, a Regular employee may appeal the decision of the Executive Director or his/her designee to the AGENCY Board of Directors by requesting a Full Evidentiary Hearing. The Notice of Appeal must be in writing and must be delivered to the executive Director within 5 (five) working days of the Final Notice. Upon receipt of a Notice of Appeal, the Board of Directors shall schedule a Full Evidentiary Hearing with the employee within 40 (forty) calendar days thereafter, and shall notify the employee of said date and place in writing. Employees subject to reductions in pay, demotion, or suspensions are not entitled to a Full Evidentiary Hearing.
- e. Full Evidentiary Hearing Rules and Guidelines: No fewer than 10 (ten) calendar days prior to the hearing, the employee and AGENCY shall provide each other with a list of witnesses and exhibits. The Chair of the Board of Directors or his/her designee shall serve as the hearing officer at the hearing. The parties will be entitled to appear personally, produce evidence, have counsel, and make the hearing public. Technical rules of evidence will not apply at the hearing except all testimony will be taken under oath. A certified shorthand court reporter or other type of recording system will record the hearing on AGENCY's behalf. No informality in any of the proceedings or the taking of testimony shall invalidate any order or decision made or approved by the Board of Directors at the hearing.
- f. Immediate Removal: The above procedure shall not preclude the immediate removal of an employee with pay without notice or hearing where the continued presence of the employee would present a hazard or disruption to other employees, the public, or AGENCY. An administrative removal with pay pending investigation requires written approval from the Executive Director and is not subject to appeal. When an administrative removal with pay is imposed and subsequent disciplinary action follows, the employee shall be assured of all due process in accordance with the procedure.

Right to Representation: A Regular employee eligible for Employee Response Meeting or Full Evidentiary Hearing that may result in disciplinary action has the right to be represented by an attorney retained by the employee at the employee's expense, or another representative of his/her choice.

#### **8.4 Failure or Refusal of Employee to Sign Written Form of Discipline**

When an employee's discipline is documented in written form, whether as a reference in a Performance Evaluation, a written reprimand, or any other document, the employee will be asked to acknowledge receipt of the document referencing the discipline by signing or initialing the document. A signed copy will be furnished to the employee. If the employee is unavailable, or fails or refuses to sign the document acknowledging receipt, the supervisor or other person dispensing the discipline shall document the circumstances of the refusal on inability, and this documentation shall be placed in the employee's personnel file.

#### **8.5 Payment of Damages by Employee**

In the course of disciplinary action, if it is discovered that an employee has harmed or caused damage to AGENCY, the agency has the right to pursue recovery of the cost of these damages from the employee via payroll deduction(s) or other means, as appropriate.

## **9. Grievance Procedure**

### **9.1 Grievance Procedure**

The Executive Director shall promptly consider Regular employee grievances relating to employment conditions and relationships; however, resolution of grievances between supervisors and Regular employees is encouraged. These grievance procedures apply to Regular employees only and can be applied only when another more appropriate complaint procedure does not exist. The following steps shall be followed in submitting a grievance:

- a. Step 1: The aggrieved employee or group of employees shall orally present the grievance to the appropriate supervisor within 10 (ten) calendar days of date the employee knew or should have known of the incident. The supervisor shall give his/her oral or written reply within five working days.
- b. Step 2: If the grievance is not settled in Step then it shall be put in writing, dated, and signed by the employee or group of employees, and shall be presented to a supervisor within two working days after the above oral reply was given. The written grievance shall contain a statement of: (1) specific circumstances complained of, including, but not limited to, any policy violation, the date of the incident, and any relevant documents or witnesses; (2) the inequity or damage suffered by the employee; and (3) the relief sought. The supervisor shall consult

with the Director of Finance and Administration and shall give a reply in writing within ten working days of the presentation of the written grievance.

- c. Step 3: If the grievance is not settled in Step 2, then the employee shall present the grievance in writing to the Executive Director or his/her designee within five working days of the supervisor's written reply. The Executive Director shall, in turn, give a written decision within 15 (fifteen) calendar days of receipt of the grievance.

The decision of the Executive Director shall be final.

## **9.2 Good Faith Requirement**

Subject to the condition that employees shall submit only grievances that they reasonably and in good faith believe have merit and are subject to this grievance procedure, this grievance procedure may be used by an employee without fear of prejudice, reprisal, or retaliation.

Supervisors shall not delay or suppress submission and orderly consideration of a grievance.

## **9.3 Exclusions**

The following are specifically excluded from the grievance procedure:

1. Any disciplinary action;
2. Challenges to performance reviews;
3. Denial of merit pay increases or incentive awards;
4. Layoffs;
5. Reclassifications
6. Denial of a request for leave without pay that is not an entitlement pursuant to federal or state law.
7. Issue related to AGENCY's harassment, discrimination or retaliation prevention policies.

Nothing in this grievance process limits or is intended to discourage any employee from reporting suspected violation of the law with any federal, state or local regulatory or law enforcement agency.

## **9.4 Extension of Deadlines**

Any or all of the time limitations mentioned above with reference to filing and response may be extended by mutual agreement of the employee and the Executive Director.

## **10. Position Classification Plan**

### **10.1 Classification Plan**

All AGENCY positions shall be included in the Position Classification Plan. The Position Classification Plan is comprised of various classes, or levels of position, and job classifications that broadly define the work performed by employees.

### **10.2 Classification Specifications**

The Position Classification Plan, and specifically the classification specifications, are used as guidelines for determining applicant qualifications for position and establishing position comparability for the purpose of conducting classification and compensation surveys. The statement of employment standards for particular positions may be interpreted flexibly by the Executive Director in exceptional cases where equivalencies exist between education and experience or where unique circumstances arise.

### **10.3 Definitions**

The following terms are used when referring to AGENCY's Position Classification Plan:

- **Class** - A class consists of positions sufficiently similar in duties, authority, responsibility, working conditions, and pay range. These positions are often grouped with a common or similar title.
- **Job Family** – A job family consists of positions that are similar with respect to the duties performed but different in terms of the nature and level of responsibility assumed. Job families often include positions at the administrative/technical, professional, and supervisory/management levels.
- **Classification Specification** – A classification specification, or class spec, is typically a broad summary of the general duties, responsibilities, and qualifications that apply to all positions within a particular job title (i.e., Associate Regional Planner). Class specs are not intended to specifically identify every duty performed by an employee in the classification.
- **Job Description** – A job description summarizes the specific duties and responsibilities performed by an individual employee.

**Flexibly Staffed Positions** – A group of positions within a job family from which employees may be promoted without a competitive recruitment.

## **10.4 Demotions**

When an employee is demoted to a position with a pay range lower than that for the position previously occupied, the employee may have his/her pay lowered, at the discretion of the Executive Director, to an amount that is lower than the former pay.

## **10.5 Job Descriptions**

Job descriptions are developed and maintained for each position within the organization. While Classification Specifications describe examples of primary duties and the general knowledge, skills and qualifications for similar positions that fall within the classification, job descriptions are customized for each role. Job descriptions clearly and concisely state the purpose of the position, the primary duties and responsibilities assigned, the knowledge and abilities needed to perform the job, working conditions, physical requirements, and key liaisons. Job descriptions help establish clear expectations for what work will be performed and how, enabling employees to work more effectively while providing a sound basis upon which supervisors can evaluate employee performance.

A draft job description is prepared by the hiring director upon employee hire. Within 90 days of an employee's start date, promotion date, or position change date, the supervisor and employee will jointly review and modify the draft job description to reflect current work assignments and provide a final copy to the Director of Finance and Administration. Supervisors and employees also are expected to review and maintain job descriptions on at least an annual basis to ensure they are accurate and relevant.

## **10.6 Promotions**

If a higher-level position is vacant, any AGENCY employee who meets the qualifications for the higher-level position may be considered for promotion to the vacant position. Promotions within flexibly-staffed groups of positions are approved by the Executive Director.

When an employee is promoted to a position with a pay range higher than that of the position previously occupied, the employee will receive at least the minimum amount of the new classification pay range. If that rate is equivalent to or less than the employee's present pay, the pay rate may be set, at the discretion of the Executive Director, at an amount that is higher than the former pay. Employees promoted to higher level classifications may be subject to a probationary period.

## **10.7 Reclassification**

When a position is reclassified to a classification having a higher pay range and the incumbent employee is appointed to the reclassified position, the pay rate the employee may be placed at is at least the minimum amount of the new classification pay range, which will be an amount that is equal to or higher than the former pay.

When a position is reclassified to a classification having a lower pay range and the incumbent employee is appointed to the reclassified position, the pay rate of the employee may remain at their current rate. If the current rate then exceeds the maximum amount of the new class pay range, pay may be frozen at its current level until the incumbent leaves the position or the position rate catches up to the current class pay rate.

### **10.8 Compensation Advancement**

Advancement of an employee in the pay range table may be made on a merit basis as part of a performance evaluation. Advancement may be made where outstanding performance has been documented and is approved by the Executive Director.

## **11. Professional Development**

### **11.1 Evaluation of Job Performance**

Performance evaluations may be used as one of many tools to assess an employee's ability to perform the required duties in their current position. Probationary performance evaluations are completed at the employee's 3-month and 6-month anniversary dates. Performance evaluations are required to be completed by all Regular, non-probationary employees at the end of the employee's anniversary month. Other than required annual performance evaluations, the frequency of evaluations may vary, depending upon the length of service, job position, past performance, changes in job duties, or recurring performance issues.

Performance evaluations are intended to guide supervisors in assisting employees to meet the essential functions of their position and/or to improve their job skills. Evaluations may be one source upon which the determination shall be made as to whether an employee's performance has been fully satisfactory.

Paper-based performance evaluations shall be given to the Director of Finance and Administration for filing in the employee's personnel file. Performance evaluations shall be treated in a confidential manner

### **11.2 Licenses, Bonds, and Certifications**

AGENCY may; subject to budgetary limitations, pay for or reimburse employees for license, course, bonds, or other required fees (in whole or in part) if the licensing or certification is required or requested by a supervisor. Employees must obtain written approval of the Executive Director prior to application or enrollment in order to receive reimbursement. Compensation shall be conditioned upon a continuation of employment with AGENCY for one year following completion of the program for which the employee is being compensated. In the event that the employee voluntarily terminates employment with AGENCY less than one year after AGENCY pays for the course, certification, or license, the employee must reimburse AGENCY on a prorated basis for the costs it paid.

### **11.3 Performance Improvement Plan**

A performance improvement plan is designed to identify and correct problems that may affect the employee's work performance. This process provides the employee and his/her manager with an opportunity to talk about specific problems, to determine when and how these problems can be corrected, and to agree to set goals and follow-up dates. Each case is considered on an individual basis by the manager, with the advice of the Director of Finance and Administration and the Executive Director. Please read Section 8 to understand the process when work performance problems are not corrected.

### **11.4 Professional Education**

An employee's supervisor, at the discretion of the Executive Director, may invite Regular employees to attend, or the employee may directly request to attend, seminars or courses for which AGENCY prepays the associated enrollment fees.

To qualify for prepayment of fees, the seminar or course must be related to a priority area at AGENCY, required for the employee to maintain required licensing or certification, or mandated by a member of management staff because it is necessary to improve AGENCY's operations. The employee may need to attend the seminar or course during the workday or after work hours.

Decisions regarding which employees should participate in this program will be based upon factors such as length of the employee's service, length of the seminar or program, potential hardship on AGENCY if the employee must miss work to attend, employee performance, job relatedness of the seminar or course, cost, whether the employee's enrollment was mandated by AGENCY, and other relevant factors.

### **11.5 Professional Memberships**

Employees who hold Regular Full-time AGENCY positions and have a non-probationary status are eligible for job-relevant professional organization memberships. The membership request must be pre-approved by the employee's supervisor and Executive Director. AGENCY maintains institutional memberships in various organizations that pertain directly to the work and interests of the agency. AGENCY will not pay membership dues for an individual employee when agency membership of the organization exists. When possible, group or shared memberships are encouraged.

An employee may request payment/reimbursement of professional membership fees if he/she is a member in good standing, and can demonstrate that the membership will result in direct and tangible benefits to the mission of the agency. It is the responsibility of the supervisor and Executive Director to determine whether the requested membership meets the above criteria.

When appropriate and when agency workload priorities permit, employees are encouraged to attend meetings of their professional organization. Approval to attend such events must be given by the employee's supervisor in advance. Supervisors may limit the number of employees attending any single professional meeting. Criteria for determining which employee(s) may

attend a meeting include whether the employee is a speaker at the meeting, an officer of the professional organization, or seniority. Supervisors will attempt to rotate meeting attendance where possible.

### **11.6 Tuition Reimbursement**

AGENCY may, subject to budgetary limitations, reimburse tuition and required fees, in whole or in part, to Regular employees who successfully complete courses of study that will increase their skills, knowledge, and competency for performing their job assignments. Courses must be given by a school accredited by the Western Association of Schools and Colleges, or equivalent approved by the Council for Private Post-Secondary and Vocational Education, or by an accredited high school.

Compensation shall be conditioned upon a continuation of employment with AGENCY for one year following completion of the program for which the employee is being compensated. In the event that the employee voluntarily terminates employment with AGENCY less than one year after completing a course, reimbursement by the employee to AGENCY of the costs paid by AGENCY for the course will be required on a pro-rated basis.

## **12 Separation of Employment**

### **12.1 Continuation of Benefits (COBRA)**

COBRA is a statute that provides for the continuation of group health insurance coverage for members and/or “qualified beneficiaries” when coverage would end because of the following reasons:

- Loss of coverage of a member or qualified beneficiary due to a reduction in benefit eligible employment hours or termination of benefit eligible employment, excluding termination for gross misconduct;
- Loss of coverage of a qualified beneficiary due to divorce or legal separation;
- Loss of coverage of a qualified beneficiary due to death of a member;
- Loss of coverage of a qualified beneficiary due to the member’s entitlement to Medicare benefits; and
- No longer meeting the eligibility requirements as a member’s dependent.

If employment is terminated, the employee will be sent notification regarding their rights and obligations under COBRA. Otherwise, the employee or qualified beneficiary is responsible for informing Human Resources of any circumstances under which continuing coverage under COBRA would apply.

### **12.2 Dismissal**

The Executive Director may at any time dismiss any employee for causes set forth in Section 8.

### **12.3 Layoff**

If it becomes necessary through lack of work, lack of funds, or for any other legitimate economic or business reason to reduce the number of employees, AGENCY will attempt to notify Regular employees so affected 60 calendar days prior to the date of termination, or as soon as possible under the circumstances.

### **12.4 Procedures at Separation**

Up on separation of employment, employees will receive their final pay in accordance with applicable law. All accrued, vested benefits that are due and payable upon termination also will be paid at this time. Other accrued benefits, such as benefits under retirement or savings plans, will be distributed under the terms of those plans.

After separation, health insurance benefits usually may be continued at the employee's expense if the employee so chooses and it may be possible to continue certain other insurance benefits, depending upon the terms of the plan. The employee will be notified in writing of the benefits that may be continued, and of the terms under which this is possible.

The agency generally will schedule exit interviews at the time of employment separation. The exit interview will afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to the agency, or return of agency-owned property. Suggestions, complaints, and questions also can be voiced.

### **12.5 Resignation**

An employee wishing to resign in good standing is requested to notify the Executive Director in writing at least 10 working days prior to the employee's final day of work.

## **13. Personnel Policies**

### **Business Use of Personal Cell Phones**

AGENCY recognizes that cell phones, in particular smart phones (mobile phones that combine digital voice service with advanced features and connectivity that allow e-mail capability, Internet access, data storage, etc.), are a helpful tool for employees who routinely work outside the office, need to be reachable outside of usual business hours, or travel frequently on behalf of the agency. AGENCY does not typically purchase or provide cell phones to employees. Instead, AGENCY believes it is mutually beneficial to provide a monthly service allowance of \$25 to eligible employees who frequently use their personal cell phone for agency-related business.

#### **Eligibility**

Employees holding permanent full-time positions are automatically eligible for a monthly cell phone allowance.

Eligibility for temporary employees and interns will be determined on a case by case basis taking into consideration the nature of the work the employee performs and the need to maintain contact using a personal cell phone during work and non-work hours.

### **Responsibilities**

Eligible employees are responsible for purchasing their own cell phone. Cell phones are the property of the employee, not AGENCY.

Eligible employees are responsible for establishing and maintaining a service plan with a service provider and paying all fees and charges associated with the plan, including costs associated with insurance and extended warranties. Employees must maintain an active cell phone service plan while receiving a monthly allowance.

Employees are responsible for reporting lost or stolen cell phones, as well as problems with the service or equipment, to the service provider. Employees will not be reimbursed for the cost to replace a lost, stolen, or damaged cell phone.

If approved for the additional data service allowance, the employee's personal cell phone (smart phone) is expected to have appropriate capabilities that allow for connection to the AGENCY Exchange server for access to email, calendars, and other electronic information necessary for the performance of the employee's job duties.

AGENCY assumes no responsibility or liability for the cell phone purchased or any damage or loss use of the cell phone for the employee or anyone else.

Employees approved for a cell phone allowance are required to provide their cell phone number to their manager, to Human Resources, and any other individuals (such as other employees or project partners) as identified by their manager.

Employees approved for an allowance should be familiar with the AGENCY Technology and Electronic Resources policy (part of the Employee Handbook) and its applicability to the use of cell phones. A summary of some of those provisions follows:

- Employees should be aware that if they use their personal cell phone to access AGENCY electronic resources to conduct AGENCY business – the email system, shared network, etc. – the cell phone is potentially subject to inspection in order to respond to a public records request, subpoena, or as part of an internal investigation or employee relations matter. Data stored on AGENCY servers is subject to disclosure even if a personal device was used. If AGENCY pays the employee an allowance related to the device, AGENCY may be obligated by law to capture data on the device itself.

- AGENCY policies that forbid discrimination and harassment apply to an employee's use of their cell phone, if the cell phone/cell phone service is or has been financed in whole or in part by AGENCY. Employees may not use their cell phone in any unlawful manner.
- Employees are expected to use their cell phone in a manner that protects their personal safety and the safety of co-workers and the general public. Employees are prohibited from using a cell phone without proper hands-free equipment while operating a vehicle to conduct AGENCY business. Employees also are prohibited from sending text messages or emails while operating a vehicle if they are using the vehicle to conduct AGENCY business.

### **Security for Personal Cell Phones**

Employees using their personal cell phone for AGENCY business may need to send or receive AGENCY-related data that is confidential in nature. In order to protect against unauthorized access of such data, an employee should take the following precautions whether or not the employee accepts reimbursement from AGENCY.

- Cell phone operating system software updates with enhanced security functionality should be downloaded without delay
- Security settings should be used on the cell phone such as screen locks for failed password attempts and inactivity time-outs
- Strong passwords should be used on the cell phone

Cell phones should not be used to send or open confidential information on cell phones being used on unsecured networks such as those available in public places (restaurants, airports, etc.).

### **Payment and Taxation of Service Allowance**

An approved allowance for cell phone service in the amount of \$12.50 will be added to the employee's semi-monthly paycheck. This allowance does not increase the employee's base salary and will not be included in the calculation of any agency benefits. The allowance will show as a separate line item on the employee's pay statement.

AGENCY treats the service allowance as a taxable benefit. The allowance amount will be treated as wages and subject to income tax withholdings. Because the allowance is taxable, the actual amount that the employee receives may be less than the allowance amount approved. The total annual allowance paid will be reported as taxable wages on the employee's Form W-2 at the end of each year.

## **Catastrophic Leave**

The Catastrophic Leave Program permits AGENCY employees with accrued sick leave to voluntarily donate 8 to 160 hours of those leave credits per fiscal year (in whole hour increments) to other employees who qualify for Catastrophic Leave so long as the donation does not cause the donor employee's vacation, or sick leave balance to fall below 40 hours. In order to receive Catastrophic Leave donations, an employee must be eligible for legally protected leave, have experienced a serious medical illness or injury, and exhausted their own accrued leave credits including all paid time off, floating holidays (eligible to be used during the approved absence), vacation, sick leave, and other administrative leave.

Employees who qualify for leave under the Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA), or Pregnancy Disability Leave (PDL) qualify for consideration for the Catastrophic Leave Program. The FMLA and CFRA require covered employers to provide up to twelve (12) weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. This includes serious health conditions, defined as an illness, injury, impairment, or physical or mental condition that makes the employee unable to perform the employee's job. The same definition applies to a catastrophic illness or injury of an incapacitated member of the employee's immediate family if it results in the employee being required to take time off for an extended period in order to care for the family member and the employee has exhausted all his/her own accrued leave credits including all paid time off, floating holidays (eligible to be used during the approved absence), vacation, sick leave and other administrative leave.

An employee may use donated leave only if the employee is on approved Medical Leave or Family Care Leave or on an Unpaid Leave of Absence following an approved Medical Leave or Family Care Leave period. A solicitation may not be conducted without the necessary approval for the leave. Employees who fail to complete and submit the required documentation will not be authorized to receive catastrophic leave donations. Employees receiving disability insurance or worker's compensation benefits may use donated leave only to supplement their benefits. Supplementation allows recipient employees to use donated leave credits to ensure continuance of their regular rate of compensation.

An employee may solicit leave donations by filling out a Catastrophic Leave Request Form. The Director of Finance and Administration may post a notice to Request Catastrophic Leave Donations on the Intranet or through email. Employees who wish to donate leave will need to complete the Catastrophic Leave Donation Form and submit it to the Director of Finance and Administration. The donation forms will be given to the Payroll Office for verification of available leave credits and transferring of hours. Payroll will notify the donors of the amount of time used and the pay period against which it was charged. Once an employee has donated leave, and the leave has been used by the recipient employee, those donations are irrevocable. Donated leave shall be used in the order donation forms are received in Payroll and as needed by the recipient.

Employees who separate their employment with AGENCY may elect to donate some or all of their unused sick leave for the purposes of this policy.

Donated time will be transferred from employee to employee on a hour-for-hour basis and converted to sick time for the recipient employee. Recipients are required to exhaust **ALL** available leave (vacation, sick leave, floating holidays, and administrative) prior to receiving donated leave. Employees do not earn additional vacation, or sick leave while receiving donated time unless the cause of the absence is related to an industrial injury or accident.

This policy will be implemented on a case-by-case basis and will be treated in the most confidential manner possible unless otherwise requested by the employee seeking donations. The purpose of this summary is to provide a general orientation to the Catastrophic Leave Program. Benefits are subject to the terms and conditions of specific policies and/or applicable legal agreements.

### **Discrimination and Harassment Prevention**

Consistent with the agency's Equal Employment Opportunity (EEO) policy, AGENCY will maintain a work environment free from unlawful discrimination or harassment based upon the following protected classes: race, (traits historically associated with race, including, but not limited to, hair texture and protective hairstyles), color, religion (all aspects of religious beliefs, observance, or practice, including religious dress and grooming practices), national origin (including language use), ancestry, age (40 and above), gender identity or expression (including transgender, gender fluid, or gender transition status), sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), medical condition (including cancer, or a record or history of cancer), reproductive health decision-making, physical disability, mental disability, genetic information, sexual orientation, marital status, registered domestic partner status, veteran status or current or prospective service in the uniformed services, use of cannabis outside of work, or any other category protected under federal, state, or local law. Included in the definition of each protected category is the perception of membership in a protected category and an individual's association with an actual or perceived member of a protected category.

Discrimination can include any unequal treatment or action that directly or indirectly results in unequal treatment of persons in a class protected by law. Harassment can include any unwelcome, unsolicited, and unwanted behavior that offends, humiliates, embarrasses, intimidates, or otherwise causes distress.

In addition, harassment that constitutes abusive conduct also is prohibited at AGENCY. "Abusive conduct" means: conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance.

Harassment and discrimination are not only illegal, they also create a negative atmosphere that reduces work productivity and morale, undermines the integrity of the workplace, and destroys professionalism. Examples of prohibited actions include, but are not limited to:

- The use of derogatory verbal comments, slurs, jokes; or derogatory pictures, cartoons or posters.
- Derogatory comments regarding a person's age.
- Refusing to hire or promote an employee because she is pregnant.
- Failing to provide a reasonable accommodation for an employee with a known mental or physical disability.

## 1.0 SEXUAL HARASSMENT

Sexual harassment deserves special mention. Sexual harassment is unwelcome behavior that is deliberate or repeated, not asked for or returned, and which affects the terms and conditions of employment. The two basic elements of sexual harassment are: (1) the behavior is unwelcome; and (2) the behavior is sexual in nature as perceived by an average person on the receiving end of the behavior, or it is behavior that ridicules, denigrates, or harasses a person because of his/her/their gender. Unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment (quid pro quo sexual harassment); or
- Submission to or rejection of such conduct by an individual is used as a basis for evaluation of the individual's work or decisions affecting that individual's work or an individual's employment (quid pro quo sexual harassment); or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment (hostile environment sexual harassment).

Sexual harassment can take many forms. Some examples include:

- Verbal Harassment: Epithets, derogatory jokes or comments, slurs, or unwanted sexual talk. Verbal abuse of a sexual nature such as graphic verbal commentaries about a person's body; sexually degrading words used to describe an individual; propositioning. Remarks or jokes explicitly or implied stating that a person cannot do a job as well because that person is male or female. Threats or reprisals after a negative response to a sexual advance.
- Physical Harassment: Assault, battery, impeding, or blocking normal movement or interfering with work; unwanted touching such as pinching, grabbing, or patting; "elevator eyes" or other inappropriate behavior.
- Visual Harassment: Derogatory posters, emails, electronic texts, pornographic or sexual Internet sites, computer screen "wallpaper," notes, cards, calendars, bulletins, cartoons,

graffiti, photographs, signs, drawings, suggestive or sexually graphic letters or invitations, protracted staring, or gestures.

Other sexually oriented conduct, whether intended or not, that is unwelcome and has the effect of creating a work environment that is hostile, offensive, intimidating, or humiliating to workers also may constitute sexual harassment.

**Quid pro quo** (this in exchange for that) sexual harassment occurs when a person makes any term or condition of employment conditional upon an individual's willingness to engage in sexual behavior. Examples of quid pro quo sexual harassment include: a supervisor offering a choice assignment in exchange for a sexual favor, or a supervisor threatening adverse action against an individual who refuses to submit to sexual advances.

**Hostile environment** sexual harassment occurs when unwelcome conduct, whether it is sexual, gender, or transgender status-based, and which is severe or pervasive, offends, intimidates, ridicules, or insults an individual sufficiently to alter that individual's ability to carry out his/her/their responsibilities at AGENCY.

Whether an alleged action constitutes sexual harassment will be determined on a case-by-case basis by assessing the totality of the circumstances. Factors such as the nature of the sexual advances and the context in which the alleged incidents occurred will be considered in assessing the allegations and in determining the appropriate resolution.

Persons involved in consensual relationships who work together must exercise caution to prevent actual or perceived sexual harassment or inappropriate use of authority. If a relationship changes, conduct that once was welcomed by both persons may become offensive to one of the persons in the relationship. Sexual harassment claims often occur following an unsuccessful workplace relationship. Therefore, AGENCY highly discourages supervisory-subordinate relationships because of this risk.

## 2.0 APPLICABILITY

This policy applies to all persons who use AGENCY offices and other places where AGENCY business is conducted, including, but not limited to, employees, temporaries, interns, volunteers, Board members, contractors, vendors, and visitors, and to those persons who are agents of a public or private entity doing business with AGENCY. All of these individuals are required to adhere to a standard of conduct that is respectful to all persons within the AGENCY work environment.

## 3.0 RESPONSIBILITIES

Every Director and supervisor at AGENCY is required to support the principles of equal opportunity stated in this policy. It is their responsibility to ensure these principles are fully enforced and that every employee is provided a discrimination- and harassment-free work environment. All persons subject to this policy who believe they have been subjected to harassment or discrimination have an obligation under this policy to promptly report their concerns to a supervisor, Director, or the Director of Human Resources.

Directors and supervisors will be held accountable for ensuring that equal opportunity practices are adhered to in their department. Any supervisor who observes or knows of a harassing or discriminatory situation, whether or not it occurred in his/her/their department and/or division, who fails to take corrective action, may be disciplined. Court decisions indicate that supervisors may be held personally liable for failure to take action on equal opportunity violations of which they were or should have been aware.

The Director of Human Resources is responsible for ensuring this policy and the complaint procedures it contains are disseminated and implemented. This policy is referred to in the AGENCY Employee Handbook and is available on the AGENCY Central SharePoint site. All employees and temporary employees from staffing agencies will be informed of this policy and are responsible for reviewing it.

In addition, California law mandates all non-supervisory employees complete one hour of sexual harassment prevention training in a classroom setting, or other effective interactive educational environment, within six months of their assumption of a position. Supervisory employees are required to complete two hours of sexual harassment prevention training in a classroom setting, or other effective interactive educational environment, within six months of their assumption of a position. This training must be completed for both supervisory and non-supervisory employees every two years. Failure to complete this training may result in disciplinary action up to and including termination.

#### 4.0 EMPLOYEE COMPLAINT PROCEDURES

AGENCY is committed to investigating and resolving any complaints of harassment or discrimination, including sexual harassment. Disciplinary action, up to and including termination, will be taken against employees for improper behavior. This non-discrimination policy applies to decisions affecting all aspects of employment, including, but not limited to, recruitment, selection, placement, assignment, training, transfer, promotion, evaluation, discipline, termination, compensation, and benefits.

Any employee who feels that this policy is being violated must inform a supervisor or Director, or the Director of Human Resources immediately. AGENCY cannot resolve discrimination or harassment unless it knows about it. Therefore, it is the responsibility of every employee to bring these situations to the attention of AGENCY so that the necessary steps can be taken to

correct the matter. Employees also may file a complaint directly with the California Civil Rights Department (CRD) or the federal Equal Employment Opportunity Commission (EEOC).

Supervisors and Directors are responsible for verbally notifying the Director of Human Resources immediately upon receipt of an allegation. The supervisor or Director shall submit a written incident report to the Director of Human Resources on all harassment and/or discrimination complaints within five days after reporting a complaint.

Once a complaint is made known to the Director of Human Resources, he/she/they shall investigate, conciliate, resolve, and/or make appropriate recommendations to the Senior Director of Organization Effectiveness, Deputy CEO and/or CFO, and Director in order to

ensure the situation is remedied. The Director of Human Resources may seek the services of an outside investigator in situations where the complaint is anticipated to be complex in nature, if the complaint may lead to legal action against AGENCY, if there is an actual or perceived conflict of interest with Human Resources or management, and/or in order to investigate complaints in a timely manner due to competing priorities.

Investigations will be conducted in a timely, thorough, and impartial manner, and all parties in the investigation will be provided with appropriate due process. Investigations shall be kept confidential to the extent possible. AGENCY expects all employees to cooperate in investigations whether as a witness, third party, complainant, or accused. The Director of Human Resources shall follow up with the Director on the progress of the investigation and proposed resolution within two weeks.

All cases shall be evaluated on an individual basis, taking into consideration all the facts and circumstances pertaining thereto. The Senior Director of Organization Effectiveness, Deputy CEO and/or CFO, and Director shall be given a summary of findings, recommendations, and required actions. The complainant and alleged harasser also will be informed of the results of the investigation; however, because of privacy concerns, specific personnel actions taken in response to an investigation may not be shared. The Director of Human Resources shall monitor all actions until completed.

If, after investigation, AGENCY determines that conduct contrary to this policy has occurred, corrective action designed to prevent further discrimination or harassment will be taken and AGENCY will take appropriate remedial action. In the case of a AGENCY employee, the corrective action will include discipline up to and including termination from employment. In the event the discrimination was carried out by a non-employee, corrective action may include, but will not necessarily be limited to counseling, removal from AGENCY premises, or cancellation of an offender's contract. Individuals who engage in unlawful harassment may also be held personally liable for their conduct, including monetary penalties as set by a court.

## 5.0 PROTECTIONS

AGENCY will not tolerate retaliation against any individual who complains of discrimination or harassment, or makes a complaint. AGENCY will not tolerate retaliation against any person who participates in an investigation covered under this policy.

Retaliation means adverse conduct taken because an individual reported an actual or perceived violation of this policy, opposed practices prohibited by this policy, or participated in the reporting and investigation process described below. "Adverse conduct" includes but is not limited to:

shunning and avoiding an individual who reports harassment, discrimination, or retaliation;

express or implied threats or intimidation intended to prevent an individual from reporting harassment, discrimination, or retaliation; denying employment benefits because an applicant or employee reported harassment, discrimination, or retaliation or participated in the reporting and investigation process.

If retaliation is alleged, it shall be processed as a separate complaint that shall be filed directly with the Director of Human Resources. The law prohibits such acts of retaliation. Any person found to be retaliating against another person shall be subject to disciplinary action up to and including termination.

Employees have the right to file charges of discrimination or harassment in good faith. If, in the course of the investigation, it is found that the charges are intentionally malicious or fraudulent, the Director of Human Resources shall make appropriate recommendations as to the disposition of the case. An individual who makes a false or fraudulent complaint under this policy will be subject to discipline, up to and including termination.

### **Employment of Relatives and Spouses/Domestic Partner**

The employment of relatives, including but not limited to spouses, in the same department, division, office, or line of supervisory authority can cause serious problems in the workplace that adversely affect productivity, morale, confidentiality, safety, and security, and can create conflicts of interest. Employment of relatives can cause problems such as real or perceived favoritism; scheduling conflicts; personal conflicts and hostility in the work place; claims of partiality in providing or awarding favorable working conditions, promotions, transfers, or assignments; or the compromise or suspected compromise of confidential or privileged information or records.

Current AGENCY employees are strictly prohibited from participating in, or influencing or attempting to influence, the selection process or the employment, promotion, or transfer of any relative or their spouse. AGENCY reserves the right to take prompt action to prevent the

attempt of any relative or spouse to influence an employment decision involving a relative or spouse. The intent of this policy is that it shall also apply in situations where non-employees of AGENCY carrying out work on AGENCY projects (such as Caltrans, SCCRTC, SBtCOG or TAMC employees, or consultants), and who are relatives of AGENCY employees, also will not work in a direct, supervisory relationship with each other, or be in the same line of authority or supervision.

### **Employment of Relatives Other than Spouses and Domestic Partners**

For purposes of this policy, the term “relative” refers to persons other than spouses and domestic partners who are related by blood or marriage, or whose relationship is similar to that of persons who are related by blood or marriage (i.e., an adopted child or stepparent). This policy affects relatives of currently employed AGENCY employees who are candidates for hire by AGENCY as employees, and relatives who are currently employed by AGENCY and who are candidates for promotion or transfer to the same division or line of authority at AGENCY.

Hiring, promotion, and transfer of relatives may occur at AGENCY only if:

The individuals concerned will not work in a direct, supervisory relationship with each other, or be in the same line of authority or supervisor;

The individuals concerned will not work in a direct, supervisory relationship with each other, or be in the same line of authority or supervision;

The employment, promotion, or transfer will not cause any potential conflicts or disruption to AGENCY operations; and

The employment, promotion, or transfer will not pose any potential articulable problems or conflicts involving supervision, security, safety, confidentiality, performance, or morale.

### **Employment of Spouses and Domestic Partners**

The employment of spouses and domestic partners in the same department, division, or office can involve potential conflicts of interest that are greater for married persons than for other persons. Additionally, the placement of one spouse under the direct supervision of the other frequently leads to problems involving supervision, confidentiality, or morale. The employment of spouses and domestic partners shall be governed by the rules set forth in this section.

- A. No employment decision, including but not limited to transfers or promotions, shall be based upon whether an individual has a spouse or domestic partner presently employed by AGENCY, except in accordance with the following criteria:

- For business reasons of supervision, safety, security, or morale, AGENCY may refuse to place one's spouse or domestic partner under the direct supervision of the other spouse or domestic partner.
  - For business reasons of supervision, security, or morale, AGENCY may refuse to place a spouse or domestic partner in the same department or division if the work involves potential conflicts of interest or other hazards greater for married or domestic partner couples than for other persons.
- B. For co-employees who marry or establish a domestic partnership, AGENCY shall make reasonable efforts to assign job duties so as to minimize problems of supervision, safety, security, or morale.
- Present employees of AGENCY who marry or establish a domestic partnership or who become related by marriage or establish a domestic partnership must immediately notify their supervisors. If employees who marry or who become related by marriage or domestic partnership do work in a direct supervisory relationship with one another or do cause an actual conflict or difficulty concerning supervision, security, safety, or morale, AGENCY will attempt to reassign one of the employees to another position for which he/she is qualified, if such a position is available and no other accommodation is reasonable or practicable.
  - Any decision not to employ, promote, or transfer the spouse or domestic partner of an employee shall be made on a case-by-case basis by the Executive Director, taking into account all of the known facts and circumstances regarding the particular position and the duties and the relationship of the position and duties performed by the employed spouse or domestic partner.

Employees should remember that AGENCY maintains a strict policy against unlawful harassment of any kind, including sexual harassment. AGENCY will enforce this policy consistent with all applicable federal, state and local laws.

## **Ergonomics**

Ergonomics is the science of arranging the environment to fit the person in it. Applying ergonomic principles can help reduce the risk of injuries in the workplace. The goal of the AGENCY Ergonomics Policy is to reduce or eliminate work-related hazards that contribute to the development of musculo-skeletal disorders (MSDs). This policy applies to all persons working at AGENCY. AGENCY will take a proactive approach in anticipating ergonomic hazards and correcting them.

It is the policy of AGENCY to provide all employees with a safe and healthy workplace. A proactive ergonomics program is integrated into the agency's injury and illness prevention

program. Records documenting the identification, prevention, and control of employee exposure to ergonomic risk factors will be maintained pursuant to all regulations.

This program is a collaborative effort that includes managers, supervisors, and employees. The Director of Finance and Administration is responsible for the program's implementation, management, and recordkeeping requirements.

### **Ergonomics Program**

The purpose of an ergonomics program is to apply ergonomic principles to the workplace in an effort to reduce the number and severity of injuries, thus decreasing workers' compensation claims and, where possible, increase productivity, quality, and efficiency. An ergonomically sound work environment maximizes employee comfort while minimizing the risk of undue physical stress. Requests for workstation assessments are coordinated by the Director of Finance and Administration.

### **Injuries and Exposures Associated with MSDs**

Musculo-skeletal disorders (MSDs), are injuries and illnesses that affect muscles, nerves, tendons, ligaments, joints, or spinal discs. Some common MSDs are: carpal tunnel syndrome, rotator cuff syndrome, trigger finger, sciatica, tendonitis, low back injury, and tense neck syndrome. Workplace MSDs are caused by exposure to the following risk factors:

**Repetition:** Doing the same motions over and over again places stress on the muscles and tendons. The severity of risk depends upon how often the action is repeated, the speed of the movement, the number of muscles involved, and the required force.

**Forceful Exertions:** Force is the amount of physical effort required to perform a task (such as heavy lifting) or to maintain control of equipment or tools. The amount of force depends upon the type of grip, the weight of an object, body posture, the type of activity, and the duration of the task.

**Awkward Postures:** Posture is the position your body is in and affects muscle groups that are involved in physical activity. Awkward postures include repeated or prolonged reaching, twisting, bending, kneeling, squatting, working overhead with your hands or arms, or holding a fixed position.

**Contact Stress:** Pressing the body against a hard or sharp edge can result in placing too much pressure on nerves, tendons, and blood vessels. For example, using the palm of your hand as a hammer can increase your risk of suffering a MSD.

### **Symptoms and Consequences if MSDs**

Employees suffering from MSDs may experience less strength for gripping, less range of motions, loss of muscle function, or ability to do everyday tasks. Common symptoms include:

- Painful joints
- Pain, tingling, or numbness in hands or feet

- Shooting or stabbing pains in arms or legs
- Swelling or inflammation
- Burning sensations
- Pain in wrists, shoulders, forearms, or knees
- Back or neck pain
- Stiffness
- Fingers or toes turning white

### **Importance of Reporting MSDs**

If MSD signs and symptoms are not reported early, permanent injury may result. It is important that employees report MSD signs and symptoms right away to avoid long-lasting problems. AGENCY will respond in a timely manner to those reports. Contact the Director of Finance and Administration to report MSD signs or symptoms, or MSD hazards. You also may talk to your supervisor about your suggestions on how to fix MSD hazards. AGENCY will not discriminate against employees for reporting MSD signs or symptoms, or MSD hazards. It is the policy of AGENCY to encourage such reporting.

### **Methods of Reducing MSDs**

If AGENCY determines that an employee's MSD signs or symptoms, are connected to that employee's job, AGENCY will provide the employee with an opportunity to contact a health care professional or ergonomic specialist and receive guidance regarding possible workstation, furniture, or equipment modifications/adjustments and other preventive strategies, injury treatment and management options, and if more severe, possible work modifications or restrictions. If an MSD sign or symptom is reported to the Director of Finance and Administration, the Director of Finance and Administration will evaluate the job and, if MSD hazards are found, will take steps to reduce those hazards.

Management staff is responsible for:

- Promoting a safe and healthy work environment;
- Maintaining an awareness of MSD risks;
- Having the work environment appropriately evaluated for proper ergonomic practices and conditions if an employee reports an MSD symptom; and
- Promptly reporting all employee injuries and/or employee complaints regarding MSD symptoms to the Director of Finance and Administration.

Employees are responsible for:

- Adjusting and using their workstation and equipment as outlined in the Ergonomic Guidelines contained in this Ergonomics Policy;
- Following safe work practices;
- Performing simple exercises and stretches as necessary;
- Following ergonomic recommendations from AGENCY; and

- Promptly reporting ergonomic problems to a supervisor, or the Director of Finance and Administration.

### **Ergonomic Guidelines**

A proactive approach focuses on making changes when risks have already been identified, as well as incorporating ergonomics into the design phase of a new facility or process, into purchasing new equipment or tools, and into the contemplation of scheduling changes. AGENCY has developed a program which includes the following components

#### ***A. Set Up of Office Workstations***

Some methods that can be used to minimize discomfort and/or injury are provided below. Additional resources may be obtained from the Human Resources team.

*Chair:* Use a chair that allows you to adjust chair height. Select a chair height that permits your feet to rest flat on the ground with the upper legs parallel to the floor. A footrest may be needed by some people to achieve this position. When seated, your seat pan should not hit the back of your knees.

*Work Surface:* Your work surfaces should be large enough to accommodate all of your computer equipment, including a wrist rest in front of the keyboard and adequate viewing distance between the monitor and your eyes. A keyboard tray can be used to increase depth and to provide proper keying level. There also should be enough room under the work surface to allow free leg movement. The height of the work surface should allow the forearms to be parallel with the floor when working at the computer, while not forcing the shoulders to be elevated. A footrest can assist in supporting the feet as well, allowing you to sit back in your chair. Select an arrangement for your work surfaces that does not require you to hold an awkward posture. Awkward postures include repeated or prolonged reaching, twisting, bending, kneeling, squatting, working overhead with your hands or arms, or holding a fixed position.

*Keyboard/Input Device:* The keyboard and input device (mouse or trackball) should be at the same level and placed in front of you. The height of the keyboard and input device should allow you to position your forearms and hands parallel to the floor. Achieve this by adjusting the height of the chair and/or table, or by using an adjustable tray. A padded wrist rest for the keyboard and input device should be used to prevent your wrists from coming in contact with the work surface when the arms are at rest. Avoid overreaching by keeping the input device close to your body.

*Monitor (Terminal):* Position the monitor directly in front of you with the screen approximately at eye level. You should not have to tilt or bend your neck to comfortably view the screen. Your eyes should be in line with a point on the screen that is about 2 to 3 inches below the top of the monitor casing. You should sit a comfortable distance from the screen for viewing – this is usually about arm's length (sit back in your chair and raise your arm and your fingers should touch the screen). One exception is bifocal

wearers who may prefer a slightly lower monitor level. Monitors should have good contrast, sharp focus, and be free from flickering and glare to minimize eye strain.

*Document Holder:* If one is used, position the document holder at eye level, close to the monitor.

*Head Sets and Speakerphones:* Head sets and speakerphones reduce awkward neck and shoulder postures, notably by eliminating the habit of cradling the phone between the shoulder and chin. Head sets and speakerphones are beneficial for people who work on the phone for a substantial portion of the day or who talk on the phone and work on a computer simultaneously for a significant period of time.

*Carpet Mat:* A carpet mat is helpful when you move around often at the workstation so that your chair does not drag on the carpet.

*Lighting:* Excessive overhead lighting can cause glare and eye discomfort. Dimming overhead lights and use of a task lamp can reduce eye fatigue. Monitor shades and glare screens also reduce glare. Adjust your monitor contrast and brightness for maximum personal comfort.

*Posture:* Good posture is the best way to avoid computer-related injury. To ensure good posture, take the following steps: Make sure that you can reach the keyboard keys with your wrists as flat as possible (not bent up or down) and straight (not bent left or right). Make sure that your elbow angle (the angle between the inner surface of the upper arm and the forearm) is at or greater than 90 degrees to avoid nerve compression at the elbow. Make sure that the upper arm and elbow are as close to the body and as relaxed as possible for mouse use - avoid overreaching. Also make sure that the wrist is as straight as possible when the mouse is being used. Make sure you sit back in the chair and that it has good back support. Place your feet flat on the floor or on a footrest. Make sure your head and neck are as straight as possible. Make sure your posture feels relaxed

## ***B. Safe Lifting and Good Body Mechanics***

Generally, workers are not permitted to move furniture or other objects weighing more than 20 pounds. If an employee needs to move such an object, the employee must request assistance. The employee should make his/her request to the Director of Finance and Administration. A few AGENCY employees are required to lift objects weighing over 20 pounds as part of their job duties. These employees should follow these guidelines:

Allow the object you are trying to lift to be handled close to the body.

Use devices such as handles, grips, etc., to provide better control of the object being lifted or moved.

Balance the contents of containers before attempting to lift them.

Use rigid containers for increased control of the object.

Avoid lifting excessively wide objects from floor level.  
Use good body mechanics; bend your legs, not your back, when lifting.  
Pivot with your feet instead of twisting your back when lifting.

## **Family Care and Medical Leave**

AGENCY provides job-protected leave, as required by state and federal law, to eligible employees who need to take time off for their own medical situation or to care for a family member. This policy describes the types of leave available, employee rights and obligations with respect to such leave, and coordination with other policies.

The types of leaves described in this policy include:

- Pregnancy Disability Leave (PDL)
- California Family Rights Act (CFRA) and Family and Medical Leave Act (FMLA)
- Military Exigency Leave (MEL)
- Military Caregiver Leave (MCL)

### **1.0 PREGNANCY DISABILITY LEAVE (PDL)**

#### **1.1 ELIGIBILITY**

An employee is eligible for Pregnancy Disability Leave (PDL) regardless of the length of time she has worked for AGENCY. Further, an employee does not have to work full-time to be eligible.

#### **1.2 DURATION OF LEAVE**

AGENCY will provide up to four months (defined as one-third of a year, 171/3 weeks, or 693 hours) of job-protected disability leave to pregnant employees. PDL is required only when a woman is disabled. This includes time off for additional or more frequent breaks, prenatal or postnatal medical appointments, severe morning sickness, doctor-ordered bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, childbirth, recovery from childbirth or loss or end of pregnancy, postpartum depression, and any related medical condition.

Generally, a woman is disabled if she is unable to perform one or more of the essential functions of her job without undue risk to herself or others. The medical opinion of the employee's health care provider will be used to determine whether she is disabled by pregnancy or a related medical condition. AGENCY will require an employee to obtain from her health care provider medical certification of her inability to work due to pregnancy, childbirth, or a related medical condition.

Disability leave does not need to be taken at one time. Leave can be taken before or after the birth. All of the leave taken will be totaled in computing whether an employee has utilized the maximum four months of leave.

Periodic absences for pregnancy-related illness of limited duration taken prior to childbirth may be subtracted from the four-month maximum leave allowed by law for pregnancy-related disability.

### 1.3 NOTICE

If possible, an employee should provide AGENCY with at least 30 days advance notice before PDL commences. The employee must provide the date her leave will commence and the estimated duration of the leave. If 30 days advance notice is impossible due to lack of knowledge, a change in circumstances, or a medical emergency, the employee should give notice to AGENCY within 2 business days of learning of the need to take PDL.

### 1.4 COMBINING PREGNANCY DISABILITY LEAVE WITH CFRA LEAVE

Employees are entitled to take PDL in addition to their leave entitlement under the California Family Rights Act (CFRA). An employee may take CFRA leave following PDL; CFRA leave is not taken concurrently with PDL. Under the CFRA, an employee is entitled to 12 weeks of CFRA leave to bond with the baby (within 12 months of birth), to bond with an adopted child (within 12 months of adoption), or care for a parent, spouse, or child with a serious health condition. More information regarding CFRA leave is provided in Section 2.0 of this policy.

### 1.5 COMBINING PREGNANCY DISABILITY LEAVE WITH FMLA LEAVE

The federal counterpart to the CFRA is known as the Family and Medical Leave Act (FMLA). Generally, the FMLA provides up to 12 weeks of leave per year to bond with a baby during the first 12 months after birth, to bond with an adopted child within 12 months after adoption, or care for a parent, spouse, or child with a serious health condition. An employee cannot take four (4) months of PDL, 12 weeks of CFRA leave, and 12 weeks of FMLA leave consecutively, because FMLA leave is used concurrently with PDL and CFRA leave. More information regarding FMLA leave is provided in Section 2.0 of this policy.

### 1.6 USE OF TIME OFF BENEFITS WHILE ON PREGNANCY DISABILITY LEAVE

While on PDL, an employee is required to use her accrued sick leave (if available) during the waiting period before any paid disability benefits begin and may choose to use her

other accrued leave such as PTO, vacation, floating holidays, compensatory time, or catastrophic leave to remain in a paid status.

Once paid disability benefits begin, an employee may choose to use her accrued leave such as PTO, vacation, sick leave (if available), floating holidays, compensatory time, or catastrophic leave to supplement the employee's paid disability benefits to reach 100% of the employee's usual pay.

An employee also may decline to use accrued leave once paid disability benefits begin; this would not change the employee's eligibility for health insurance benefits (described in Section 6.0 of this policy) or paid disability benefits.

The ability to choose whether to use accrued sick leave time only applies when an employee is receiving paid disability benefits. If an employee remains on leave after her PDL is concluded (for example, CFRA, FMLA, or other approved leave), the employee will be required to use accrued leave to remain in a paid status for the remainder of any leave.

## 1.7 RETURNING TO WORK

At the end of an employee's authorized leave due to pregnancy, AGENCY will return the employee to her former position, or if that position is unavailable, to a comparable position with no reduction in pay. Employees who do not return to work within three (3) work days after an approved leave or certification has expired may be considered to have abandoned their job if they have not been pre-approved for an extension of leave. Failure to report to work following an approved leave or certification that has expired may lead to discipline of the employee up to and including termination at the agency's discretion.

## 2.0 CALIFORNIA FAMILY RIGHTS ACT (CFRA) AND FAMILY AND MEDICAL LEAVE ACT (FMLA)

### 2.1 ELIGIBILITY

To be eligible for family and/or medical leave under the CFRA or FMLA, an employee must have worked for AGENCY for at least 12 months and have worked at least 1,250 hours over the previous 12 months by the first day of their leave (an exception is made for bereavement leave). Each time a new or renewed leave request under CFRA or FMLA is made, AGENCY will determine whether an employee meets these two separate eligibility requirements.

Job-protected unpaid leave is available to eligible employees for up to 12 weeks per 12-month period for the following reasons:

- Family Care Leave
  - Time off to bond with a new child entering the family through birth, adoption or foster care placement within 12 months after the birth or after the child is placed with the employee (applies to both parents);
  - To care for an immediate family member with a serious health condition.
- Medical Leave
  - When a serious health condition renders the employee unable to perform the functions of the employee's position.
- Bereavement Leave
  - Regular, Limited Term, and TIPS employees who have been employed at least 30 days may be granted up to 5 days of time off for bereavement leave under CFRA that is separate from the 12 weeks of leave that may be provided for other reasons.

An immediate family member is defined as follows:

- For the purposes of CFRA: a parent, parent-in-law, spouse, domestic partner, child, grandparent, grandchild, sibling (related to another person by blood, adoption, or affinity through common legal or biological parent), or a designated person (any individual related by blood or whose association with the employee is the equivalent of a family relationship); a limit of one designated person per 12-month period is permitted).
- For the purposes of FMLA: a parent, spouse or child

A serious health condition is an illness, injury (including on-the-job injuries), impairment, or physical or mental condition of the employee, or of the immediate family member of the employee, that involves either:

- in-patient care (i.e., an overnight stay) in a hospital, hospice, or residential care facility
- continuing treatment or supervision by a health care provider; or 3) incapacity, which means the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery it requires.

## 2.2 CERTIFICATION OF SERIOUS HEALTH CONDITION

AGENCY requires written certification from the health care provider of the employee or immediate family member with a serious health condition on a Certification of Health Care Provider form provided by AGENCY. The certification does not require the health care provider to identify the type of serious health condition.

The certification must include:

1. the date that the serious health condition commenced;
2. the probable duration of the condition;
3. an estimate of the amount of time the employee will need to care for himself/herself/themselves or the immediate family member; and a statement that the serious health condition warrants participation of a family member to provide care during the period of treatment or medical supervision,
4. or a statement that the employee, due to the serious health condition, is unable to perform one or more of the essential functions of his/her/their job.

Additionally, if the need for leave is based upon the employee's own serious health condition, the certification must include an assessment by the health care provider, using the employee's job description, of whether the employee is unable to perform work of any kind, or a statement that the employee is unable to perform specific essential functions of his/her/their job.

An employee will have 15 calendar days to obtain the certification once AGENCY requests it. If the employee fails to provide the certification or provides an inadequate certification, AGENCY may deny the request for leave. AGENCY may request that an employee obtain a fitness-for-duty certification from his/her/their health care provider before the employee returns to work.

## 2.3 NOTICE

The employee must give their Director 30-days' notice in the event of a foreseeable leave, or as soon as practicable if the need for the leave is unforeseeable. The notice may be oral or in writing. The notice must provide enough information to AGENCY so that AGENCY can determine whether the employee is eligible for FMLA and/or CFRA leave.

Once a Director is informed of an event triggering an employee's entitlement to FMLA and/or CFRA leave, the Director must immediately notify the Director of Human Resources. Events that trigger or may trigger an entitlement to FMLA and/or CFRA leave include: pregnancy, an employee's absence for more than three (3) consecutive days or more than ten (10) days in three (3) months due to his/her/their own illness, an employee's request for time off for ongoing medical treatment, and an employee's absence for (3) three or more days to care for a family member.

## 2.4 INTERMITTENT LEAVE

CFRA and FMLA leave do not need to be taken in one continuous period of time. An employee may take intermittent or reduced family and/or medical leave if the need for intermittent leave is certified by the health care provider treating the serious health condition of the employee or the employee's immediate family member.

Intermittent leave may be taken for the following reasons, with approval from a health care provider:

- For scheduled treatments, recovery from treatment, or recovery from illness. For periods of disability due to a chronic serious health condition such as asthma, diabetes, or epilepsy.
- To provide care for a child, parent, or spouse with a serious health condition.

Under the FMLA and CFRA, leave for the birth or adoption of a child that is not related to a serious health condition may be taken intermittently or on a reduced leave schedule, except that the basic minimum duration of the leave shall be two (2) weeks. However, AGENCY will grant a request for a CFRA leave of less than two weeks' duration on any two occasions and may grant requests for additional occasions of leave lasting less than two (2) weeks with written approval of the Director.

If an employee requests an intermittent or reduced leave schedule, the employee is required to work out a schedule with their supervisor that meets the employee's needs without unduly disrupting AGENCY operations.

## 2.5 DURATION OF LEAVE

Full-time employees are entitled to 12 workweeks or 60 work days of eight hours a piece per 12-month period. Eligible employees who work less than five days per week or who work a part-time or alternative work schedule are entitled to the number of working days that constitutes 12 workweeks on a pro rata or proportional basis.

There is no minimum duration for FMLA or CFRA leave taken for the serious health condition of the employee or of the employee's immediate family. The basic minimum duration for CFRA leave when the leave is taken for the birth of a child, adoption, or foster care placement is two weeks. The employee may request an exception to this two-week requirement. Leave taken for the birth, adoption, or foster care placement of a child must be completed within one year after the qualifying event.

In the event both parents are employed by AGENCY and eligible for FMLA or CFRA leave for the birth, adoption, or foster care placement of their child, under FMLA AGENCY may limit the parents' leave entitlement to a combined total of 12 weeks in a 12-month period; under CFRA each parent is entitled to the 12 weeks of leave.

## 2.6 CALCULATION OF THE 12-MONTH LEAVE PERIOD

The 12-month period will be calculated using a rolling 12-month period measured backward from the date an employee uses any leave. For example, if an employee takes four weeks of

leave in February and eight weeks between October and November, the employee will be eligible for leave again in February of the following year. The amount of leave available, however, will be only four weeks. The employee will not be eligible for the other eight weeks until the following October.

## 2.7 CONCURRENT USE OF LEAVE ENTITLEMENTS

If an employee requests leave for his/her/their own serious health condition or the serious health condition of an immediate family member, CFRA and FMLA will be used concurrently (that is, at the same time) and AGENCY will designate the employee's leave as both CFRA and FMLA leave.

If an employee takes CFRA leave to care for an immediate family member who is not covered under FMLA, or if an employee takes PDL, CFRA and FMLA may not run concurrently. In this instance, an employee may "stack" CFRA and FMLA and be eligible for more than 12 weeks of leave (that is, take 12 weeks of CFRA separately from 12 weeks of FMLA).

With regard to PDL, FMLA leave will be used concurrently with PDL, but CFRA may not be used with PDL. If an employee takes less than 12 weeks of PDL/FMLA and requests CFRA leave to bond with the baby once PDL has ended, the remainder of FMLA leave will be used concurrently with CFRA leave.

Following is an example of how PDL, FMLA, and CFRA may run concurrently:

First Day of Leave due to Disability

Week State

Federal

| 1                                                                                                 | 2 | 3 | 4 | 5 | 6 | 7                                                           | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 |
|---------------------------------------------------------------------------------------------------|---|---|---|---|---|-------------------------------------------------------------|---|---|----|----|----|----|----|----|----|----|----|----|----|
| <b>PDL</b> - Disabled due to conditions related to pregnancy (Not to exceed 17 $\frac{1}{3}$ wks) |   |   |   |   |   | <b>CFRA</b> - Employee's own disability and birth of child. |   |   |    |    |    |    |    |    |    |    |    |    |    |
| <b>FMLA</b> - Employee's own disability and birth of child.                                       |   |   |   |   |   |                                                             |   |   |    |    |    |    |    |    |    |    |    |    |    |

## 2.8 PAID FAMILY LEAVE AND DISABILITY INSURANCE BENEFITS

AGENCY provides Paid Family Leave or disability benefits to eligible employees on family care or medical leave as a form of income replacement during the leave period. Paid Family Leave and

disability benefits coordinate with accrued time off benefits such as PTO, vacation, sick leave, floating holidays, compensatory time, and catastrophic leave as described below.

Refer to the Paid Family Leave Policy in the Supplemental Policies section of this Handbook for further information.

## 2.9 USE OF TIME OFF BENEFITS WHILE ON CFRA AND FMLA

The requirements for the use of accrued time off benefits while on the CFRA and FMLA vary depending on why the leave was requested. The ability to choose whether to use accrued leave time only applies when an employee is covered by the FMLA and/or CFRA and receiving paid disability benefits or Paid Family Leave benefits. Unpaid leave will be granted if an employee does not have any accrued leave time.

- While on leave for the employee's own serious health condition:
  - During the waiting period before paid disability benefits begin, the employee is required to use any accrued leave such as PTO, vacation, sick leave (if available), floating holidays, compensatory time, or catastrophic leave in order to remain in a paid status.
  - Once paid disability benefits begin, an employee may choose to use accrued leave such as PTO, vacation, sick leave (if available), floating holidays, compensatory time, or catastrophic leave to supplement the employee's paid disability benefits to reach 100% of the employee's usual pay. An employee also may decline to use accrued leave once paid disability benefits begin; this would not change the employee's eligibility for health insurance benefits (described in Section 6.0 of this policy) or paid disability benefits. The ability to choose whether to use accrued leave time only applies when an employee is receiving paid disability benefits.
- While on leave to care for a family member:
  - During the time the employee is receiving Paid Family Leave benefits, the employee may choose to use accrued leave such as PTO, vacation, sick leave (if available), floating holidays, compensatory time, or catastrophic leave as a supplement to the Paid Family Leave benefit in order to reach 100% of the employee's usual pay. An employee also may decline to use accrued leave while receiving Paid Family Leave benefits; this would not change the employee's eligibility for health insurance benefits (described in Section 6.0 of this policy) or Paid Family Leave benefits.
- If an employee remains on leave after Paid Family Leave benefits are exhausted, the employee will be required to use accrued leave as PTO, vacation, sick leave (if available), floating holidays, compensatory time or catastrophic leave in order to remain in a paid status for the balance of the leave period.

## 2.10 RETURNING TO WORK

At the end of an employee's authorized family and/or medical leave, AGENCY will return the employee to his/her/their former position or, if that position is unavailable, to a comparable position with no reduction in pay.

Employees who do not return to work within three (3) work days after an approved leave or certification that has expired may be considered to have abandoned their job if they have not been pre-approved for an extension of leave. Failure to report to work following an approved leave or certification that has expired may lead to discipline of the employee up to and including termination at the agency's discretion.

## 3.0 ACCOMMODATION

If an employee's health care provider certifies that the employee needs an accommodation due to a serious health condition, AGENCY will attempt to make a reasonable accommodation for the employee. If an employee believes he/she/they is entitled to an accommodation, he/she/they must request an accommodation from his/her/their supervisor, Director, or the AGENCY EEO Program Officer. AGENCY will act in compliance with all applicable laws, including the Americans with Disabilities Act and Fair Employment and Housing Act.

## 4.0 MILITARY EXIGENCY LEAVE

### 4.1 ELIGIBILITY

An otherwise FMLA-eligible or CFRA-eligible employee will qualify for Military Exigency Leave (MEL) if his/her/their spouse, domestic partner (CFRA only), son, daughter, or parent is on active military duty, or has been called to active duty in a "contingency" military operation that requires deployment to a foreign country. MEL is a type of FMLA/CFRA leave. Exigency leave applies only to a federal call to active duty.

MEL is available to family members of the Regular Armed Forces, the National Guard, and Reserves. It may also be available to certain retired members of the Regular Armed Forces and the retired Reserve. A "son or daughter" on active duty or called to active duty includes a child of any age.

### 4.2 LEAVE ENTITLEMENT

AGENCY will grant job-protected unpaid MEL when an employee's spouse, domestic partner (CFRA only), child, or parent is on active duty (or has been notified of an

impending call or order to active duty). Eligible employees are entitled up to 12 workweeks of unpaid leave in a 12-month period to deal with “any qualifying exigency” related to or affected by the family member’s call to service or active duty.

Any period of leave taken for MEL is counted against the employee’s overall 12-week FMLA/CFRA leave entitlement. As with other types of FMLA/CFRA leave, the 12-month period will be calculated using a rolling 12-month period measured backward from the date an employee uses any MEL. For example, if an employee takes four weeks of MEL, he/she/they will then have eight weeks of MEL/FMLA/CFRA leave left in that same 12-month period to care for a family member or to care for themselves in case of a serious health condition. MEL may be taken intermittently or on a reduced leave schedule.

A military leave will meet the definition of a “contingency” military operation if

(1) it has been designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or (2) results in the call or order to, or retention on, active duty members of the National Guard and Reserve under the law during a war or national emergency declared by the President or Congress.

What qualifies as an “exigency?”

- Short Notice Deployment
- Military Events and related activities
- Child Care and School Activities
- Parental Care
- Financial and Legal Arrangements
- Counseling
- Rest and Recuperation (R&R) Leave for a Military Member (maximum of 15 calendar days)
- Post-Deployment Activities
- Additional activities that demand the attention of the employee due to the contingency military operation.

#### 4.3 CERTIFICATION

Employees must provide specific information to the Director of Human Resources, such as a copy of the covered military member’s orders or call to duty and the dates of the military member’s active-duty service, to certify eligibility for MEL. Additionally, an employee will be required to provide a signed statement or description of facts regarding the exigency underlying each leave request.

#### 4.4 USE OF TIME OFF BENEFITS WHILE ON MILITARY EXIGENCY LEAVE

Employees are required to use any accrued leave such as PTO, vacation, floating holidays, compensatory time, or catastrophic leave to remain in a paid status while using MEL. Unpaid leave will be granted if the employee does not have any accrued leave available.

#### 4.5 RETURNING TO WORK

At the end of an employee's authorized MEL, AGENCY will return the employee to his/her/their former position, or if that position is unavailable, to a comparable position with no reduction in pay. Employees who do not return to work within three work days after an approved leave or certification has expired may be considered to have abandoned their job by AGENCY. Failure to report to work following an approved leave or certification that has expired may lead to discipline of the employee up to and including termination at the agency's discretion.

### MILITARY CAREGIVER LEAVE

#### 4.6 ELIGIBILITY

An otherwise FMLA-eligible employee will qualify for Military Caregiver Leave (MCL) if the employee is the spouse, son, daughter, parent, or "next of kin" of an injured military member. MCL is a type of FMLA leave.

#### 4.7 LEAVE ENTITLEMENT

AGENCY will grant job-protected unpaid MCL to an eligible employee for up to 26 workweeks in a single 12-month period to provide care for their injured military family member. The 26-week period is applied on a "per-military member, per-injury basis."

A "Military Member" is any member of the regular Armed Forces, or the National Guard or Reserve, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness. "Military Member" does not include retired military service members unless they are on the temporary disability retired list, nor does it include discharged military members. Employees also may take Caregiver Leave to care for a veteran service member who is undergoing medical treatment, recuperation, or therapy for serious injury or illness that occurred any time during the five years preceding the date of treatment.

A different 12-month period applies to MCL than for other forms of FMLA leave. The 12-month period applicable to MCL begins on the first day the eligible employee takes such leave and ends 12 months after that date, regardless of the separate 12-month period used to determine other FMLA leave.

Leave may be taken intermittently or on a reduced leave schedule when medically necessary.

#### 4.8 NEXT OF KIN

Next of kin is defined as the service member's nearest blood relative other than the spouse, parent, son, or daughter, in the following order of priority: (1) blood relatives who have been granted legal custody of the service member by court decree or statutory provision; or (2) brothers, sisters, grandparents, aunts, uncles and first cousins, unless the service member has specifically designated, in writing, another blood relative for purposes of this leave.

#### 4.9 CERTIFICATION

To qualify for MCL, an employee must provide the Director of Human Resources either the invitational travel orders, invitational travel authorizations, or a Department of Labor-approved certification form completed by a Department of Defense (DoD) health care provider, a Veterans Affairs healthcare provider, a DoD TRICARE authorized provider, or a DoD non-network TRICARE authorized provider.

#### 4.10 USE OF TIME OFF BENEFITS WHILE ON MILITARY CAREGIVER LEAVE

Employees are required to use any accrued leave such as PTO, vacation, sick leave (if available), floating holidays, compensatory time, or catastrophic leave to remain in a paid status while using MCL. Unpaid leave will be granted if the employee does not have any accrued leave available.

#### 4.11 RETURNING TO WORK

At the end of an employee's authorized MCL, AGENCY will return the employee to his/her/their former position, or if that position is unavailable, to a comparable position with no reduction in pay. Employees who do not return to work within three work days after an approved leave or certification has expired may be considered to have abandoned their job by AGENCY. Failure to report to work following an approved leave or certification that has expired may lead to discipline of the employee up to and including termination at the agency's discretion.

## 5.0 BENEFITS WHILE ON LEAVE

AGENCY will continue to pay health insurance premiums for an employee, to the extent those premiums normally were covered by AGENCY, for a period of up to four months (over the course of a 12-month period) during a PDL, up to 12 weeks for CFRA, FMLA, and MEL, and up to 26 weeks during a MCL. The time that the agency maintains and pays for health benefits during PDL is in addition to the 12 weeks of health benefits that an employee is eligible for while taking leave under the CFRA after PDL has ended. The employee, however, will be responsible for paying any excess premiums and for health benefits for dependents, supplemental life insurance, and flexible spending account amounts that normally are deducted from his/her/their paycheck.

### 5.1 WHILE IN A PAID STATUS

- AGENCY will continue to pay health insurance premiums for an employee on an eligible leave while the employee is in paid status.
- All other insurance premiums normally paid by AGENCY, such as vision, dental, and life insurance, will continue to be paid by AGENCY.
- AGENCY also will continue to pay any other benefits the employee has authorized.
- Employees will continue to be responsible for payment of their usual deductions for any of their elected benefits.
- While in paid status, an employee will continue to accrue paid time off or vacation and sick leave hours at their usual accrual rate if in a fully paid status or a pro-rated rate if in a partially paid status.

### 5.2 WHILE IN AN UNPAID STATUS

- If an employee must take leave in an unpaid status, AGENCY will pay the employee's health insurance premiums, to the extent those premiums normally were covered by AGENCY, for a period of up to four months for PDL or up to 12 weeks for CFRA, FMLA, or MEL, or up to 26 weeks for MCL.
- The employee will be responsible for paying any excess premiums for health benefits for dependents, supplemental life insurance, and flexible spending account amounts that normally are deducted from his/her/their paycheck.
- The employee may forward the funds to AGENCY to pre-pay these amounts each month. The employee also may wait until he/she/they returns from an Unpaid Leave to repay their missed benefit contributions if permitted by AGENCY based on an agreed upon payment schedule. An appropriate schedule of repayment may be approved by the Director of Human Resources.

- An employee cannot continue placing money into a deferred compensation plan while in unpaid status.

If an employee does not return to work after taking the unpaid leave, the employee will be responsible for reimbursing AGENCY for the amounts paid by AGENCY for the employee's insurance premiums during the employee's unpaid leave unless the reason the employee is not returning is due to circumstances beyond the control of the employee. returning is due to circumstances beyond the control of the employee.

## **Paid Family Leave Policy**

Paid Family Leave provides up to eight weeks of partial pay to eligible employees who take time off from work to care for a seriously ill, immediate family member (child or step-child, parent, parent-in-law, grandparent, grandchild, sibling or step-sibling, spouse, or registered domestic partner), or to bond with a new child through birth, adoption, or foster care placement.

### **1.0 ELIGIBILITY**

Paid Family Leave is available to eligible employees for up to eight weeks per 12-month period for the following reasons:

- Time off to bond with a new child entering the family through birth, adoption or foster care placement within 12 months after the birth or after the child is placed with the employee;
  - In the event both parents are employed by AGENCY and eligible for leave for the birth, adoption, or foster care placement of their child, AGENCY may limit the parents' leave entitlement to a combined total of eight weeks in a 12-month period.
- To care for an immediate family member with a serious health condition.
  - A serious health condition means an illness, injury, impairment, or physical or mental condition of a patient that involves any period of incapacity (e.g., inability to work or perform other regular daily activities) or inpatient care in a hospital, hospice, or residential medical care facility and any subsequent treatment in connection with such inpatient care; or continuing treatment by a physician/practitioner. Unless complications arise, cosmetic treatments, the common cold, influenza, earaches, upset stomach, minor ulcers, and headaches other than migraines, are examples of conditions that do not meet the definition of a serious health condition for purposes of Paid Family Leave.

### **2.0 CERTIFICATIONS**

AGENCY requires proof of the employee's relationship to the child for leave requests used to bond with a child (e.g. birth certificate or hospital record, or adoption/foster care paperwork).

AGENCY requires written certification from the health care provider of the immediate family member with a serious health condition. The certification does not require the health care provider to identify the type of serious health condition.

The certification must include:

1. the date that the serious health condition commenced;
2. the probable duration of the condition;
3. an estimate of the amount of time the employee will need to care for the immediate family member; and
4. a statement that the serious health condition warrants participation of a family member to provide care during the period of treatment or medical supervision.

If the employee fails to provide the certification or provides an inadequate certification, AGENCY may deny the request for leave.

### 3.0 PAID FAMILY LEAVE AND TIME OFF BENEFITS

Full-time employees who are eligible for Paid Family Leave may receive up to eight weeks of pay at two-thirds (66⅔%) of the employee's weekly salary to a maximum of \$2,500 per week. Part-time employees will receive paid leave on a pro-rated basis based on their pre-approved part-time work schedule. Pay received for Paid Family Leave is considered taxable income.

In situations where Paid Family Leave is requested to bond with a new child entering the family through birth, adoption or foster care placement, employees may choose to use accrued leave such as PTO, vacation, floating holidays, compensatory time, or catastrophic leave as a supplement to the Paid Family Leave benefit in order to reach 100% of the employee's usual pay.

In situations where Paid Family Leave is requested to care for a seriously ill family member, employees may choose to use accrued leave such as PTO, vacation, sick leave (if available), floating holidays, compensatory time, or catastrophic leave as a supplement to the Paid Family Leave benefit in order to reach 100% of the employee's usual pay.

If an employee continues to be off work under the Family and Medical Leave Act (FMLA) and/or the California Family Rights Act (CFRA) after Paid Family Leave is exhausted, the employee will be required to use accrued leave such as PTO, vacation, sick leave (if applicable), floating holidays, compensatory time, or catastrophic leave in order to remain in a paid status for the remainder of any FMLA and/or CFRA leave. Upon exhaustion of the accrued leave balances, any

remaining leave will be unpaid leave. Refer to the Family Care and Medical Leave Policy in the Supplemental Policies section of this Handbook for further information.

#### 4.0 PAID FAMILY LEAVE AND CONTINUATION OF BENEFITS

For employees on Paid Family Leave who also are on an approved job-protected leave under FMLA and/or CFRA, the continuation of health and other benefits are described in the Family Care and Medical Leave Policy in the Supplemental Policies section of this Handbook.

For employees on Paid Family Leave but not on an approved job-protected leave (e.g., FMLA and/or CFRA), the employee will be responsible for paying a pro-rated portion of the premium amount normally covered by AGENCY for health and other benefits if the employee is not in a fully paid status.

#### 5.0 TIME FRAME AND DURATION

Employees may take Paid Family Leave in one continuous period or intermittently as long as all leave is taken during the twelve-month time frame indicated above and does not exceed eight weeks. For female employees who have given birth, Paid Family Leave, if requested, will begin at the conclusion of any disability leave provided for the employee's own medical recovery following childbirth. In no case will an employee receive more than eight weeks of Paid Family Leave in a rolling 12-month period, regardless of whether more than one birth, adoption, foster care placement, or seriously ill family member event occurs within that 12-month time frame.

#### 6.0 COORDINATION WITH OTHER POLICIES

Leave taken under this policy will run concurrently with leave under the FMLA and/or CFRA (if applicable); thus, any leave taken under this policy will be counted toward the 12 weeks available under the FMLA and/or CFRA leave per a rolling 12-month period. All other requirements and provisions under the FMLA and/or CFRA will apply. Refer to the Family Care and Medical Leave Policy in the Supplemental Policies section of this Handbook for further information.

Leave taken under this policy will not run concurrently with Pregnancy Disability Leave (PDL); any leave taken under this policy will begin when PDL is no longer applicable.

#### 7.0 REQUIREMENTS FOR REQUESTING PAID FAMILY LEAVE

An employee must provide their Director with 30-days' notice in the event of a foreseeable leave, or as soon as practicable if the need for the leave is unforeseeable. The notice may be oral or in writing. The notice must provide enough information to AGENCY so that AGENCY can determine whether the employee is eligible for Paid Family Leave.

## **Flexible Work Schedule**

AGENCY supports the concept and use of flexible work schedules as a means of providing work/life balance for employees. A flexible work schedule program can maximize employee productivity, improve employee morale, reduce traffic congestion during peak travel periods, provide opportunities for employees to conduct personal business without taking either paid or unpaid time off, allow greater employee participation in family and community activities, and increase flexibility in meeting irregular scheduling needs while still being a productive employee.

The Flexible Work Schedule Program for eligible employees and positions permits 'non-standard' starting and ending times (within limits set by management) for an employee's work day.

A flexible work schedule cannot interfere with the accomplishment of AGENCY business, nor can a flexible work schedule cause a reduction in the level of service expected to be provided by the employee or their team. Flexible work schedules are a management option; it is not a benefit to which employees have any vested right.

A flexible work schedule may be informal, such as adjusting work hours during a particular week for a short-term project or to accommodate travel for agency business, or formal, as described below. Other informal, short-term arrangements may be made for employees on family or medical leave, to the extent practical for the employee and the organization and with the consent of the employee's health care provider, if appropriate. All informal flexible work schedule arrangements will be made on a case-by-case basis, focusing first on the business needs of the organization. Such informal arrangements are not the focus of this policy.

### **Eligibility**

Approval for an employee to take advantage of a flexible work schedule will be given based upon the employee's performance, the employee's specific duties and responsibilities, and the employee's ability to complete their duties and responsibilities efficiently and effectively within the proposed flexible work schedule. A flexible work schedule may not be appropriate for some employees and some positions.

### **Responsibilities and Expectations**

In establishing a flexible work schedule arrangement, both management and employees recognize that a flexible work schedule cannot prevent or interfere with the accomplishment of AGENCY business, nor can a flexible schedule cause a reduction in the level of service expected to be provided by the employee or their team.

A Flexible Work Schedule Agreement is required to be approved, in advance, before an employee begins to work non-standard hours on a regular basis.

Under AGENCY's Alternate Work Schedule, AGENCY standard business hours are 7:30 a.m. to 5:30 p.m., Monday through Thursday and 7:30 to 4:30 on alternate Fridays. AGENCY considers "core business hours" to be 9 a.m. to 4 p.m., Monday through Friday, excluding the lunch period. All employees, unless assigned a part-time or other type of alternate work schedule, are expected to work the core hours. An employee may request an exception to working the core hours by submitting a formal Flexible Work Schedule request.

AGENCY recognizes that some employees are assigned part-time work schedules, or alternate full-time schedules that do not align to the agency's core business hours. In such situations, the usual work schedule will be coordinated between an employee and their supervisor.

To facilitate scheduling meetings and the coordination of work, an employee should establish a consistent schedule. Employees working a schedule that includes hours outside of 8 a.m. to 4 p.m., Monday through Friday, should block the time on their calendars during the normal work hours that they are out of the office.

Employees with a flexible work schedule must notify other employees - who will be affected by their presence or absence - of their usual work hours by posting schedules, identifying primary communication methods, notifying a receptionist, or other appropriate means.

Employees with a flexible work schedule may not propose a schedule that includes compensable overtime. Flexible schedules must not result in scheduled overtime or compensable time.

Employees with a flexible work schedule must be able to meet all workload requirements and attend all scheduled meetings, required or recommended training, conferences, etc. within the proposed schedule.

Employees with a flexible work schedule will be treated the same as other employees with regard to compensatory time and overtime if the employee is eligible. In accordance with Section 7 of the Employee Handbook, non-exempt employees will not earn overtime unless they work more than 40 paid hours in a workweek and the additional hours are pre-approved by the appropriate level of management.

Employees with a flexible work schedule are subject to the AGENCY Employee Handbook and all policies.

### **Rescheduled 40 Hour Work Week**

One of the arrangements available to employees under the Flexible Work Schedule Program is a rescheduled 40 hour work week. This occurs when an employee requests that the hours for their usual work day fall outside the agency's standard business hours of 7:30 a.m. to 5:30 p.m., Monday through Thursday and 7:30 to 4:30 on alternate Fridays. There are three usage levels for this type of arrangement:

- Occasional Use

A supervisor may approve an informal, short-term flexible work schedule for an employee to adjust work hours during a particular week in order to meet a project deadline or to accommodate travel for agency business.

- Regular Use – All Work Hours include the Core Business Hours

- An employee and supervisor may agree to a standing flexible work schedule arrangement where the employee's usual work hours include the core business hours of 9 a.m. to 4 p.m., Monday through Friday.

- It is recommended that the employee and supervisor agree to the usual work schedule in writing. A Flexible Work Schedule Agreement is not required for this type of arrangement.

- Once approved, the employee is responsible for informing his/her supervisor of any temporary variation in his/her work schedule from the approved schedule.

- An employee may request a change or end their flexible work schedule by notifying their supervisor in writing.

- In approving such an arrangement, the supervisor must ensure that the flexible work schedule does not prevent or interfere with the accomplishment of AGENCY business, nor can the flexible schedule result in a reduction in the level of service expected to be provided by the employee or their team.

- Employees must recognize that a supervisor may change or revoke the approved schedule at any time.

- Regular Use – Some Work Hours are Outside the Core Business Hours

- An employee may request a standing flexible work schedule arrangement where some of the employee's usual work hours are outside the core business hours of 9 a.m. to 4 p.m., Monday through Friday. For example an employee may request to start his/her work day at 6:30 a.m. and finish his/her work day at 3:30 p.m. In this case, the employee's schedule does not cover the core business hours.

- A formal Flexible Work Schedule Agreement is required for this type of arrangement and should be approved, in advance, before the employee begins to work non-standard hours on a regular basis.

- Once a Flexible Work Schedule Agreement has been approved, the employee is responsible for informing his/her supervisor of any temporary variation in his/her work schedule from the approved schedule.
- An employee may request an ongoing change or end their approved Flexible Work Schedule Agreement by notifying their supervisor, and the Director of Finance and Administration in writing.
- The *Flexible Work Schedule Request Procedures and Approval Process* section provides more information.

### ***Discretion of Executive Director***

The Executive Director is responsible for identifying if the options are workable within his/her department. This includes determining if the schedule is appropriate for the employee and department and assessing the impact and outcomes on scheduling and work performance in terms of production, quality, and absenteeism.

### **Flexible Work Schedule Request Procedures and Approval Process**

An employee or supervisor may propose a flexible work schedule as a possible work arrangement. In certain instances, a flexible work schedule may be required by management to meet operational needs.

The criteria for considering a flexible work schedule request includes, but is not limited to:

- Duties of the employee's job and a determination as to whether work can be performed effectively with a flexible schedule.
- The impact of the flexible schedule upon the employee's ability to perform the required work tasks.
- The level of service expected to be provided by the employee and their team.
- The level of staffing and supervision needed at various times.
- The schedule of other employees within and outside the department with whom the employee must coordinate.
- The requesting employee's performance history.

A flexible work schedule must adhere to the following criteria:

- It must include working during core hours, from 9 a.m. to 4 p.m., excluding the lunch period, except as otherwise agreed.
- An employee must not be scheduled to work more than 10 hours per day.

- Non-exempt employees must not be scheduled to work more than 40 hours per workweek.
- Employees must schedule at least a 30 minute meal period each day.
- Any exceptions to these schedule criteria must be approved by the Executive Director.

Employees requesting consideration for a flexible work schedule should complete the 'Flexible Work Schedule' agreement/approval form and submit this to their supervisor. Flexible Work Schedule Agreements will be approved for a maximum of one year and will be reviewed by the Executive Director prior to becoming effective. An existing Agreement may be extended with approval from the supervisor and Executive Director via an Agreement Extension Request; each extension will be for a maximum of one year.

Upon approval of the Flexible Work Schedule Agreement, a 3 (three) month trial period will commence. At the conclusion of the trial period, the employee and supervisor will review the arrangement and make a recommendation for continuance, modifications, or discontinuation to the Executive Director.

An approved Flexible Work Schedule Agreement will be subject to review if the employee is transferred or promoted to another position, if there is a significant change in the employee's job responsibilities, the employee's direct supervisor changes, or if there are performance issues. An approved Flexible Work Schedule Agreement may be revoked at the discretion of the Executive Director and/or if the criteria used for approval, as noted in this policy, are no longer met.

In the event that a flexible work schedule arrangement is to be discontinued, AGENCY may provide the employee with thirty (30) days' notice of such a change to accommodate commuting, child care, and other problems that may arise from such a change. There may be instances, however, where no notice is possible or granted.

All approved requests will be forwarded to the Director of Finance and Administration for program coordination and recordkeeping. The Director of Finance and Administration has the general responsibility for overseeing the day-to-day implementation of this policy in accordance with payroll and legal requirements. Should an exception to the policy be desired, the request for exception is to be put in writing to the Executive Director for review and approval. Such exceptions may be granted only by the Executive Director, in consultation with the employee's supervisor.

## **Heat Illness Prevention**

It is the policy of AGENCY to provide a safe working environment that reduces the risk of heat illness for employees who routinely, or from time-to-time, perform their job duties in an outdoor location, whenever environmental or personal risk factors for heat illness are present.

For the purposes of this policy, examples of “outdoor work locations” include, but are not limited to, roadways and associated facilities, construction sites, fields and parkland areas, beaches and lagoons, yards, outdoor areas adjacent to buildings, such as loading docks, and sites where outdoor public outreach activities occur.

Typically, temperatures above 80° Fahrenheit (F), when heavy physical work activities are being performed, represent conditions where there is a risk of heat illness. Other factors, such as high humidity or work activities that restrict the body’s ability to cool itself, such as protective clothing, could result in a risk of heat illness at lower temperatures.

AGENCY will establish procedures for employees working in outdoor settings designed to reduce the incidence of heat-related illnesses. Additional protective measures and caution will be exercised when the risk for heat illness is higher, such as during a heat wave or in other severe working or environmental conditions.

### **Responsibilities**

The Executive Director is responsible for ensuring that this policy and associated procedures are implemented and that the necessary resources for the program are made available to supervisors, and employees.

Managers and supervisors are responsible for:

- identifying all employees who are required to work outdoors or in other environments where potential heat illness could occur as well as the supervisors of these employees;
- ensuring that adequate water, shade, and necessary rest breaks are available when the environmental risk factors for heat stress are present and encouraging employees to drink sufficient amounts of water;
- evaluating work conditions before sending employees to perform outdoor work in hot conditions (CalOSHA defines a trigger temperature and “shade up” provisions when temperatures reach 85°F, and “high heat” procedures at 95°F; and
- ensuring that all affected employees are trained on heat illness prevention procedures for both hot and high heat conditions.

Affected employees are responsible for:

- complying with the provisions of the Heat Illness Prevention Policy, as described in this document and in the training sessions they attend;
- requesting that appropriate amount of drinking water is available at all times when the environmental risk factors for heat illness are present;
- requesting access to a shaded area to prevent or recover from heat related symptoms; and
- promptly reporting heat related illness symptoms to their supervisor.

## Definitions

The following definitions apply to this policy:

- **Acclimatization** means temporary adaptation of the body to work in the heat that occurs gradually when a person is exposed to it. Acclimatization peaks in most people within four to fourteen days of regular work for at least two hours per day in the heat.
- **Heat illness** means a serious medical condition resulting from the body's inability to cope with a particular heat load, and includes heat cramps, heat exhaustion, heat syncope and heat stroke.
- **Environmental risk factors for heat illness** means working conditions that create the possibility that heat illness could occur, including air temperature, relative humidity, radiant heat from the sun and other sources, conductive heat sources such as the ground and nearby equipment, air movement, workload severity and duration, and protective clothing and personal protective equipment worn by employees.
- **Personal risk factors for heat illness** means factors that affect the body's water retention or other physiological responses to heat such as an individual's age, degree of acclimatization, overall health, and water consumption. Caffeine, certain drugs, and alcohol also can have an effect on the body's ability to respond to heat.
- **Preventative recovery period** means a period of time to recover from the heat in order to prevent heat illness.
- **Shade** means blockage of direct sunlight. Canopies, umbrellas and other temporary structures or devices may be used to provide shade. One indicator that blockage is sufficient is when objects do not cast a shadow in the area of blocked sunlight. Shade is not adequate when heat in the area of shade defeats the purpose of shade, which is to allow the body to cool. For example, a car sitting in the sun does not provide acceptable shade to a person inside it, unless the car is running with air conditioning.

## Procedures

AGENCY heat illness prevention procedures include:

### ***Access to Drinking Water and Water Replenishment***

- AGENCY will provide at no cost to employees, readily accessible, clean, fresh, and cool potable, drinking water at all times. In high heat conditions, ice also will be provided to cool the drinking water.

- Where unlimited drinking water is not immediately available through plumbing or another source, a sufficient quantity of water, equivalent to one quart, or four 8-ounce cups, per hour per employee, will be provided via water containers. If containers are used:
  - The supervisor will ensure that water containers are located as close as practicable to employees. If employees move from one area to another, the water container will be moved with the employees.
  - If water containers cannot easily be located close to the employee's work area, an alternate supply of water will be available via bottled water, personal water containers, or similar.
  - Single-use drinking cups will be provided for use with the water container if the water is not provided in personal water bottles.
  - The water level in the containers will be checked by the supervisor at least every two hours.
  - The water in the container will be replenished with cool water when the level drops below 50 percent.
  - All water containers will be filled and refilled directly from a potable water supply and care will be taken to prevent contamination.
  - Employees will be reminded about the available sources of water, and encouraged to frequently drink small quantities of water throughout the day, especially during periods of high heat.

### ***Employee Access to Shade***

- When the outdoor temperature at the work location exceeds 85°F, AGENCY will maintain one or more areas with shade while employees are present.
- The shaded area will be open to the air or ventilated and cooled, will be large enough to accommodate 25 percent of the employees working on a shift at one time, and will allow employees to sit comfortably and fully in the shade in a normal posture without having physical contact with another employee.
- The shaded area will be located as close as possible to the area where employees are working and access will be permitted at all times.
- Employees who may be suffering from a heat related illness or needing a preventative recovery period will be encouraged to remain in the shaded area for at least five minutes whenever they feel the need to do so to avoid overheating.
- If it is unsafe or infeasible to provide shade at an outdoor work location, equivalent protection will be identified and provided to employees.

### ***Personal Protective Equipment/Clothing***

- Employees will be encouraged to wear clothing that is lightweight, loose fitting, and made of “breathable” fabric to allow airflow and air movement aiding in cooling the body. Employees will be restricted from wearing loose fitting clothes when working near moving machinery because of the danger of entanglement.
- Employees will be encouraged to wear light-colored clothing that reflects heat better than dark-colored clothes which absorb heat.
- Employees will be encouraged to wear shirts with long sleeves to cover the body and avoid sunburn. Sunburn affects the body’s ability to cool itself and increases the loss of body fluids.

### ***Weather Monitoring and Acclimatization***

- The supervisor will monitor weather conditions, particularly for approaching heat waves, and will use a thermometer to keep track of the temperature at outdoor work locations.
- The supervisor will pay particular attention to signs and symptoms of heat illness due to inadequate acclimatization for current and new employees.

### ***High Heat and Heat Wave Protocols***

In addition to the above requirements, the following procedures will be followed when the outdoor temperature at the work location is at or above 95°F:

- The supervisor will hold short, frequent meetings (before and during work) with employees to review the heat illness prevention procedures, the weather forecast, emergency response procedures, and additional safety measures.
- The supervisor will maintain communication with the employees by voice, observation, or reliable electronic means (e.g., cell phone); employees at the work site will be able to contact the supervisor if necessary.
- The supervisor will observe employees for alertness and signs or symptoms of heat illness.
- The supervisor will actively remind employees to drink water frequently throughout the work day.
- The supervisor will closely monitor new employees for acclimatization during the first 14 days of employment, unless the new employee indicates at the time of hire that he or she has been doing similar outdoor work for at least 10 of the past 30 days for 4 or more hours per day.

### ***Employee and Supervisor Training***

AGENCY will provide training to employees who hold positions where their job duties are routinely performed in an outdoor location or other work environment that has an elevated risk for heat illness. This training will occur prior to the time the employee commences their outdoor job duties, and at other times as deemed necessary, and will include:

- the environmental and personal risk factors for heat illness, as well as the added burden of heat load on the body caused by exertion, clothing, and personal protective equipment
- the different types of heat illness, including common signs and symptoms
- the importance of acclimatization, how it is developed, and how AGENCY procedures address it
- the importance of frequent consumption of small quantities of water
- the importance of immediately reporting signs or symptoms of heat illness in themselves, or in co-workers, to a supervisor
- procedures for responding to symptoms of possible heat illness, including contacting emergency medical services and transporting employees if necessary
- the AGENCY Heat Illness Prevention Policy and related procedures

AGENCY will provide training to supervisors responsible for overseeing the work of employees who hold positions where there is an elevated risk for heat illness. This training will occur prior to the time the supervisor commences job duties involving supervision of outdoor work, and at other times as deemed necessary, and will include:

- the AGENCY Heat Illness Prevention Policy and related procedures, as well as CalOSHA's Heat Illness Prevention Standard T8 CCR 3395 procedures
- procedures to be followed to implement the applicable Heat Illness Prevention Policy requirements
- procedures to be followed when an employee exhibits symptoms consistent with possible heat illness, including emergency response procedures and first aid
- how to monitor weather reports and respond to hot weather advisories

### ***Emergency Response***

- All supervisors will carry cell phones or other means of communication during outdoor work, to ensure that emergency medical services can be called. Checks will be made to ensure that these electronic devices are functional prior to each shift.
- When an employee is showing symptoms of possible heat illness, steps will be taken immediately to keep the stricken employee cool and comfortable once emergency service responders have been called (to reduce the progression to more serious illness).
- During a heat wave or hot temperatures, workers will be reminded and encouraged to immediately report to their supervisor any signs or symptoms of heat illness they are experiencing.
- Training for both employees and supervisors will include information about emergency procedures.

### ***Procedures for Handling a Sick Employee***

- Emergency service providers will be called immediately if an employee displays signs or symptoms of heat illness (loss of consciousness, incoherent speech, convulsions, red and hot face), does not look OK or does not get better after drinking cool water and resting in the shade.
- While the ambulance is in route, first aid will be initiated (cool the worker: place the worker in the shade, remove excess layers of clothing, place ice pack in the armpits and groin area, and fan the victim).

### ***Written Procedures***

In addition to being included in the AGENCY Employee Handbook, this policy and related procedures will be maintained on site and will be made available to employees upon request.

### **Complaint Procedures**

Employees who have questions, concerns, or suggestions regarding workplace health and safety, are encouraged to contact their supervisor, Director of Finance and Administration or the Executive Director.

## **Injury and Illness Prevention**

The purpose of this program is to prevent workplace injuries and illnesses at AGENCY. Although The AGENCY facilities create a relatively low-risk environment, AGENCY is required by Title 8 of the California Code of Regulations, Section 3203, to institute this program.

For information regarding procedures AGENCY has implemented to maintain a safe workplace and reducing the risk of the spread of COVID-19, please refer to AGENCY's COVID Protocol.

### **Responsibility**

The Injury and Illness Prevention (IIP) program administrator is the AGENCY Director of Finance and Administration. The Director of Finance and Administration has the authority and the responsibility for implementing and maintaining this IIP Program for AGENCY. Supervisors are responsible for compliance with the IIP Program in their functional areas. Persons with questions about the IIP Program should be referred to the Director of Finance and Administration. A copy of this IIP Program is available from Director of Finance and Administration.

### **Compliance**

All persons working at AGENCY, including management staff, employees, interns, and temporaries, are responsible for complying with safe and healthful work practices. The AGENCY system of ensuring that all employees comply with these practices includes the following practices:

Informing employees of the provisions of our IIP Program.

Evaluating the safety performance of employees, when appropriate.

Providing training to employees regarding safe work practices.

Disciplining employees for failure to comply with safe and healthful work practices.

### **Communication**

Supervisors are responsible for communicating with employees about occupational safety and health. AGENCY encourages employees to inform their supervisors about workplace hazards without fear of reprisal.

The AGENCY communication system includes the following items:

New employee orientation, including information regarding safety and health policies and procedures.

Review of the IIP Program by the Director of Finance and Administration as often as necessary, but no less than once per year.

Training programs as deemed necessary by the AGENCY management staff.

Posted or distributed safety information as deemed necessary by the AGENCY management staff.

### **PART I – ALL EMPLOYEES**

The provisions of Part I apply to all AGENCY employees.

#### ***Hazard Assessment***

Periodic inspections to identify and evaluate workplace hazards shall be performed by the Director of Finance and Administration with the assistance of supervisors, on an ongoing, as-needed basis. Periodic inspections will be performed according to the following schedule:

At the time the IIP Program is established initially, and thereafter on a regular basis;

When new substances, processes, procedures, or equipment which present potential new hazards are introduced into the workplace;

When new, previously unidentified hazards are recognized;

When occupational injuries and illnesses occur; and

Whenever workplace conditions warrant an inspection.

#### ***Accident Investigations***

In the event of an accident that results in, or could have resulted in, an injury to an employee, the Director of Finance and Administration will carry out an investigation. The procedures for investigating workplace accidents at AGENCY include:

Obtaining a written report of the accident from the affected employee(s), supervisor, or Director;

Interviewing injured employees and witnesses;

Examining the workplace for factors associated with the accident;

Determining the cause of the accident;

Taking corrective action to prevent the accident from recurring; and Recording the findings and actions taken.

### ***Hazard Correction***

Unsafe or unhealthy work conditions, practices, or procedures shall be corrected in a timely manner, based upon the severity of the hazards. Hazards shall be corrected when observed or discovered.

### ***Training and Instruction***

All employees, including management staff, shall have training on general and job-specific safety and health practices as necessary. This IIP Program and the AGENCY Ergonomics Policy are intended to provide AGENCY employees with training and instruction on the reduction and elimination of workplace injuries and illnesses.

### ***General Workplace Safety and Health Practices***

AGENCY employees must take steps to prevent injuries and illnesses in the workplace. These steps include, but are not limited to:

- Complying with this IIP Program.

- Following established emergency and fire procedures.

- Immediately reporting hazards and accidents and seeking medical care if necessary.

- Preventing MSDs by following the Ergonomics Policy.

- Ensuring that work areas are kept sufficiently neat and orderly so as not to pose a risk to employees or others. For example, office clutter can lead to injuries from tripping over or slipping on material left on office floors.

- Keeping stairways, hallways, doorways, and aisles clear.

- Promptly reporting and/or cleaning up spills in the break room areas, bathrooms, or elsewhere.

- Abstaining from horseplay, running in hallways, or other acts that tend to adversely affect safety.

- Properly storing items. For example, employees are prohibited from stacking goods in an unstable manner or storing goods against doors, exits, fire extinguishing equipment, and electrical panels.

Reporting anyone known to be under the influence of drugs or alcohol while on the job.

Always using proper lifting techniques. Unless it is part of your job description, never push or lift heavy objects. Contact your supervisor if you need to move a heavy object.

Exercising caution when carrying material. Watch for and avoid obstructions and loose material.

Reporting exposed wiring and cords and ensuring that electrical equipment is plugged into appropriate wall receptacles.

Taping down or otherwise securing cords running into walking areas.

Using defensive driving techniques, wearing a seatbelt, and exercising other safety precautions when operating a vehicle.

Properly storing cleaning supplies and other toxic materials.

Having all pieces of furniture adjusted, positioned, and arranged to minimize strain on all parts of the body.

Never opening more than one upper drawer in a file cabinet at a time or leaving lower desk or cabinet drawers open that present a tripping hazard.

Exercising care when opening and closing doors and drawers to avoid pinching fingers.

Keeping space heaters clear of combustible materials and placing them on a stable surface to prevent tipping.

Never using equipment such as scissors and staplers for anything other than their intended purpose. Misusing these objects as hammers, pry bar, screwdrivers, etc., poses a risk of injury.

### ***Time of Training***

Training and instruction will be provided:

When the IIP Program is first established and as needed, as determined by the Director of Finance and Administration;

- To all new employees;
- To all employees given new job assignments for which necessary training was not provided previously;
- Whenever new substances, processes, procedures, or equipment are introduced to the workplace and represent a new hazard;
- Whenever AGENCY is made aware of a new or previously unrecognized hazard;
- To supervisors to familiarize them with the safety and health hazards to which employees under their immediate direction and control may be exposed; and

- To an individual employee if the employee is subject to special hazards specific to the employee's job assignment.

### ***Recordkeeping***

AGENCY is a local governmental entity and, therefore, is not required to keep written records of the steps taken to implement and maintain its IIP Program. AGENCY will, however, maintain investigation and inspection records until an identified hazard is corrected.

### **Sexual Harassment and Compliant Procedures**

AGENCY is committed to maintaining a workplace environment free of sexual harassment, exploitation, and intimidation. Sexual harassment is prohibited by state and federal law and will not be tolerated by AGENCY. Complaints of sexual harassment will be investigated properly and, if necessary, appropriate disciplinary action, up to and including termination, will be taken.

All persons who use AGENCY offices, including, but not limited to, employees, temporaries, interns, Board members, vendors, and visitors, are responsible for complying with and ensuring the compliance of others with this policy. Retaliation against an individual for his/her involvement in a complaint or investigation under this policy is prohibited by law and will constitute a separate violation of this policy.

### **Policy**

This Sexual Harassment and Complaint Procedures Policy is derived from the AGENCY equal employment opportunity policy which prohibits discrimination or harassment on the basis of race (traits historically associated with race, including, but not limited to, hair texture and protective hair styles), color, religion (all aspects of religious beliefs, observance, or practice, including religious dress and grooming practices), national origin (including language use), ancestry, age (40 and above), gender identity or expression (including transgender, gender fluid, or gender transition status) sex (including pregnancy, child birth, breastfeeding, or related medical conditions), medical condition (including cancer or a record or history of cancer), physical disability, mental disability, genetic information, sexual orientation, registered domestic partner status, marital status, veteran's status or current or prospective service in the uniformed services, or any other category protected under federal, state, or local law. Included in the definition of each protected category is the perception of membership in a protected category and an individual's association with an actual or perceived member of a protected category.

It is the policy of AGENCY to ensure that its offices and activities are free of sexual harassment or discrimination. This policy extends to all forms of communication, physical contact, and/or other gestures of a sexual nature that are unwanted and are explicitly or implicitly exploitative, intimidating, demeaning, and/or derogatory.

Personality conflicts should not be misconstrued as sexual harassment and should be reported to an immediate supervisor, Executive Director, or the Director of Finance and Administration.

No person shall cause a person on AGENCY premises to be in jeopardy of losing a job or promotion, be subject to adverse action or retaliation, or otherwise be placed in an intimidating, hostile, or offensive working environment, as the result of being subjected to, rejecting, or reporting sexual harassment.

No person shall promise or grant favored treatment in hiring, promotion, discipline, or other employment decision, to an individual on the condition that such individual participate in or tolerate otherwise unwelcome sexual behavior.

AGENCY will take preventative, corrective, and disciplinary action for any behavior that violates this policy. Disciplinary action up to and including termination and/or removal from AGENCY premises will be imposed for violation of this policy.

Whether or not harassment occurred does **not** depend upon whether the behavior was intended to cause harm, but rather, upon the effect of the behavior on the receiving individual's employment or work environment. Failure to recognize that behavior is harassing to an individual or group of individuals will not be viewed as an adequate defense to an allegation of sexual harassment.

The standard under which AGENCY may impose discipline under this policy may be stricter than that imposed by law. AGENCY will not condone, permit, or tolerate harassment in any manner whatsoever. Persons engaging in inappropriate conduct may be subject to discipline, up to and including termination, the first time inappropriate behavior is documented.

### **Applicability**

This policy applies to all AGENCY employees, temporaries, and interns, elected or appointed officers, and to those who are agents of a public or private entity doing business with AGENCY.

### **Responsibilities**

The Director of Finance and Administration is responsible for ensuring that the policy and complaint procedures relating to sexual harassment are disseminated and implemented. This policy is referred to in the AGENCY Employee Handbook and is available on the AGENCY Intranet website.

All employees, temporaries, and interns will be informed of this policy and are responsible for reviewing it. All persons on AGENCY premises are expected to comply with this policy. It is the responsibility of every supervisor to take any sexual harassment complaint seriously and to respond immediately according to the complaint procedures in this policy. Any supervisory staff member who observes or knows of a harassing situation, whether or not it occurred in his/her department/division, who fails to take corrective action, may be disciplined.

## Definitions

Sexual harassment is unwelcome behavior that is deliberate or repeated, not asked for or returned, and which affects the terms and conditions of employment.

The two basic elements of sexual harassment are: (1) the behavior is unwelcome; and (2) the behavior is sexual in nature as perceived by an average person on the receiving end of the behavior, **or** it is behavior that ridicules, denigrates, or harasses a person because of his/her gender. Unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment (quid pro quo sexual harassment); or
- Submission to or rejection of such conduct by an individual is used as a basis for evaluation of the individual's work or decisions affecting that individual's work or an individual's employment (quid pro quo sexual harassment); or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment (hostile environment sexual harassment).

Sexual harassment can take many forms. Some examples include:

*Verbal Harassment:* Epithets, derogatory jokes or comments, slurs, or unwanted sexual talk. Verbal abuse of a sexual nature such as graphic verbal commentaries about a person's body; sexually degrading words used to describe an individual; propositioning. Remarks or jokes explicitly or implied stating that a person cannot do a job as well because that person is male or female. Threats or reprisals after a negative response to a sexual advance.

*Physical Harassment:* Assault, battery, impeding, or blocking normal movement or interfering with work; unwanted touching such as pinching, grabbing, or patting or other inappropriate behavior.

*Visual Harassment:* Derogatory posters, emails, electronic texts, pornographic or sexual Internet sites, computer screen "wallpaper," notes, cards, calendars, bulletins, cartoons, graffiti, photographs, signs, drawings, suggestive or sexually graphic letters or invitations, protracted staring, or gestures.

**Quid pro quo** (this in exchange for that) sexual harassment occurs when a person makes any term or condition of employment conditional upon an individual's willingness to engage in sexual behavior. Examples of quid pro quo sexual harassment include: a supervisor offering a choice assignment in exchange for a sexual favor, or a supervisor threatening adverse action against an individual who refuses to submit to sexual advances.

**Hostile environment** sexual harassment occurs when unwelcome conduct, either sexual or gender-based, severe or pervasive, offends, intimidates, ridicules, or insults an individual sufficiently to alter that individual's ability to carry out his/her responsibilities at AGENCY.

### **Confidentiality**

Every effort shall be made to protect the privacy of all individuals throughout all phases of the complaint resolution process. Anonymity and complete confidentiality cannot be guaranteed once a complaint is made or unlawful behavior is made known because AGENCY has a duty to conduct an investigation and to report criminal conduct to appropriate legal authorities.

In the interest of maintaining confidentiality, a person who is a victim of or who is aware of someone else who is a victim of sexual harassment should not discuss the matter with anyone other than a supervisor, the Director of Finance and Administration or the Executive Director.

All documents concerning a sexual harassment complaint will be maintained by the Director of Finance and Administration.

Files pertaining to complaints will be maintained in confidence to the fullest extent permitted by law.

### **Complaint Procedures**

An individual who feels that he/she has been sexually harassed or discriminated against based on gender, or who believes that someone else is being sexually harassed or discriminated against, must bring the matter to the attention of a supervisor, the Director of Finance and Administration or the Executive Director immediately. If the Executive Director feels that he/she has been sexually harassed or discriminated against, based on gender, he/she must bring the matter to the attention of the Board President or other Board officer immediately.

Supervisors are responsible for orally notifying the Director of Finance and Administration immediately upon receipt of a sexual harassment or discrimination allegation. The supervisor shall follow up by submitting a written incident report to the Director of Finance and Administration on all sexual harassment or discrimination complaints within three days of receipt after reporting a complaint.

Once a complaint is made known to the Director of Finance and Administration, he/she shall investigate, conciliate, resolve, and/or make appropriate recommendations to the Executive Director and the supervisor in order to ensure the situation is remedied. The Director of Finance and Administration shall follow up with the supervisor on the progress of the investigation and/or proposed resolution within two weeks.

The investigation will be performed expeditiously and a written report will be prepared and coordinated with AGENCY's legal counsel.

All cases shall be evaluated on an individual basis, taking into consideration all the facts and circumstances pertaining thereto. The Executive Director and appropriate supervisor shall be given a summary of findings, recommendations, and required actions. The complainant and alleged harasser also will be informed of the results of the investigation. The Director of Finance and Administration shall monitor all actions until completed.

### **Protections**

Employees have the right to file charges of sexual harassment or discrimination in good faith. If, in the course of the investigation it is found that the charges are intentionally malicious or fraudulent, the Director of Finance and Administration shall make appropriate recommendations as to the disposition of the case. An individual who makes a false or fraudulent complaint under this policy will be subject to discipline, up to and including termination.

AGENCY will not tolerate retaliation against any individual who rejects sexual advance(s), complains of sexual harassment or discrimination, or makes a sexual harassment or discrimination complaint. AGENCY will not tolerate retaliation against any person who participates in an investigation covered under this policy. If retaliation is alleged, it shall be processed as a separate complaint that shall be filed directly with the Director of Finance and Administration. The law prohibits such acts of retaliation. Any person found to be retaliating against another person shall be subject to disciplinary action up to and including termination.

### **Warning**

Persons involved in consensual relationships who work together must exercise caution to prevent actual or perceived sexual harassment or inappropriate use of authority. If a relationship changes, conduct that once was welcome by both persons may become offensive to one of the persons in the relationship. Sexual harassment claims often occur following an unsuccessful workplace relationship. Therefore, AGENCY highly discourages supervisory-subordinate relationships because of this risk.

## **Standard of Conduct**

### **I. Introduction and Applicability**

This document established the standard of conduct applicable to all AGENCY staff.

### **II. Guide to Ethical Decision Making**

To assist in fostering a climate of ethical awareness, conduct, and decision making at AGENCY, staff may find it useful to refer to or consider, either by themselves or if they are uncertain, in conjunction with the Executive Director and AGENCY legal counsel, the following five questions:

1. Is the decision or conduct lawful?
2. Is the decision or conduct consistent with AGENCY's policies and goals?

3. Can the decision or conduct be justified in terms of public interest and would it withstand public scrutiny?
4. What will the outcome be for the staff member, other staff, AGENCY, and others?
5. Do these outcomes raise a conflict of interest or lead to private gain to the staff member or the staff member's family at AGENCY expense?

### **Conflict of Interest**

1. In addition to the provisions of the Political Reform Act, as enforced by the Fair Political Practices Commission, conflict of interest exists when it is likely that a staff member could be influenced, or could be perceived to be influenced, by a personal interest in carrying out their duties of employment. Conflict of interest that leads to biased decision making may constitute corrupt conduct.
2. No staff member shall participate in the selection, or in the award or administration of, a contract if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the staff member, any member of his or her immediate family, his or her partner, or an organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award.
3. Some related interests that may give rise to a conflict of interest include:
  - a. Personal beliefs or attitudes that influence the impartiality of advice given;
  - b. Personal relationships with the people AGENCY is dealing with that go beyond the level of a professional working relationship;
  - c. Secondary employment that compromises the integrity of the employee and AGENCY.
4. In all purchases for AGENCY, any practices which might result in unlawful activity are prohibited including, but not limited to, rebates, kickbacks, or other unlawful considerations. AGENCY staff are specifically prohibited from participating in the selection process when those staff have a close personal relationship, family relationship, or business relationship with a person or business entity seeking a contract. An individual employee may often be the only person aware of the potential for conflict. It is, therefore, their responsibility to avoid any financial or other interest that could compromise the impartial performance of their duties, and disclose any potential or actual conflict of interest to the Executive Director.

5. If a staff member is uncertain whether a conflict exists, he/she should discuss the related interest matter with the Executive Director and attempt to resolve any conflicts of interest that may exist. To resolve any conflict of interest that occurs, or could occur, a range of options is available, depending upon the significance of the conflict. These options include:
  - a. Recording the details of the disclosure and taking no further action because the potential for conflict is minimal or can be eliminated by disclosure or effective supervision;
  - b. The staff member relinquishing the personal interest;
6. The staff member being removed from the task/activity/situation where the conflict could occur. Disputes over alleged conflicts of interest should be resolved by the Executive Director.

***Prohibition Against Financial Interest in a Contract***

1. It is unlawful for any Designated Staff to be financially interested in any contract made by them in their official capacity.
2. It is unlawful for any contract to be made by the AGENCY Board or any committee established by AGENCY's Board or a committee if any individual member of the body has a financial interest in the contract.
3. For purposes of the prohibitions set forth above in subsections 1 and 2 of this section, the term financial interest means any interest, other than a remote interest as prescribed in California Government Code section 1091 or a non-interest prescribed in California Government Code section 1091.5, which would prevent the Designated Staff involved from exercising absolute loyalty and undivided allegiance to the best interests of AGENCY.
4. Any Designated Staff with a remote interest in a prospective contract of AGENCY's must disclose the existence of the remote interest to the committee or other body on which the Designated Staff is a member if that committee has any role in creating, negotiating, reviewing, or approving the contract; and the Designated Staff must abstain from influencing or anticipating in the creation, negotiation, review, or approval of the contract.

***Prohibition Against Influencing AGENCY Decisions Affecting Economic Interests***

1. It is unlawful for any Designated Staff to knowingly influence a AGENCY decision if it is reasonably foreseeable that the AGENCY decision will have a material financial effect on:
  - a. the Designated Staff or a member of his or her immediate family, if the material financial effect is distinguishable from its effect on the public generally; or
  - b. any of the following economic interests:

- 1) any business entity in which the Designated Staff or a member of the Designated staff's immediate family has invested \$2,000 or more; and
- 2) any business entity for which the Designated Staff or a member of the Designated Staff's immediate family is a director, officer, partner, trustee, employee, or holds any position of management; and
- 3) any real property which the Designated Staff or a member of the Designated Staff's immediate family has invested \$2,000 or more; and
- 4) any person from whom a Designated Staff or a member of the Designated Staff's immediate family has received (or by whom you have been promised) \$500 or more in income within twelve months prior to the municipal decision; and
- 5) any person from whom a Designated Staff or a member of the Designated Staff's immediate family has received gifts which total \$420 or more within twelve months prior to the municipal decision. This gift threshold is subject to adjustment as set forth in Title 2, section 18940.2, of the California Code of Regulations; and
- 6) the personal expenses, income, assets, or liabilities of a Designated Staff or a member of the Designated Staff's immediate family.

2. For purposes of this section, "material financial effect" has the same meaning as that term is used in Title 2, sections 18705 through 18705.5 of the California Code of Regulations.

***Prospective Employment of Designated Staff***

1. It is unlawful for any Designated Staff to make, participate in making, or use his or her official position with AGENCY to influence an AGENCY decision involving the interests of a person with whom he or she is seeking, negotiating, or securing an agreement concerning future employment.
2. It is unlawful for any person who has a matter pending before AGENCY to negotiate, directly or indirectly, knowingly or willfully, the possibility of future employment of a Designated Staff who is making, participating in making, or using his or her official position to influence, a AGENCY decision concerning that matter.

***Restrictions Concerning Contracts and Procurements by Current and Former Employees***

1. Notwithstanding any other section of this Policy, AGENCY shall not contract with, and shall reject any bid or proposal submitted by, the persons or entities specified below, unless the Executive Director finds that special circumstances exist which justify the approval of such contract:
  - a. Persons employed by AGENCY;

- b. Profit-making firms or businesses in which AGENCY employees serve as officers, principals, partners, or major shareholders;
- c. Persons who, within the immediately preceding six (6) months, were employed by AGENCY and (1) were employed in positions of substantial responsibility in the area of service to be performed by the contract, or (2) participated in any way in developing the contract or its service specifications; and
- d. Profit-making firms or businesses in which the former employees described in subsection (c) serve as officers, principals, partners, or major shareholders.

### **III. Definitions**

**Compensation:** The receipt of any monetary or non-monetary payment for the services or time of a person. Compensation includes, but is not limited to, salary, wages, fees, and any discount or economic opportunity not made available in the regular course of business to members of the public.

**Confidential Information:** (a) At the time of the use or disclosure of the information, the disclosure is prohibited by a statute, regulation, or rule which applies to AGENCY; or (b) the information is not general public knowledge and will have, or could reasonably be expected to have, a material financial effect on any source of income, investment, or interest in the real property of AGENCY; or (c) the information pertains to pending contract, labor, or real property negotiations and disclosing the information could reasonably be expected to compromise the bargaining position of AGENCY; or (d) the information pertains to pending or anticipated litigation and disclosing the information could reasonably be expected to compromise the ability of AGENCY to successfully defend, prevail in, or resolve the litigation.

**Designated Staff:** Any AGENCY staff member who is required to file a statement of economic interests pursuant to the California Political Reform Act of 1974 (Form 700), as amended.

**Person:** Means any individual, business entity, trust, corporation, association, committee, or any other organization or group of persons acting in concert, whether for profit or not for profit.

**Public Agency:** Means the United States or any of its agencies; the State of California; a city; any political subdivision of the State, including counties and districts; or any public corporation, agency, or commission.

**Position of Substantial Responsibility:** Means a position in which a person took part personally and substantially by rendering a decision, approval, or disapproval for a department's projects; by making a formal written recommendation; by conducting an investigation; by rendering advice on a significant basis; or by using confidential information.

**AGENCY Decision:** (a) The drafting, introduction, consideration, reconsideration, adoption, defeat, or repeal of any ordinance or resolution; and (b) the amendment of any ordinance or resolution; and (c) a report by AGENCY staff to the Board or a committee; and (d) contracts; and (e) quasi-judicial decisions, including: (1) any decision on a land development permit, map, or other matter; or (2) any declaration of debarment; and (f) any other decision of the Board or a AGENCY committee.

#### ***IV. Goals And Objectives***

AGENCY staff, Board members and the community at large have a right to expect the business of AGENCY to be conducted with efficiency, fairness, impartiality, and integrity. Employment at AGENCY carries with it an obligation to the public interest. It requires standards of professional behavior from staff that promotes and maintains public confidence and trust. At the same time, staff should not be subject to unnecessary restrictions simply because they work for AGENCY. Staff has all the normal rights of persons under state and federal law. Although no one set of rules can answer all ethical questions, this Standard of Conduct provides AGENCY staff with an ethical framework for their decisions, actions, and behavior. In this regard, it explains the principles covering appropriate conduct in a variety of contexts and outlines the minimum standard of behavior expected of staff. Staff is expected to comply with this policy as well as all other state and federal laws regarding employment by public agencies including, but not limited to, conflict of interest laws.

#### **V. General Principles**

Staff must abide by the following principles when doing their work:

1. Staff are to implement the policies and decisions of AGENCY in an impartial manner. In particular, staff shall comply with all applicable laws regarding conflicts of interest, including, but not limited to, the California Political Reform Act, and the provisions of the California Government Code regarding Prohibited Interests in Contracts, as these laws may be amended from time to time.
2. Staff are to treat their colleagues and members of the public fairly and consistently, in a non-discriminatory manner with proper regard for their rights and obligations. In this regard, staff should perform their duties in a professional and responsible manner. They should ensure that their decisions and actions are reasonable, fair, and appropriate to the circumstance, based upon consideration of all the relevant facts and supported by adequate documentation.
3. Staff are to promote confidence in the integrity of AGENCY and always act in the public interest and not in their private interest while conducting AGENCY business. Staff should protect the reputation of AGENCY. They should not engage in activities, at work or outside work, that would bring AGENCY into disrepute.
4. Staff are to provide relevant and responsible service to the public and other staff, providing necessary and appropriate assistance. They should provide information promptly and in an appropriate format that is easy for the recipient to understand. The information should be clear, accurate, and complete.

5. Staff should keep up to date with advances and changes in their area of expertise and look for ways to improve performance and achieve high standards of work. They should use their authority, available resources, and information only for the work-related purpose intended.

## **VI. Acceptance of Gifts, Benefits, or Gratuities**

In addition to requirements set forth in the Political Reform Act, as enforced by the Fair Political Practices Commission, staff should not accept gifts or benefits that are intended to, likely to, or be perceived to cause staff to act in a partial manner in the course of their duties. Staff will neither solicit nor accept gifts, gratuities, favors, or anything of monetary value equal to or in excess of \$50 on an annual, aggregate basis from potential or current consultants or contractors, parties to sub-agreements, or other contracting parties. General guidance regarding these limitations may be found below. Gifts: Staff are prohibited from accepting gifts from vendors or from representatives of any non-governmental organization that provides, or is desirous of contracting with AGENCY if the aggregate annual value of the gift or gifts will equal or exceed \$50. This prohibition applies to any gift, gratuity, favor, entertainment, or loan, and includes such items as liquor, lodging, travel, food, and tickets to public functions (sports events, theater, etc.).

1. Business Related Functions: Acceptance of an invitation to join a vendor at a function being attended for official agency business may be permitted by the Executive Director. Included in this category are luncheon meetings, lunches incidental to a business meeting held before or after the lunch period, and business-related dinners.
2. Industry Meetings: At industry meetings, seminars, or other related functions where the employee's attendance is being funded by AGENCY, it is permissible to accept hospitality at activities that are provided for the benefit of all industry people and are commonly accepted as being a part of the group activities. The maximum annual aggregate amount of gifts an employee may accept from a particular vendor must be less than \$50.
3. Entertainment: AGENCY staff may not be guests of a vendor, purchaser, contractor, or representative of a service organization at a sports event, theater, etc. These activities are not connected with AGENCY business and could be criticized by the public or competitors of the host. The reason a company would act as such a host could be because the vendor, purchaser, contractor, etc. wants to solidify its position, influence the decision of the guest, or show its appreciation. When confronted with doubtful situations, AGENCY staff should refuse the offer. The possibility of placing oneself, or AGENCY, in a compromising position is thus avoided.

## **VII. Reporting Corrupt Conduct**

Staff is urged to report suspected corrupt conduct to the Executive Director.

## Substance Abuse

The purpose of this policy is to establish and maintain a safe and healthy workplace for all AGENCY employees that is free of any adverse effects on job performance caused in any way by the use or presence of drugs or alcohol. Additionally, this policy is intended to inform employees that assistance toward rehabilitation is available if an employee needs help in overcoming addiction to, dependence upon, or problems related to the abuse of drugs or alcohol.

Involvement with drugs and alcohol, both on and off the job, takes a toll on individual job performance and employee safety. Impacts of substance abuse include higher health benefits usage and workers' compensation claims, increased safety and liability risks, and diminished productivity and quality of work. The AGENCY goal is to prevent or reduce these and other negative effects associated with substance abuse. This policy will serve to establish prohibitions against conducting AGENCY business or representing AGENCY while under the influence of drugs or alcohol. Violation of this policy may result in disciplinary action up to and including termination.

### Applicability

The policy is intended to apply whenever anyone is representing or conducting business for AGENCY.

### Definitions

**Alcohol** means any alcohol or alcoholic beverage as defined in the California Business and Professional Code Sections 23003 and 23004. **Controlled Substance** means alcohol, a drug, or an immediate precursor thereto.

**Conviction** means a finding of guilt, including a plea of nolo contendere, or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal and state criminal drug statutes.

**Drug** means any drug, including, but not limited to, an illegal drug or a prescription or over-the-counter drug (legal drug) which is listed in any schedule in Sections 11054, 11055, 11056, 11057, or 11058 of the California Health and Safety Code.

**Illegal drug** means any drug or immediate precursor which is specified or referenced in any provision of the California Uniform Controlled Substance Act (Division 10 of the Health and Safety Code) which may subject an individual to criminal penalties, or a legal drug which has not been obtained legally or is being used by an individual for whom it was not prescribed, or is not being used in a manner, combination, or quantity for which it was manufactured, prescribed, or intended.

**Legal drug** means any over-the-counter or prescription drug which has been obtained legally and is being used in a manner, combination, and quantity for which it was manufactured, prescribed, or intended.

**Drug-Free Workplace** means a site for the performance of work in which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance.

**AGENCY Business** means duties that are performed by an employee for AGENCY, whether on or off AGENCY premises, including, but not limited to, events at which an employee represents AGENCY in his/her official capacity and occasions when an employee uses property such as a vehicle owned by AGENCY.

**Substance Abuse** means the improper use of controlled substances or any other substance that impairs an employee's ability to safely and effectively perform the functions of a particular job.

**Under the Influence** means an employee's ability to perform AGENCY business with normal effectiveness and efficiency is negatively affected due to the employee's use of a controlled substance.

### **Policy**

AGENCY is committed to providing a Drug-Free Workplace and preventing substance abuse by employees. It is the policy of AGENCY that:

An employee performing AGENCY business shall not be under the influence of a controlled substance.

An employee's job performance or safety shall not be jeopardized in any way because another employee is conducting AGENCY business under the influence of a controlled substance.

An employee shall not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance.

An employee shall not possess or consume an open container of alcohol or an illegal drug on AGENCY premises.

An employee shall not allow an open container of alcohol or an illegal drug to be placed or carried in a AGENCY vehicle or in any vehicle over which an employee has control while conducting AGENCY business.

An employee shall not sell, offer, or provide an illegal drug to another person while conducting AGENCY business.

AGENCY discourages the consumption of alcohol by employees while conducting AGENCY business whether or not such consumption will cause the employee to be considered under the influence of alcohol.

Conviction of an employee of a crime involving a controlled substance while the employee is employed by AGENCY must be reported by the employee to the Director of Finance and Administration within five days.

Compliance with this policy is a condition of employment. Violation of this policy may result in disciplinary action up to and including termination. Violation of this policy also may result in AGENCY contacting appropriate legal authorities. Disciplinary action that may be imposed against an employee for violation of this policy includes termination.

### **Responsibilities**

It is the responsibility of the Executive Director to administer the provisions of this policy. It is the responsibility of the Director of Finance and Administration to manage and maintain this policy, and to provide information to AGENCY employees on obtaining assistance with substance abuse problems when requested or when appropriate.

Assistance with substance abuse and rehabilitation is the responsibility of the employee. All costs resulting from participation in a rehabilitation or other assistance program which are not paid for by the AGENCY Employee Assistance Program, the employee's medical insurance carrier, or other available community resource are the responsibility of the employee.

### **Procedures**

Any employee who feels he/she has developed an addiction to, dependence upon, or problems with a controlled substance is encouraged to seek assistance. Assistance may be sought initially by contacting an immediate supervisor, the Director of Finance and Administration, or the AGENCY Employee Assistance Program. All requests for assistance will be handled in confidence to the fullest extent permitted by law.

Any employee who believes another employee is under the influence of a controlled substance while carrying out AGENCY business may report his/her suspicion and the reasons for that suspicion to the Director of Finance and Administration. If the Director of Finance and Administration believes it is warranted, he/she will discuss the matter with the employee who is suspected of substance abuse and refer the employee to the AGENCY Employee Assistance Program or other appropriate resource.

No disciplinary action will be taken against any employee who discloses his/her substance abuse problem prior to AGENCY learning of a violation of this policy, provided the employee begins a program of rehabilitation and strictly follows the rules and guidelines of that program. An employee who is not in a rehabilitation program, however, may be subject to discipline if his/her performance or attendance is affected negatively or AGENCY business operations or other employees are affected negatively due to the employee's use of a controlled substance or the employee's conviction of a crime involving a controlled substance. Employees may seek and may be granted rehabilitation leave. Rehabilitation leave will be subject to the leave policies established by AGENCY.

Any employee convicted of a crime related to a controlled substance must notify the Director of Finance and Administration no later than five days after such conviction. The Executive Director will determine whether discipline related to the conviction is appropriate. If discipline

as severe as termination from employment is not merited, the employee's continued employment will be conditioned upon the employee's enrollment in a rehabilitation program and satisfactory completion of the program. All situations will be handled in confidence to the fullest extent permitted by law.

## **Technology and Electronic Resources**

The policy is intended to apply to all AGENCY technology and electronic resources, including, but not limited to: computer systems, software, hardware, servers, networks, electronic mail, cell phones, and computing devices paid for, in whole or in part (including reimbursement of expenses), by AGENCY, Internet services, Intranet, voicemail system, facsimile machines, and photocopiers. The term "computing devices" includes, but is not limited to smart phones, PDAs, electronic tablets, and other similar devices. This policy applies to all users of AGENCY technology and electronic resources, whether or not they are employees or independent contractors; whether or not they are using AGENCY technology or resources during or after work hours; or whether they access the technology or resources from AGENCY premises or some other location.

### **No Expectation of Privacy**

Users should not expect that the information placed on or through AGENCY electronic resources is private. By using AGENCY technology and electronic resources, users consent to the monitoring discussed in this policy, without any additional notice. AGENCY may not require or request an employee to (1) disclose a username or password to access personal email/social media; (2) access his or her personal email/social media in the presence of another AGENCY employee or representative; or (3) divulge any personal email/social media unless it is reasonably believed that content on the email/social media is relevant to an investigation of allegations of employee misconduct or violation of law, or to access a AGENCY-issued electronic device.

Following is a list of some, but not all, circumstances under which a user's activities may be disclosed to others. Note that with regard to computers, data on all drives may be accessed or monitored, not just data on the shared drives.

In order to ensure AGENCY technology and electronic resources are not misused, AGENCY may monitor or investigate computer files, electronic messages, voicemail, Internet use, and all other information kept or accessed by users on its electronic resources to determine whether a user has misused these resources. Users should not expect information stored on or accessed from AGENCY electronic resources to be private, even if passwords, account codes, or other security measures are utilized. Data may be monitored regardless of its origin or content.

Any information retained on or accessed from AGENCY property may be disclosed to outside parties, including law enforcement authorities, in the event of an investigation or legal process.

When a user is absent, unavailable, or is terminated, another user may need to access information kept on the unavailable user's or former user's computer or voicemail. Data scans by law enforcement agencies and AGENCY Information Systems (IS) staff are made on an ongoing basis to check for malware, viruses or other illegal access or use of AGENCY data or equipment that may have been initiated by persons inside or outside AGENCY.

### **Unacceptable Use**

The use of AGENCY technology and electronic resources is a privilege that may be revoked at any time. AGENCY will not tolerate misuse of its property. Nothing in this policy is meant to prohibit use of electronic resources for labor activities or First Amendment speech permitted by law. Conduct that may result in discipline includes, but is not limited to:

Damage, theft, duplication, or unauthorized alteration of hardware or software. Placement of unlawful information, computer viruses, or harmful programs on or through an electronic resource.

Obtaining, downloading, viewing, or otherwise gaining access to materials which may be deemed unlawful, harmful, abusive, obscene, pornographic, descriptive of destructive devices, or which are harmful matter as defined in California Penal Code Section 313(a), or which are otherwise objectionable under current AGENCY policies or applicable laws.

Violation of the federal Communications Decency Act or any other federal or state law applicable to computer and/or telecommunications systems.

Use of AGENCY electronic resources for personal gain, commercial purpose, or political or religious activity.

Use of AGENCY electronic resources to unlawfully harass other persons. Examples: Display or transmission of messages containing ethnic slurs, racial comments, off-color jokes, cartoons with sexual content, or anything that may conflict with the AGENCY policy of providing a workplace sensitive to diversity and free of discrimination, harassment, and disrespect.

Unauthorized use, review, duplication, dissemination, removal, damage, or alteration of files, passwords, computer systems, or programs, or other property of AGENCY, a business, or any governmental agency to conduct improper activities, including but not limited to "hacking."

Use of copyrighted, trademarked, or patented data, software or other materials without permission from the owner, including, but not limited to, use of data downloaded from the Internet and the creation or maintenance of archival copies of materials obtained through the Internet, unless such materials are in the public domain. This includes use of AGENCY owned logos or trademarks without approval from the Executive Director.

Placing AGENCY's confidential, sensitive, or proprietary information in electronic messages or on the Internet.

Creating or utilizing chain letters, chat rooms, or other Multiple User Dimensions ("MUDs"), with the exception of those bulletin boards or electronic mail groups that may be used for specific work-related communications.

Use of social networking sites such as Facebook, Twitter, or Linked-In, or other Internet blogging sites during work hours for non AGENCY business is forbidden if the time taken to do so or the content of the posting could be disruptive to AGENCY business. Use of social networking sites for AGENCY business is permitted.

Posting information on the Internet or in electronic mail or electronic mail attachments that does not reflect the standards and policies of AGENCY. Employees are expected to be respectful of AGENCY, its employees, member agencies, and the public. If an employee represents himself or herself on the Internet as a AGENCY employee, he/she is expected to ensure the page content complies with professional standards of conduct. Employees are prohibited from accessing, posting, or placing any content using AGENCY property that associates AGENCY with illegal, unethical, or unprofessional activity.

Establishing Internet or other external network connections that could allow unauthorized persons to gain access to AGENCY systems and information. These connections include, but are not limited to, the establishment of hosts with public modem dial-ins, World Wide Web home pages, File Transfer Protocol sites, and peer-to-peer networking (file-sharing) nodes.

Downloading data or visiting websites that are likely to contain computer viruses or other malware.

Spending excessive time browsing the Internet for non-work-related information or sending personal e mail during work periods. This includes time spent texting, instant-messaging, blogging, tweeting, or viewing Facebook, Linked-In, or similar social networking sites.

Use of AGENCY resources for non-work related matters that take up too much disk or memory space on an electronic resource, slow down the electronic resource's ability to process data, or deplete AGENCY office supplies.

### **Use of Technology While Operating a Vehicle**

AGENCY employees are prohibited from utilizing an electronic device such as a cell phone without proper equipment while operating a vehicle to conduct AGENCY business. Employees also are prohibited from sending text messages or emails while operating a vehicle if they are using the vehicle to conduct AGENCY business.

### **Consequences of Violating this Policy**

The consequences for violating this policy include, but are not limited to, disciplinary action up to and including termination from employment, termination of a user's contract with or

services for AGENCY, and/or referral to legal authorities for prosecution under California Penal Code Section 502 or other applicable laws.

### **Reporting of Abnormalities or Misuse**

Users should report any misuse, abnormality, or security breach as soon they observe it. Abnormalities or breaches of security should be reported to the Director of Finance and Administration immediately. If any user observes a misuse, such as an electronic communication containing obscene or harassing language, or unauthorized access to electronic resources by an employee or consultant, the user should report the misuse to the Director of Finance and Administration or the Executive Director immediately. The user should not show the misuse or offending material to other users or discuss these matters with anyone other than the Executive Director, or the Director of Finance and Administration.

### **Teleworking Outside of the Office**

Note: This policy does not reflect the remote work arrangements that AGENCY implemented in March 2020 to comply with the state and federal COVID-19 health orders.

AGENCY supports teleworking as a work option benefiting both employees and the region. A teleworking program can maximize employee productivity, improve employee morale and motivation, and reduce traffic congestion during peak travel periods.

Teleworking is an opportunity for eligible employees to establish an alternate work arrangement that allows them to work at home or at another location as part of their approved, regular work schedule.

Teleworking cannot interfere with the accomplishment of AGENCY business, nor can teleworking cause a reduction in the levels of service expected to be provided by the employee or their team. Teleworking is a management option; it is not a benefit to which employees have any vested right.

A telework arrangement may be informal, such as working from home for a short-term project or during business travel, or formal, as described below. Other informal, short-term arrangements may be made for employees on family or medical leave, to the extent practical for the employee and the organization and with the consent of the employee's health care provider, if appropriate. All informal telecommuting arrangements will be made on a case-by-case basis, focusing first on the business needs of the organization.

### **Eligibility**

Individuals requesting a formal telework arrangement must hold a Permanent Full Time position, have been employed at AGENCY for a minimum of 12 months, and have achieved, as a minimum, a good overall performance rating on their most recent Performance Evaluation.

Exceptions to the 12-month employment minimum may be considered by the Executive Director. Teleworking may not be appropriate for some employees and some jobs.

### **Responsibilities and Expectations**

In establishing a telework arrangement, both management and employees recognize that teleworking cannot prevent or interfere with the accomplishment of AGENCY business, nor can an arrangement cause a reduction in the level of service expected to be provided by the employee or their team.

A Teleworking Outside of the Office (Telework) Agreement and the Home Office Safety Checklist are required to be approved, in advance, before an employee begins to work from home or at another location on a regular basis. A Telework Agreement is not required when an employee wants to work from home or at another location on an occasional basis; such arrangements should be coordinated between an employee and his/her supervisor.

The schedule for work performed at the telework site is subject to negotiation with, and approval by, the employee's supervisor. The teleworker shall work the AGENCY "core business hours" which are 9 a.m. to 4 p.m., Monday through Friday, excluding the lunch period.

The teleworker must make him or herself accessible during the core business hours for meetings via telephone or other technology and also must have access to the AGENCY email and calendar system via the Internet.

Meetings and work assignments may require employees to be physically present in the office on certain days that may have been scheduled for telework. On these occasions, it is the employee's responsibility to make every effort possible to come into the office and ensure agency business is not disrupted.

The teleworker is expected to establish and maintain, at his/her expense, an appropriate work environment within their home or other remote location for work purposes. The designated work area must be maintained in a safe condition, free from hazards and other dangers to employees and equipment.

The teleworker is expected to establish and maintain, at his/her expense, equipment and services such as a computer, telephone, Internet access, and other related equipment and resources needed to support the telework arrangement.

On any personal computer (s) used to perform work for AGENCY, the teleworker must, at a minimum, enable and keep up-to-date a commercially available firewall, install and keep up-to-date a commercially available anti-virus product, and maintain current security (patch) levels for the computer's operating system and any application software. Remote access to AGENCY electronic resources is accomplished through the AGENCY virtual private network

(VPN). AGENCY VPN users may be required to allow security scans of their computers to confirm the presence of up-to-date firewall, anti-virus, and security patches. Questions regarding the suitability of software to meet AGENCY security requirements can be posed to the information technology support staff.

Storing (saving) AGENCY electronic documents and files on non-AGENCY computers is discouraged. Documents and files accessed in the course of teleworking should be saved on a AGENCY network drive (e.g. the M drive). Should connectivity issues or other circumstances necessitate temporarily saving a AGENCY document or file on the teleworker's computer, the teleworker must save the document or file on a AGENCY network drive at the earliest opportunity and delete all copies of the document or file from the teleworker's computer.

Work performed on personal devices while teleworking may subject those devices to review by AGENCY authorized staff in order to comply with public records requests, litigation holds, or in situations in which AGENCY is legally required to store or provide access to its records.

Coverage under the AGENCY worker's compensation insurance policy for job-related accidents will continue to exist during the employee's scheduled telework hours. This liability is limited to injuries resulting directly from work and only if the injury occurs in the designated work area. Teleworking employees are responsible for notifying AGENCY of such injuries in accordance with AGENCY accident and injury reporting procedures. The employee is liable for injuries to third persons and/or members of the employee's family on the employee's premises.

Teleworking is not a substitute for child care. Teleworkers must make alternative arrangements for child care during designated work hours. Employees must ensure they have access to all appropriate work related information. Teleworking should not reduce the productivity of onsite employees by asking them to find or email information maintained at the office.

Teleworkers are subject to the AGENCY Employee Handbook and all supplemental policies.

### ***Casual Teleworking***

Employees who telework on an informal or casual basis, or perform AGENCY work from a remote location outside of business hours, are subject to the responsibilities and expectations described in this policy as applicable to their situation.

### **Teleworking Request Procedures and Approval Process**

An employee and supervisor may propose teleworking as a possible work arrangement.

Prior to approving a Telework Agreement, the employee and supervisor, with the assistance of the Director of Finance and Administration, will evaluate the suitability of such an arrangement. Attention will be paid to:

- **Employee Suitability:**  
The employee and supervisor will assess the needs and work habits of the employee compared to traits customarily recognized as appropriate for successful teleworkers. Employees must be able to complete tasks efficiently and effectively while teleworking. The employee must at a minimum, have a good overall performance rating on their most recent Performance Evaluation.
- **Job Responsibilities:**  
The employee and supervisor will discuss the job responsibilities and determine if the job is appropriate for a teleworking arrangement. Certain jobs may not lend themselves to teleworking, such as jobs requiring teamwork, access by the public, supervision, or use of information and materials that cannot be taken from the office.
- **Equipment Needs and Work Space Considerations:**  
Telework applicants must complete the Home Office Safety Checklist to confirm that the appropriate equipment and resources are available, and that the condition of the proposed work site environment is considered safe.

Employees requesting consideration for a telework arrangement should complete the 'Teleworking Outside of the Office' agreement/approval form and submit this to their supervisor and Department Director. Telework Agreements will be approved for a maximum of one year and will be reviewed by the Executive Director prior to becoming effective. An existing Agreement may be extended with approval from the supervisor and Department Director via an Agreement Extension Request; each extension will be for a maximum of one year.

Upon approval of the Telework Agreement, a three month trial period will commence. At the conclusion of the trial period, the employee and supervisor will review the arrangement and make a recommendation for continuance, modifications, or discontinuation to the Department Director.

An approved Telework Agreement will be subject to review if the employee is transferred or promoted to another position, if there is a significant change in the employee's job responsibilities, the employee's direct supervisor changes, or if there are performance issues. An approved Telework Agreement may be revoked at the discretion of the Department Director and/or if the criteria used for approval, as noted in this policy, are no longer met.

In the event that a teleworking arrangement is to be discontinued, AGENCY may provide the employee with thirty (30) days' notice of such a change to accommodate commuting, child care, and other problems that may arise from such a change. There may be instances, however, where no notice is possible or granted.

All approved requests will be forwarded to the Director of Finance and Administration for program coordination and recordkeeping. The Director of Finance and Administration has the general responsibility for overseeing the day-to-day implementation of this policy in accordance with payroll and legal requirements. Should an exception to the policy be desired, the request for exception is to be put in writing to the Executive Director for review and approval. Such exceptions may be granted only by the Executive Director, in consultation with the employee's supervisor.

## **Travel and Timesheet Documentation**

The purpose of this policy is to assist all employees in determining what hours they should write on their timesheets when working irregular schedules, whether for travel or other reasons. This policy is not, however, all-inclusive. Employees with questions that are not answered by this policy should request assistance from the Director of Finance and Administration.

### **Introduction**

Specific pre-approval is required when an employee wishes to work outside of his/her standard work schedule if it will result in the employee earning overtime. Some employees are called "exempt" because they are deemed exempt from the overtime laws. Overtime is earned by non-exempt employees. The rules for what hours "count" when filling out a timesheet vary, depending upon whether an employee is exempt or non-exempt. Therefore, this policy is broken up into two main sections. Section I concerns non-exempt employees and Section II concerns exempt employees.

### **Section I – Non-Exempt Employees**

Generally, non-exempt employees are paid for all hours during which they are carrying out duties at the request of AGENCY and are not free from AGENCY obligations.

#### ***Teleworking***

Since non-exempt employees are paid only for time spent working, every time the employee is distracted by activities at home or carries out any personal tasks, the time must be deducted from the time worked. The employee must be diligent and fair about taking credit only for those hours the employee is focused solely on work for AGENCY and must ensure that he/she takes their required breaks and does not work overtime without permission. Just as when working at the AGENCY offices, a teleworking, non-exempt employee must have permission to work flexible hours during a workweek using a pre-approved make-up work request.

Teleworking must be approved by the Executive Director in writing in the form of a Telework Agreement. Supervisors should carefully analyze the ability of the employee to stay focused on work at home and the reduced ability to supervise and communicate with the employee. Written permission for teleworking should contain the justification for teleworking, the dates teleworking will be allowed, and an end date. The Telework Agreement permitting teleworking should be placed in the employee's personnel file. Permission to telework may be revoked by AGENCY at any time.

### ***Breaks***

Every workday, a non-exempt employee should be allowed a 15 minute break for every four hours worked. Additionally, if a non-exempt employee works more than five hours, the employee also must be given at least half an hour for a meal break. The meal break must be taken, even if the employee would rather skip it in order to leave work earlier.

In order for a meal break to count as a break, the non-exempt employee must be free from all duties to AGENCY. For example, if an employee eats his/her meal at his/her desk and answers the phone for AGENCY while he/she is eating, this does not count as a meal break. Or, if the employee must attend a work-related meeting during the lunch hour, this will not count as a meal break.

If a non-exempt employee does not take their meal break during the workday, and works a full eight hours, the employee must be paid overtime for the break(s) he/she missed. AGENCY will provide the opportunity for the break and meal periods, but it is up to the employee to actually take the breaks allocated. It is important that non-exempt employees take their required breaks in order to avoid unapproved or unnecessary overtime.

### **Section II – Exempt Employees**

Under federal and state law, AGENCY is not required to pay exempt employees for any hours worked over 40 in a workweek. The law recognizes that exempt employees are expected to work more than 40 hours on an as-needed basis due to their higher level of responsibility and pay compared to non-exempt employees. Exempt employees should keep in mind that comp time is a benefit, not a right.

### ***Teleworking***

Teleworking can be more convenient for employees and can reduce congestion on the roads, however, it is easy for employees to be distracted by activities at home and personal tasks when not in an office environment. Teleworking employees must be diligent and fair about taking credit only for those hours the employee is focused solely on work for AGENCY.

Teleworking must be approved by the Executive Director in writing in the form of the Telework Agreement. Supervisors should carefully analyze the ability of the employee to stay focused on work at home and the reduced ability to supervise and communicate with the employee. Written permission for teleworking should contain the justification for teleworking, the dates

teleworking will be allowed, and an end date. The Telework Agreement permitting teleworking should be placed in the employee's personnel file. Permission to telework may be revoked by AGENCY at any time.

## **OFFICIAL TRAVEL**

The purpose of this policy is to set forth the policies and procedures governing the authorization and reimbursement of travel and related expenses incurred by Board of Director members and employees in the performance of their official duties.

### **POLICY**

Travel and/or training will be authorized where there is a clear benefit to AGENCY, including professional growth of employees which warrants the cost and time away from regular duties.

Travel and training, including scheduled conferences, will be approved during the annual budget process. Approved budgets will not be exceeded without the express approval of the Executive Director.

### **DEFINITIONS APPLICABLE TO POLICY**

Out-of-Region Travel – Any travel outside of the AGENCY County.

California Department of Human Resources (CalHR) – CalHR establishes per diem rates eligible for state and federal grant reimbursement.

### **AUTHORIZATION**

A Travel Request Permission Form will be submitted in advance for all travel outside the region.

Executive Director, or delegate, must approve all travel requests.

Executive Committee or Board of Directors must approve all out-of-state travel.

### **REIMBURSABLE EXPENSES**

#### **Transportation**

Necessary transportation to include actual cost of rail, public transport (Transit), airline (coach-class) tickets; airport, and ground transportation (shuttles/taxi/Uber/Lyft) incidental to official meetings. Use of air, train, private vehicles, or other travel mode shall be selected on the basis of the lowest reasonable cost to AGENCY after expense items are tabulated. When an employee chooses, and the Executive Director approves a method of transportation that is more costly, reimbursement will be the lower amount.

Where use of a private vehicle is authorized, reimbursement will be made at the current standard mileage rate published by the State of California and found on the California Department of Human Resources (CalHR) website.

Actual cost of rented automobile and associated costs and charter aircraft under special circumstances specifically authorized by the Executive Director.

### **Travel Time**

Authorized travel time shall be based on that required by the most appropriate mode of transportation. Travel time in excess of the above must be approved by the Executive Director.

### **Lodging**

Lodging will be reimbursed at actual cost of hotel accommodations, not to exceed the guidelines established by Cal HR. Exceptions will be granted at the discretion of the Executive Director for hotels included with training, conferences and meetings which have a set price and for which the individual has little or no choice in the amount paid. For short-term travel charged to Federal and State grant funding, reimbursement limits for overnight accommodations are displayed on the website of CalHR.

### **Meals**

Meals, including tips, will be reimbursed at actual expense not to exceed the following CalHR established maximum rates as of January 1, 2026:

Breakfast \$16.00

Lunch \$19.00

Dinner \$28.00

AGENCY will adopt revised rates in accordance with any updates published at <https://benefits.calhr.ca.gov/state-employees/work-resources/travel-reimbursements>.

It is important to note that these rates are maximums, not allowances. Receipts for meals for out of region travel are not required to be submitted. However, in the event of an audit, meal receipts substantiating the amount claimed must be provided.

Meal cost for State and Federal grants are limited to amounts published by the State of California and found on the CalHR website.

Meals within the regional area are only reimbursable when specifically authorized by the Executive Director. Instances where such meals may be authorized include luncheon or dinner where it is impracticable for an employee to return to the office area for meals. Also,

employees and/or Board of Director members may be reimbursed when required to participate in an official business luncheon or dinner. Itemized receipts showing meal cost, tips and taxes will be submitted by AGENCY employees and/or Board members. Employees should submit itemized receipts with their Monthly Expense Claim. Board member receipts should be submitted to the Clerk of the Board for processing. Itemized receipts should be included for the following items:

- Baggage handling at terminals and hotels.
- Official telephone and incidental expenses directly related to the trip or conference.
- Registration fees for conferences, seminars, and related meetings.
- Parking charges and bridge tolls.

### **Processing Travel Requests**

- Travel Request Permission Forms will be prepared for each trip.
- Employee Travel Request Permission Forms will be signed by the employee and the Program Manager. The Executive Director, or designee, will approve all requests.
- Board members Travel Request Permission Forms will be signed by the Board member and approved by the Executive Director.
- After travel, completed Travel Request Permission Form must be submitted with the final employee travel expense reimbursement form to the Finance Office.
- Advance funds may be furnished upon request.

### **PROCESSING REIMBURSEMENT VOUCHERS**

Employee Travel Expense Reimbursement Forms will be prepared, signed by employee, approved by the Program Manager and Executive Director, and submitted to the Finance Office for settlement/reimbursement within 30 days following completion of travel. At the discretion of the Executive Director, Employee Travel Expense Reimbursement Forms may be submitted after 30 days following completion of travel.

Board member Travel Expense Reimbursement Form will be prepared by AGENCY staff, signed by the Board member and approved by the Executive Director. The Travel Expense Reimbursement Form will be submitted to the Finance Office for settlement/reimbursement within 30 days following completion of travel. At the discretion of the Executive Director,

Employee Travel Expense Reimbursement Forms may be submitted after 30 days following completion of travel.

The Travel Expense Reimbursement Form will be prepared in sufficient detail to show time and nature of expenses incurred. Receipts are required for:

- Transportation by rail, bus, airline tickets or rental car.
- Lodging
- Registration Fees
- Parking Fees
- Other expenses for which receipts are normally obtainable, except meals.

Receipts for meals for out of region travel are not required to be submitted. However, in the event of an audit, meal receipts substantiating the amount claimed must be provided. Meals, including tips, will be reimbursed at actual expense not to exceed the CalHR established maximum rates.

Meals claimed in excess of per diem limitations must include an approval by the Executive Director or designee.

Reimbursement for meal costs within the region require receipts showing meal cost, tips and taxes and the submittal of a Monthly Expense Claim approved by the employee's supervisor and the Executive Director.

Board member reimbursement for meal costs within the region require receipts showing meal cost, tips and taxes submitted to the Clerk of the Board and processed by AGENCY staff.

## **Vehicle Safety and Usage**

AGENCY vehicles are registered and available to employees at the discretion of management for the primary purpose of business travel and official agency business. AGENCY owns and maintains two vehicles, which may be checked out as a resource by employees with a valid driver's license for official agency business. Employees are encouraged to carpool, use transit, or walk instead of driving alone in a AGENCY vehicle.

The purpose of this policy is to provide guidelines for AGENCY employees as to the conditions of use and operation of AGENCY-owned vehicles by employees.

## Definitions

**At-fault incident** means any accident involving a vehicle where the employee is the person at fault, or the person whose negligence caused the accident.

**Class I violations** include (1) driving under the influence of alcohol or drugs, (2) failure to stop or report an incident, (3) reckless driving or speed contest, (4) driving while impaired, (5) making a false incident report, (6) homicide, manslaughter or assault arising out of the use of a vehicle, (7) driving with a suspended or revoked license, (8) careless or negligent driving, (9) attempting to elude a police officer, (10) permitting an unlicensed person to drive, or (11) using a motor vehicle for the commission of a felony.

**Class II violations** include (1) reportable vehicle incidents, or (2) any citation other than a Class I violation.

**Employee** includes an AGENCY officer, employee or servant, whether that individual is compensated or not.

**Official agency business** or **AGENCY business** means any job-related activity undertaken by a AGENCY employee.

**Personal use** means the use of a AGENCY vehicle by a AGENCY employee to pursue an objective that is not AGENCY business.

**AGENCY vehicle** means any vehicle owned, maintained, leased or controlled by AGENCY.

**Scope of employment** means the actions or activities of an employee that furthers AGENCY business, which does not include the personal business of the employee.

## Conditions of Use

### ***General Conditions***

AGENCY's vehicles may be assigned to, or checked out by, a AGENCY employee for official agency business provided that the AGENCY employee:

1. Is at least 18 years of age;
2. Maintains an unrestricted valid driver's license and provides the license for inspection and copying to Human Resources staff at the time of employment or prior to the request to use a vehicle;
3. Maintains a valid driver's license and reports any change in driver's license status to Human Resources staff;

4. Provides and maintains an acceptable driving record if being considered for an employment position requiring the operation of a AGENCY vehicle;
5. Limits the use of the vehicle to official AGENCY business that is within his/her scope of employment;
6. Obeys all traffic laws in the operation of the vehicle;
7. Refrains from vehicle use at any time when his or her driving ability has been impaired though the ingestion of drugs, medication or alcoholic beverages;
8. Reports any mechanical failures or potential problems with the vehicle;
9. Secures any tools, equipment or hazardous materials being transported in a AGENCY vehicle to prevent unsafe conditions;
10. Participates in any driver safety training program that increases awareness and teaches safe driving techniques, when such participation is deemed necessary by supervisory personnel or Human Resources staff;
11. Successfully complete a defensive driving course at the expense of the employee when that employee's driving record reflects that he or she has had an at fault incident with a claim value of \$2,500 or more.

Employees who violate any of the provisions in this policy may be subject to discipline, including termination of employment. AGENCY has the discretion to discipline an employee whose license is suspended or revoked and this effects the employee's ability to do his/her job, or who fails to comply with the Vehicle Safety and Usage Policy. AGENCY also retains the right to suspend or terminate any employee if the suspension from driving a vehicle prevents the employee from performing his or her job. At its sole discretion, AGENCY may transfer an employee to an alternative available position for which the employee is qualified that does not require driving or the use of a AGENCY vehicle.

*Additional Provisions Applicable When Operating a AGENCY Vehicle is a Requirement to a Position of Employment*

If an individual is a candidate for a position requiring operation of a vehicle for AGENCY, that applicant must possess a valid driver's license and an acceptable driving record. AGENCY will conduct a driving record check for any applicant who is being considered for a position that requires driving for AGENCY. An applicant will not have an acceptable driving record and be qualified to drive for AGENCY when he or she has:

- One (1) or more Class I violations within the past five (5) years, or
- Two (2) or more Class II violations within the past three (3) year period.

If an offer of employment is made, the offer of employment will be contingent upon the applicant having an acceptable current driving record, which is issued by the California

Department of Motor Vehicles (or other state agency that issues driver's licenses), reflects at least the past five (5) years, and demonstrates an acceptable driving history.

All employees whose duties require the operation of a motor vehicle must maintain a valid driver's license and an acceptable driving record at all times to be permitted to continue operating a AGENCY vehicle. The employee's driving record may be reviewed on a semi-annual basis or as often as deemed necessary by the Director of Finance and Administration, the authorized supervisory personnel, or an auto insurance carrier. Employees whose duties require operation of a motor vehicle shall report any citation for driving under the influence to his or her immediate supervisor within 72 hours of receiving the citation.

If an employee, who is required to use AGENCY's vehicle, is cited for a moving violation while using the AGENCY vehicle, that employee must report the citation to his or her immediate supervisor within 48 hours of the incident. If the violation is under investigation, at the discretion of the employee's supervisor or the Director of Finance and Administration, the employee's driving privileges of the AGENCY vehicle may be suspended. For the period of time the violation(s) remains on the employee's driving record, that employee will be suspended from driving a AGENCY vehicle when that employee has:

- One (1) Class I or more violations within the past five (5) years, or
- Two (2) or more Class II violations within the past three (3) year period.

When the employee's current driving record no longer reflects more than two moving violations within the last three (3) year period, or when the Class I violation is at a minimum five (5) years old, the employee's record may be reviewed for possible reinstatement of driving privileges. In the event that the agency's auto insurance carrier's guidelines differ from this policy, the stricter of the two will apply.

An employee will be required to successfully complete a defensive driving course when that employee's driving record reflects that he or she has had an at-fault incident with a claim value of \$2,500 or more. Human Resources staff will review the driving record of any employee with two (2) or more at-fault incidents with a claim value of \$2,500 or more within the past twelve (12) months. At the discretion of the Director of Finance and Administration, an employee who has demonstrated unsafe driving practices may be suspended from using a AGENCY vehicle. If suspension is deemed appropriate, upon completion of the suspension period, AGENCY may review the employee's driving record for possible reinstatement of driving privileges.

### **Prohibition Against Personal Use of AGENCY Vehicles**

Under California Vehicle Code §17001, a public entity is liable for “death or injury to person or property proximately caused by a negligent or wrongful act or omission in the operation of any motor vehicle by an employee of the public entity acting within the scope of employment.” It is AGENCY policy that operation of AGENCY’s vehicle be limited to AGENCY business. An employee using the AGENCY vehicle should not use the vehicle outside the scope of his or her employment. Use of the AGENCY vehicle for other than official AGENCY business shall be considered prohibited personal use outside the scope of employment.

When the AGENCY vehicle is used contrary to AGENCY policy, it means that the driver is acting outside the definition of AGENCY or official agency business, is not an authorized driver, and is acting outside the course and scope of his or her employment. It is likely that an employee using the AGENCY vehicle will be found outside the scope of his or her employment if, at the time of the accident or incident, he or she has abandoned AGENCY business for personal reasons. However, an employee is still within the scope of employment when he or she is pursuing a personal objective concurrent with AGENCY business. A stop for meals or breaks en route is an example where AGENCY and personal uses are both served.

AGENCY employees may not allow passengers who are not also conducting official AGENCY business to ride in AGENCY’s vehicle.

### **Home Storage of a AGENCY Vehicles**

AGENCY may issue an employee a Home Storage Permit (HSP) to allow the AGENCY vehicle to be stored at his/her home when it is the best interest of AGENCY based on a Cost Benefit Analysis. Issuance of a HSP for AGENCY vehicles shall be considered to be in the best interest of the agency when:

1. The Executive Director believes it is in the best interest of the agency to allow the employee such use; and
2. The employee has obtained a HSP approved by his/her supervisor and the HSP has been filed with the Director of Finance and Administration or other authorized personnel; and
3. The employee has a place to store the vehicle where it will not have an abnormally high risk of being stolen or vandalized; and
4. Issuing the HSP will help assure the safety of employees, travelers, and end-users; and/or maximize the availability of personnel; and/or reduce overtime costs or mileage expenses

To ensure that supervisors uniformly consider whether issuing an employee a HSP will reduce costs or expenses for AGENCY, the supervisor must consider a Cost Benefit Analysis prior to issuance of the HSP.

HSP's are valid for the period identified on the permit. The HSP must contain an expiration date and an OWP ID to be considered valid. The HSP must be renewed no less often than annually.

AGENCY shall retain the right to revoke a HSP at any time. As long as the employee does not violate the terms of the HSP or this policy, home storage of the AGENCY vehicle shall be considered official AGENCY business.

For the purposes of payroll, time spent commuting between the employee's residence and workplace or job site, whether at the beginning or end of the day, is not considered "hours worked." This is also true when an employee has permission under a Home Storage Permit to store a AGENCY vehicle at his/her residence; commute time will not be considered time worked for AGENCY unless it is an extra, afterhours trip and the employee has advance approval for any overtime or compensatory time that may be earned.

#### **AGENCY Tools or Materials**

AGENCY tools or materials must not be used for non-business related purposes. If an employee is using the AGENCY vehicle containing AGENCY tools or equipment, those items must be secured while being transported to prevent injury to the driver, passengers, or other drivers. If possible, tools or hazardous materials should be stored outside the passenger compartment to prevent injury.

#### **Anti-Theft Policies**

An employee using the AGENCY vehicle should park the vehicle in a reasonably secure area. If there are repeated incidents of break-in, theft, or vandalism while a particular employee is using the AGENCY vehicle, the Director of Finance and Administration or other authorized personnel may require forfeiture of the vehicle use benefit. Any theft deterrent devices supplied by AGENCY shall be consistently activated.

#### **Insurance Requirements**

AGENCY maintains automobile insurance for coverage of employee vehicle use for official AGENCY business. Registration and insurance information for a particular vehicle should be located in the binder for that vehicle. Prior to operating the AGENCY vehicle, an employee should check to see that this information is contained within the binder.

#### **Accident Procedures**

When a AGENCY employee is involved in any type of vehicular accident while driving on AGENCY business, the employee shall immediately stop at the scene. If anyone is hurt, the employee should call 911 for emergency assistance. The employee should also show his or her driver's license, vehicle registration card, evidence of insurance and current address to the other driver, persons involved in the accidents, and/or any officer in attendance. As stated, the registration and insurance information for the AGENCY vehicle should be located in the vehicle's binder.

If the accident involves another vehicle, the employee should ask to see the other driver's license, vehicle registration card, and evidence of insurance. The employee should also record the driver's current address, and the names and addresses of any passengers.

If, while operating the AGENCY vehicle, the employee hits a parked vehicle or other property, the employee should try to locate the property owner to notify them of the incident and provide identification. If the owner cannot be located, then the employee shall secure a note containing the employee's name and address to the damaged vehicle or property.

A disposable camera has been placed in the glove box of the AGENCY vehicle. An employee should use the camera to take pictures of damage to the AGENCY vehicle, other vehicle(s) or property involved in the accident, and the general accident site. Where possible, the pictures should be taken from close up, at a distance, and from several different angles.

When the employee returns to AGENCY, the employee must report the details of the accident to the Director of Finance and Administration and provide the Director of Finance and Administration with the camera and film used to take pictures of the accident. All accidents will be reviewed to attempt to determine the cause and whether or not the accident or incident could have been prevented.

### **Vehicle Maintenance and Inspection**

Vehicles should be maintained in proper working order according to agency policy guidelines. AGENCY vehicles should be on a routine preventative maintenance schedule for servicing and checking of safety-related equipment. Regular maintenance should be conducted at specific mileage intervals consistent with the vehicle manufacturer's recommendations. On an annual basis, a mechanic should be asked to perform a thorough inspection of each vehicle with documented results placed in the vehicle's file.

If the AGENCY vehicle is assigned to an employee on a long-term basis or during the period of routine maintenance, the employee must return the vehicle for regular maintenance and the required annual inspection. The scheduled maintenance or inspection will likely require the employee to leave the vehicle at AGENCY offices over a weekend.

When an employee chooses to use his or her personal vehicle while on AGENCY business, the employee will accept responsibility for that vehicle and any incidents arising from use of that vehicle. If an employee uses his or her own personal vehicle on AGENCY business, the owner should maintain the vehicle in a manner consistent with manufacturer's recommendations to provide the employee with maximum safety and maintain at least the minimum statutorily required insurance.

# Workplace Violence Prevention Plan (WVPP) Policy

## PURPOSE

The purpose of the Workplace Violence Prevention Plan (WVPP) is to have a clearly understood, accessible, and actionable policy to respond quickly to episodes of workplace violence. The WVPP complements the existing AGENCY anti-violence policies<sup>1</sup> by laying out more specifically the steps to identify, report, track, and analyze violent incidents to reduce the likelihood of re-occurrence.

## BACKGROUND – CALIFORNIA SENATE BILL 553

California Senate Bill 553 (SB 553) requires California workplaces to have a policy in place to address the rising episodes of violence occurring at the worksite. SB 553 has multiple requirements of an employer which can be broadly grouped into two categories: pre-violent incident activities<sup>2</sup> and post-violent incident activities<sup>3</sup>. The details of both categories are presented in greater detail in the following WVPP. Further resources in addition to the requirements of SB 553 can be found in the accompanying WVPP Resource Guide.

## GOAL OF THE WORKPLACE VIOLENCE PREVENTION PLAN

The goal of establishing a Workplace Violence Prevention Plan is to reduce violent incidents in the workplace at all Association of Monterey Bay Area Governments (AGENCY) work sites. Ultimately, this will be achieved through improved employee awareness, violent incident

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<sup>1</sup> Existing Policy Prohibiting Employee Violence in the Workplace: AGENCY is committed to maintaining a workplace free from violence and threats of violence and has a zero-tolerance policy for workplace violence. AGENCY will not condone any acts or threats of violence by an employee or former employee against any other employee in or about facilities or elsewhere. Employees are also prohibited from possessing, storing, or having control of any weapon on the job. Weapons include, but are not limited to, firearms, knives or weapons defined in the California Penal Code Section 12020.

<sup>2</sup> Pre-violent incident activities include all employee education and training with awareness as to how to recognize a violent incident, how to elevate an issue, and ongoing communication with employees on workplace violence.

<sup>3</sup> Post-violent incident activities include completion of a violent incident report by the supervisor, completion of an incident investigation by the Executive Director, completion of a violent incident log, and ongoing evaluation of incidents with issue identification and hazard correction.

identification and reporting, tracking of violent incidents, and corrective actions when hazards are recognized.

To support a consistent approach across all AGENCY departments, AGENCY has created a WVPP Template for all departments to complete (or to adapt based on operational needs of a department), which includes all the elements required by SB 553.

## WORKPLACE VIOLENCE DEFINITIONS

Although there are different definitions and/or interpretations of “violence,” for purposes of reporting and analyzing events, the Workplace Violence definitions as set forth in SB 553 are included below and are used consistently throughout training and reporting materials.

- Type I. Violence by Strangers

Example: DPW street cleaner assaulted by Stranger while sweeping up.

- Type II. Violence by Customers/Clients

Example: Transit operators being assaulted by a customer/client.

- Type III. Violence by Current or Past Coworkers

Example: Co-worker violence. Disgruntled employee returning to worksite to do harm.

- Type IV. Violence by someone with Personal Relations with an Employee

Example: Domestic abuse situations where partner comes to worksite to do harm.

Violence may include not only acts of violence but also threats to commit violence or do harm<sup>4</sup>. Workplace violence includes any conduct, verbal or physical, in-person or virtual, which causes another to reasonably fear for their own personal safety or that of their immediate family.

## EDUCATION, TRAINING, AND COMMUNICATION

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<sup>4</sup> A “threat of violence” for purposes of a workplace violence prevention plan means any verbal or written statement, including, but not limited to, texts, electronic messages, social media messages, or other online posts, or any behavioral or physical conduct, that conveys an intent, or that is reasonable perceived to convey an intent, to cause physical harm or to place someone in fear of physical harm, and that serves no legitimate purpose.

## Education and Training

SB 553 requires all employees to complete an annual mandatory workplace violence training and instruction that is clear, understandable, and effective. This training will be facilitated on the Paychex online platform.

## Communication

Beyond the initial and annual training for all employees on WVPP, departments are expected to have ongoing effective communication with employees related to the topic of workplace violence. This can include reinforcing a culture that encourages reporting of violence incidents without fear of retaliation, addressing employee concerns around violence, and any post-event investigations yielding corrective actions that could reduce violent incidents. The vehicle of communication can be in-person, or virtual, and can include staff meetings, newsletters, town hall gatherings, or staff bulletins. These communications also serve to bring timely updates to employees when changes in processes have been identified after a violent incident investigation to prevent future episodes.

## Workplace Violence Prevention Plan (WVPP)

Refer to file "Safety Manual AGENCY Paychex 2026" pg 82 for a copy of the Workplace Violence Prevention Plan (WVPP).

# Whistleblower's Complaint Procedures

## **Policy**

AGENCY is committed to being a good steward of public resources and has implemented systems of internal and management control to reduce the possibility of fraud, waste and abuse. However, these systems do not eliminate the possibility. It is the policy of AGENCY to encourage employees who are acting in good faith and have reasonable basis for believing the information constitutes wrongful conduct to disclose that information to AGENCY management.

AGENCY is committed to investigating whistle blower complaints and taking necessary corrective action. Retaliation for making a complaint or participating in the investigative process is prohibited. Retaliation against an individual for his/her involvement in a complaint or investigation under this policy is prohibited by law and will constitute a separate violation of this policy.

## **Applicability**

This policy applies to all AGENCY employees, temporaries, and interns, elected or appointed officers, and to those who are agents of a public or private entity doing business with AGENCY.

***Responsibilities***

The Director for Finance and Administration is responsible for ensuring that the policy and procedures relating to whistle blower complaints are disseminated and implemented. This policy is referred to in AGENCY's Employee Handbook.

All employees, temporaries, and interns will be informed of this policy and are responsible for reviewing it. All persons on AGENCY's premises are expected to comply with this policy.

***Definitions***

WRONGFUL CONDUCT constitutes serious violation of AGENCY policy; violation of state and federal laws; the use of AGENCY property, resources or authority for personal gain or other non-business related purposes.

PROTECTED DISCLOSURE is communication about actual or suspected wrongful conduct engaged in by an AGENCY employee, or contractor based on a good faith and reasonable belief that the conduct has both occurred and is wrongful under applicable law and/or AGENCY policy.

RETALIATION is defined as adverse action against an individual because he or she has made a protected disclosure or has participated in an investigation, proceeding or hearing involving a protected disclosure.

***Confidentiality***

Every effort shall be made to protect the privacy of all individuals throughout all phases of the complaint resolution process. Anonymity and complete confidentiality cannot be guaranteed once a complaint is made or unlawful behavior is made known because AGENCY has a duty to conduct an investigation and to report criminal conduct to appropriate legal authorities.

In the interest of maintaining confidentiality, a person who is making the whistle blower should not discuss the matter with anyone other than the Executive Director. All documents concerning a whistle blower complaint will be maintained by the Executive Director. Files pertaining to complaints will be maintained in confidence to the fullest extent permitted by law.

***Complaint Procedures***

Individuals who are aware of or suspect wrongful conduct should report that conduct to the Executive Director, either verbally or in writing. If the individual believes there is a conflict of interest in bringing the matter to the Executive Director, the individual should report the matter to the Board President.

Once a complaint is made known to the Executive Director or Board President, he/she shall acknowledge receipt of the suspected wrongful conduct to the complainant within 24 hours.

The Executive Director or Board President shall ensure that the allegations are investigated within 45 days and that appropriate corrective action is taken.

***Protections***

Employees have the right to file whistle blower complaints in good faith. An individual who makes a false or fraudulent complaint under this policy will be subject to discipline, up to and including termination.

AGENCY will not tolerate retaliation against any individual who files a whistle blower complaint. AGENCY will not tolerate retaliation against any person who participates in an investigation covered under this policy. If retaliation is alleged, it shall be processed as a separate complaint that shall be filed directly with the Executive Director. The law prohibits such acts of retaliation. Any person found to be retaliating against another person shall be subject to disciplinary action up to and including termination.

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