

San Geronio Pass Water Agency

DATE: November 6, 2023
TO: Board of Directors
FROM: Lance Eckhart, General Manager
BY: Tom Todd, Jr., Chief Financial Officer
SUBJECT: PERSONNEL POLICY MANUAL UPDATE

RECOMMENDATION

Approve the current version of the Personnel Policy Manual; recommend additional steps for refinement.

PREVIOUS CONSIDERATION

- Board of Directors – August 7, 2023: The Board reviewed an updated manual. President Smith established the Personnel Policy Manual Update Ad Hoc Committee to review the update in detail.
- Personnel Policy Update Ad Hoc Committee – September 20, 2023: The Committee proposed changes, additions, and corrections to draft version of the updated manual.
- Personnel Policy Update Ad Hoc Committee – October 11, 2023: The Committee reviewed proposed corrections and updates.

BACKGROUND

The Agency's Personnel Policy Manual (Manual), or the Employee Guide, contains the basic rules and expectations of interaction between Agency employees and Agency management. An updated Manual provides assurance of fair and legal treatment of employees and guidelines for the effective management of Agency resources, primarily its staff.

The current Manual was approved by the Board of Directors on June 1, 2006, and has seen various updates since then. The last major revision was completed in 2012, and recent additions include the Buy-Out Policy that was added in 2022.

However, a comprehensive review has not been completed for about ten years. At the Board's concurrence, this was the first item to be examined in the overall review of Agency policies.

ANALYSIS

In today's world, the need for guidelines defining relationships between an employer and an employee seems evident. However, not enough detail could be written covering every possible situation, so the resulting document is the basis for an understanding between the employer and the employee for a working relationship that advances the goals of both but allows management some flexibility to make situational decisions.

The Manual is a basic description of the employment practices of the Agency. It includes personnel policies, employee benefits, policies addressing various types of leave, Agency assets and employee property use, and some basic financial guidelines.

While the bulk of the Manual is about legally required actions, the attention of most Board members and employees focuses on benefits. Benefits were reviewed or adjusted, keeping four overarching concepts in mind: cost containment, attract, retain, and competitive.

Cost Containment: The Agency retained the services of Koff & Associates (Koff), an established firm that specializes in human resources services for the public sector. Koff conducted a limited benefits survey that primarily focused on East Branch State Water Contractors and some area retailers. The survey's primary goal was to evaluate what benefits options other similar organizations were using to create benefit flexibility and institutional equity while managing or reducing costs.

Attract: Compensation and benefits packages are vital elements in any recruiting effort. The Agency has a number of attractive elements: a small workforce leading to enhanced advancement paths, creative opportunities for forward-thinking ideas, and flexible working relationships. On the other hand, our small size can be seen as a disadvantage, and our location could be considered geographically challenging compared to major population centers. Being able to attract qualified talent with competitive compensation and benefits packages is critical to the success of the Agency.

Retain: Many of the factors listed in the previous paragraph could be duplicated here. Low turnover has been a hallmark of the Agency; compensation and benefits packages that keep pace with other districts and agencies are key to retaining employees.

Competitive: Legislative action continues and will continue to challenge the Agency's ability to offer a balanced benefits package, particularly in the area of retirement. The disparity between provisions for Classic and PEPRA (Public Employees' Pension Reform Act of 2013) employees continues to be an issue in maintaining similar levels of benefits within the Agency. Offering a potential improvement in retirement benefits for PEPRA employees helps maintain the Agency's competitive edge and position the Agency for future recruitment efforts.

For the Manual update, the process started by asking the Agency legal counsel, Best Best and Krieger, to review the current manual and update existing provisions or add absent provisions, including recommended benefits changes. Most changes in the Manual are required by legislative action.

The draft Manual was then reviewed by Staff, who worked with counsel to tailor the document to mirror actual Agency operations. The draft Manual was then sent back to legal counsel for additional review. As part of the changes, the Safety Guide was taken out and will be a separate document that will be updated and reviewed later. The original Personnel Manual contained 30 pages; the revised version is 70 pages.

After the initial Board review, the Personnel Policy Manual Update Ad Hoc Committee met to review the proposed draft. The Committee suggested additional edits, corrections, and changes, including an additional Wellness benefit. The committee met again to review the latest update and proposed presenting the document at the next available Board meeting.

The Committee suggests that the updated version is an improvement and endorses the changes in the benefits provided. However, the Committee noted areas where the Manual may be improved. Suggestions consisted of editing changes, stylistic updates, and possible language considerations rather than substantial addition or deletion of paragraphs or sections.

A separate list enumerates the proposed major changes and the type of recommendation.

FISCAL IMPACT

Billings from legal counsel's work will be included in future invoices and are not expected to impact the budget item for legal services significantly.

Additional minimal costs for the benefits survey and additional policy input will be covered in Other Professional Services and will not impact that budget item significantly.

Calculating differences in expenses using current invoices and potential employee options shows that the Agency will reduce overall expenditures for health insurance. The Agency policy in the past has been to provide health coverage for the employee and their spouse and family. Approving the proposed policy change will reduce Agency health expenditures overall.

The additional dental and vision benefits will cost the Agency a maximum of \$2,700 annually. This sum is a minimal amount, which is more than offset by current declinations in health coverage. Future employee decisions could change the overall amounts, but the change will be minimal.

The general trend in Retirement expenses will decline because of the shift in employee status from Classic retirement to PEPRAs retirement. All comparisons are based on the Agency's experience with all employees enrolled as Classic CalPERS members. As

Classic employees retire and PEPRA employees are hired, Agency retirement expenditures will be reduced. Approving the proposed change in this policy will not change this trend and will allow the Agency to reduce its retirement expenditures overall.

ACTION

Approve the current version of the Personnel Policy Manual; recommend additional steps for refinement.

ATTACHMENTS

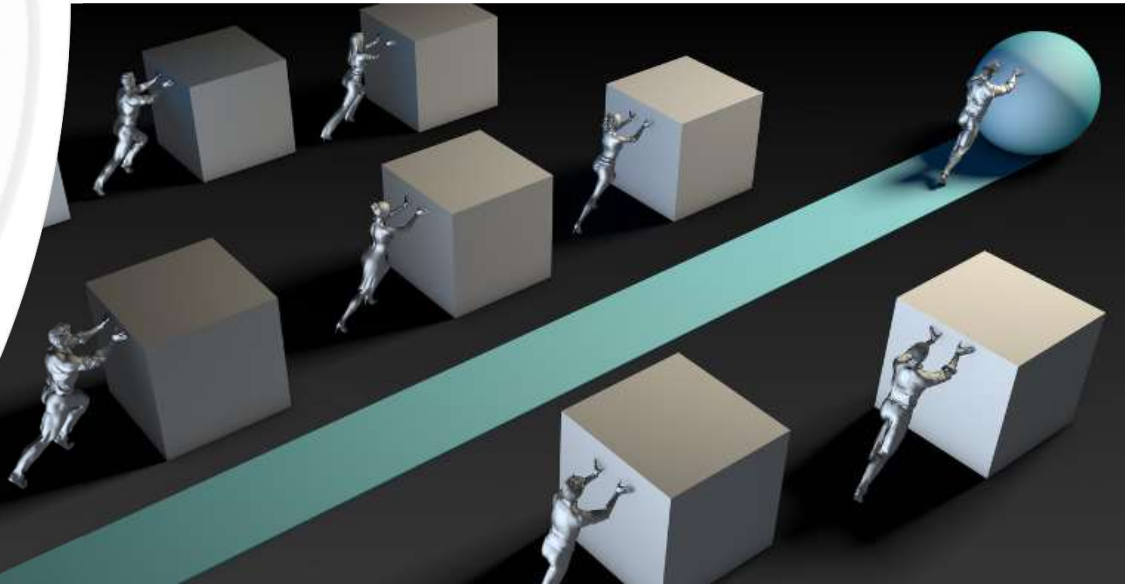
- Draft Personnel Policy Manual update.
- List of major changes.



Personnel Policy Manual Update

Board of Directors
November 6, 2023

Established 1961





Strategic Goal 5: Position the agency for long-term success by continuing to grow a welcoming and collaborative environment that attracts and retains devoted employees.

Approach

- Systematic review of our policies
- Personnel Policy Manual not current (last update 2012)
- Bring our manual/policies into current compliance
- Critical path on recruitment/retention
- Try to address PERS Classic vs. PEPRRA members to avoid institutional inequities
- Look for innovative ways to create value while containing or reducing costs

SAN GORGONIO PASS WATER AGENCY



Personnel Policy Manual

*Effective as of June 1, 2006
Updated May 7, 2012
Additions March 14, 2022
Updated November 6, 2023*

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SECTION 1: INTRODUCTION TO EMPLOYMENT

1.1 THE SAN GORGONIO PASS WATER AGENCY

The San Gorgonio Pass Water Agency ("SGPWA" or "the Agency") was established in 1961 by the California State Legislature. SGPWA is a public agency governed by a publicly elected seven-member Board of Directors ("the Board" or "Board of Directors.")

The Agency boundaries extend through the cities of Calimesa, Beaumont and Banning and the Riverside County areas from Cherry Valley to Cabazon. The Agency boundaries also include a small area in San Bernardino County. The Agency is one of twenty-nine State Water Contractors. Each Contractor is responsible for the importation of water through the State Water Project (California aqueduct) into each Contractor's service area.

Mission Statement

San Gorgonio Pass Water Agency supports the region's quality of life through sustainable water management.

The Agency also promotes water conservation, education, and efficient use of our water resources. The Agency's goal is to maximize the quality, quantity and reliability of available water in the most financially responsible and environmentally sensitive manner.

1.2 ADMINISTRATIVE POLICY

The provisions contained herein set forth the personnel policies and procedures of the Agency. They are intended to provide for a fair and equitable system of personnel management which complies with all applicable state and federal laws and for efficient and economical services to the public. They also define the obligations, rights, privileges, benefits and prohibitions which apply to Agency employees.

Agency Right to Revise Personnel Policy Manual

The provisions of this Personnel Policy Manual ("the Manual") have been adopted by the Board. Subject to the provisions of applicable law and employees' rights, the Agency reserves the right to make changes to this Manual and to any employment policy, practice, work rule, or benefit, at any time without prior notice.

For this reason, employees should check with the General Manager to obtain information regarding specific employment guidelines, practices, policies, or procedures.

Only the Board of Directors has the authority to add to, modify, or delete provisions of this Manual and no individual has the authority to enter into any employment or other agreement that modifies the provisions of this Manual.

Applicability of the Personnel Policy Manual

The Manual shall be effective as of May 1, 2006, and is updated on a regular basis to reflect new legal and/or policy changes. This Manual was last updated on September 1, 2023, and applies to all regular, full-time and part-time employees employed as of its effective date and thereafter. These provisions apply to staff employees of the Agency only, not to members of the Board of Directors.

1.3 GENERAL MANAGER AND THE BOARD OF DIRECTORS RESPONSIBILITIES

The General Manager shall be responsible for personnel matters relating to all regular, temporary and contract, full-time and part-time employees of the Agency. The General Manager is also directly responsible to the Board of Directors for the administration of policies established by the Board.

The Board of Directors shall be responsible for personnel matters relating to the General Manager. The General Manager may delegate in writing as many day-to-day personnel functions to such other employees as the General Manager deems appropriate.

1.4 MERIT PRINCIPLE

. Appointments of all employees of the Agency shall be based upon merit, including job-related knowledge, experience, ability, performance and attitude.

In order to recruit qualified employees, the General Manager has the authority to modify an offer of employment to higher levels than mandated by this Employee Guide (i.e., vacation accrual) if a potential employee has relevant years of service with a prior employer. Any modifications undertaken by the General Manager will be based on a review of market conditions of like-type agencies.

Commented [TT1]: Recommendation by Committee; editing

1.5 EQUAL EMPLOYMENT OPPORTUNITY

The Agency supports equal employment opportunities and does not unlawfully discriminate against its employees or applicants because of race, color, religion, religious creed (including religious dress and religious grooming practices), sex (including pregnancy, perceived pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity (including transgender identity), gender expression (including transgender expression), because an individual has transitioned (to live as the gender with which they identify), is transitioning, or is perceived to be transitioning), sex stereotyping, reproductive health decision making (protected under section 12920 of the Government Code in California), national origin, ancestry, citizenship, age (40 years and over), mental disability and physical disability (including HIV and AIDS), legally protected medical condition or information (including genetic information), protected medical leaves (requesting or approved for leave under the Family and Medical Leave Act or the California Family Rights Act), military and/or veteran status,

service, or obligation, reserve status, national guard status, marital status, domestic partner status, sexual orientation, status as a victim of domestic violence, sexual assault or stalking, enrollment in a public assistance program, engaging in protected communications regarding employee wages or otherwise exercising rights protected under the California Fair Pay Act, requesting a reasonable accommodation on the basis of disability or bona fide religious belief or practice, or any other basis protected by local, state, or federal laws.

Consistent with the law, the Agency also makes reasonable accommodations for disabled applicants and employees; for pregnant employees who request an accommodation [with the advice of their health care providers] for pregnancy, childbirth, or related medical conditions; for employees who are victims of domestic violence, sexual assault, or stalking; and for applicants and employees based on their religious beliefs and practices.

The Agency prohibits sexual harassment and the harassment of any individual on any of the other bases listed above, as discussed in the Agency's policy on the Prohibition Against Discrimination, Harassment, and Retaliation policy in this Manual. The Agency also prohibits retaliation against a person who reports or assists in reporting suspected violations of this policy, cooperates in investigations or proceedings arising from a violation of this policy, or engages in other activities protected under this policy.

This policy applies to all areas of employment including recruitment, hiring, training, promotion, compensation, benefits, transfer, disciplinary action, and social and recreational programs. It is the responsibility of every manager and employee to conscientiously follow this policy. Any employee having any questions regarding this policy should discuss them with the General Manager, or the employee's immediate supervisor.

1.6 EMPLOYMENT

The Agency is an at-will employer and as such, employment with the Agency is without a specified term and may be terminated at the will of either the Agency or the employee, with or without cause and with or without prior notice to the other. This policy of employment at-will can be changed only in a formal written contract signed by the employee and an authorized representative of the Board of Directors. No other representative of the Agency has any authority to make any agreement contrary to the foregoing.

1.7 SELECTION OF EMPLOYEES

All persons considered for employment with the Agency must be qualified to perform the duties of the position for which they are employed. Employees in certain classifications with safety sensitive job duties, after receiving a conditional offer of employment, will be

required to complete a pre-employment job-related medical examination consistent with business necessity and a pre-employment drug screening before reporting for work. Please refer to the Agency's Drug and Alcohol policy for more information related to drug testing procedures.

All offers of employment are contingent on verification of an employee's right to work in the United States. As required by law, all new employees must provide necessary documentation to prove identity and the right to work in the United States in accordance with federal and state laws. Failure to provide such documentation in a timely manner will result in disqualification from selection and is grounds for immediate termination.

SECTION 2: PERSONNEL POLICIES

2.1 ORIENTATION

Each new employee will be provided a copy of this Manual, and any other necessary documents relating to their employment with the Agency and as required by law, as outlined in Section 1.6 Employment, of this Manual. After the employee's review of the Manual, they shall attend an orientation session with the General Manager or their designee. At that time, the General Manager or their designee shall review the Agency's benefits and office procedures and discuss the general operation of the Agency, including the employee's role in making the Agency an efficient and effective operation and answer questions of the employee pertinent to their employment. The General Manager or their designee will note in the employee's personnel file the date of the orientation meeting and receipt of the Manual, and any other necessary documents.

2.2 EMPLOYMENT STATUS

Status refers to the condition of an employee's appointment, such as regular or temporary. Changes in status may result from reinstatement, transfer, promotion, demotion or suspension. Status is described as follows:

Regular Employee

An employee who is not a temporary or contract employee.

Full-time

An employee regularly scheduled to work 40 hours per work. Full-time employees may be regular, or temporary. The provisions of this Manual shall apply to regular employees.

Part-time

An employee regularly scheduled to work less than 40 hours per week. Part-time employees may be regular or temporary.

Temporary/Contract Employee

An employee hired to work on a special assignment or other non-regular basis with the understanding that the temporary employment will not exceed one year. Temporary employees do not become regular employees as a result of the passage of time and may be terminated for any reason without notice or appeal. Temporary/contract employees may be hired by the General Manager and are not covered by the provisions of the Manual.

Exempt/Non-Exempt Employees

Exempt or non-exempt status of employment for purposes of FLSA is determined pursuant to federal law. Employees will be informed of their exempt or non-exempt

status when they are offered the job. Exempt employees by definition are exempt from earning overtime compensation.

2.3 STANDARDS OF CONDUCT

The following are Agency Standards of Conduct. Failure to adhere to these standards may result in discipline, at the discretion of the Agency General Manager per Agency policy, up to and including termination of employment.

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All employees are expected to work for the best interests of the Agency at all times. Every employee has an obligation to avoid any activity, agreement, business investment or interest, or other situation which could be construed as a conflict with the Agency's best interests or as an interference with the employee's duty to serve the Agency to the best of the employee's ability.

Employees are not specifically prohibited from holding outside employment while being employed with the Agency. Where there may exist a conflict of interest or where such employment would impair an employee's effectiveness or ability to perform their assigned job duties as determined by the General Manager, the General Manager may review the situation and take any appropriate action they deem necessary to preserve the interests of the Agency.

Employees should be guided by the following principles in this matter: such employment must not be with an organization that could constitute a potential conflict of interest. Any outside employment responsibilities should be disclosed to and discussed in advance with the General Manager.

Employees may not engage in personal work using Agency property or facilities or use Agency equipment on or off Agency property for personal purposes.

An employee should never place themselves in a position where their actions or personal interest may be in conflict with those of the Agency. A conflict of interest exists where the employee's loyalties or actions are divided between the Agency's interests and those of another, such as a supplier or contractor. Both the fact and the appearance of a conflict of interest shall be avoided. Employees unsure as to whether a certain transaction, activity or relationship constitutes a conflict of interest should discuss it with the General Manager for clarification. Any exceptions to this provision must be approved in writing by the General Manager. Employees have a responsibility to report to their supervisors any facts or situations where their interests, or someone with whom an employee has a close relationship, conflict or may conflict with those of the Agency.

Employee Participation in Civic and Political Activities

- Participation in outside activities should not adversely interfere with the performance of the employee's duties and responsibilities to the Agency or pose a prohibited conflict of interest.

- There shall not be any use of the Agency 's equipment, facilities or supplies for political activities. No Agency equipment, facilities or supplies shall be used for personal or civic activities without prior notice to and approval of the General Manager.
- No employee shall commit the Agency sponsorship to any organization, event or other activity without prior approval of the General Manager.
- In engaging in outside activities, employees should conduct themselves in a manner that will not discredit or embarrass the Agency.
- Employees who run for or hold public office must do so as private citizens, and only to the extent that holding such public office does not constitute a prohibited conflict of interest, unless an employee holds public office as the authorized representative of the Agency.

Confidential Information

Confidential information should be disseminated only by authorized personnel, and may not be disseminated to any individual who does not have a recognized need to have such information to conduct the Agency 's business. This includes family, relatives, friends, or business and professional associates. Confidential information is any Agency information that is not a matter of public record. Using confidential Agency information for personal gain or to the Agency's detriment is prohibited.

Employees who receive inquiries from the press, should decline comment and refer the inquirer to the General Manager or other designated officer assigned the responsibility to answer such inquiries.

Gifts and Gratuities

Employees may not give or offer to give any personal gift or other personal item of value, or accept any personal gift or other personal item of value from, either directly or indirectly, any supplier, customer or other entity with which the Agency does business or to any officer, director or employee of any such entity, unless authorized in writing by the General Manager.

All employees shall comply with the Agency's conflict of interest code (which consists of the Fair Political Practices Commission regulations adopted by reference), ("the Code") except that such employees shall be required to disclose economic interests only if designated in the appendix to that Code.

Commented [TT3]: Latest Conflict of Interest Code attached.

2.4 NEPOTISM

It is the policy of the Agency to seek the best possible candidates through appropriate search procedures. In addition to following the merit principle detailed in Section 1.4 of this Manual, the Agency has adopted the following policy regarding application, hiring, promotion, and supervision of employee relatives to further its effort to eliminate or limit even the appearance of impropriety.

For purposes of this policy, "relative" shall mean a spouse, domestic partner, parent, parent-in-law, step-parent, legal guardian, sibling, step-sibling, sibling-in-law, child, step-child, child-in-law, legal ward, grandchild, or grandparent.

Each applicant is required to disclose the identity of any relative who is a current employee. An applicant's failure to disclose a relative who is a current employee may result in the rejection of the applicant or future disciplinary action against the applicant after employment, up to and including termination.

Relatives of current employees shall not be hired into positions in which one relative may supervise, directly or indirectly, any other relative. One or more of the following roles, undertaken on a regular, acting, overtime, or other basis shall constitute direct or indirect supervision:

- Occupying a position in an employee's direct line of supervision;
- Functional supervision, such as a lead worker, crew leader, or shift supervisor; or
- Participating in personnel actions including, but not limited to, appointment, transfer, promotion, demotion, layoff, suspension, termination, assignments, approval of merit increases, evaluations, and grievance adjustments.

Relatives of current employees shall not be hired into positions in which one relative may work in a capacity which would allow a current employee to evaluate or control the terms, conditions and/or performance circumstances of employment of a relative.

Relatives of current employees shall not be hired into any position in which the employment of such relative has the potential for adversely impacting the supervision, safety, security, or morale of other employees. The General Manager shall review each applicant who is a relative of a current employee to determine whether hiring the applicant would result in any of the prohibited situations. If, in the opinion of the General Manager, any of those situations exists, then the applicant may be rejected, or may be considered for employment in a position that does not present the above situations.

Current employees must report a change of status to the General Manager in advance of the effective date where feasible, but in no event later than a reasonable time after the effective date of the change of status. For purposes of this policy, "a change of status" is the change in the legal status or personnel status of one or more current employees.

- Changes in legal status include but are not limited to marriage, divorce, separation, or any such change through which a current employee becomes a relative or ceases to be a relative of another current employee;
- Changes in personnel status include but are not limited to promotion, demotion, transfer, re-assignment, resignation, retirement or termination of a current employee who is a relative of another current employee.

Within thirty (30) days from receipt of notice, the General Manager shall undertake a case-by-case consideration and individualized assessment of the particular work situation to determine whether the change of status has the potential for creating an adverse impact on supervision, safety, security, or morale. The General Manager shall consult with the affected department head(s) to make a good faith effort to regulate,

transfer, condition or assign duties in such a way as to minimize problems of supervision, safety, security, or morale. Notwithstanding this, the Agency retains the right to exercise its discretion to refuse to implement a change in personnel status due to its potential for creating an adverse impact on supervision, safety, security, or morale.

The Agency shall reasonably monitor and regulate both relatives' conduct and performance for a period of one (1) year from the date of the General Manager's determination. If the Agency determines that a change of status has caused potential for creating an adverse impact on supervision, safety, security, or morale, the Agency shall re-visit the prior determination.

Depending on the nature and severity of the situation, the Agency may transfer one of the relatives to a similar position that would not be in violation of this policy. The transfer will be granted provided the relative qualifies and there is an opening to be filled. There can be no guarantee that the new position will be within the same classification or at the same salary level. If the situation cannot be resolved by transfer or by good faith efforts to regulate, transfer, condition or assign duties in such a reasonable way that would not be in violation of this policy, one of the relatives must separate from Agency employment.

Pre-Existing Relationships.

Where situations exist prior to the effective date of this policy that may be in conflict with these rules, reasonable efforts shall be made to address the situation so as to minimize potential problems of supervision, safety, security or morale and to avoid future conflict.

2.5 PAY PRACTICES

Non-Exempt Employees - Time Keeping

All non-exempt employees shall record their hours worked by timecards which are completed, signed and turned in to an employee's supervisor at the end of each pay period. Timecards are used as a means of accurately recording hours worked and calculating pay. Regular time, vacation time, sick leave, holidays, doctors' appointments, and all other absences from work shall also be accurately entered on an employee's timecard for accurate Agency record keeping.

Timecards are an official Agency document and must not be falsified or tampered with in any way. Employees are responsible for reviewing their time records and confirming that their paychecks accurately reflect the actual hours worked. If there is a mistake on the timecard, **an the** employee should inform their supervisor and then make and initial the necessary corrections. Only **an the** employee and their supervisor are permitted to enter information or otherwise mark the employee's timecard. The supervisor should also initial any corrections.

Commented [TT4]: Recommended by Committee; editing

Exempt Employees

All exempt employees shall report any vacation time, sick leave, personal time off days or unpaid time off to the General Manager or the General Manager's designee.

Please see Section 2.2 of this Manual for the definitions for non-exempt and exempt employees.

Pay Periods

Pay periods are semi-monthly and checks are issued on or around the 5th and the 20th of each month. If a payday falls on a non-workday, the paycheck will be distributed on the preceding business day.

Payroll Deductions

Payroll deductions are taken from the pay of all employees in compliance with all mandated state and federal laws based on employee's earnings, marital status, and number of exemptions claimed. Payroll deductions also include required pension and health and welfare benefits and employee voluntary contributions. Garnishments will be applied only as required by law. Employees hired after April 1, 1986 are required to contribute to Medicare and payroll deductions are made accordingly.

Employees' Salaries

The Agency strives to provide desiring salary ranges that are competitive with market practices. The Agency establishes its salary ranges by considering the median of the marketplace.

Employee salaries are initially set at the time of hire and are subject to change at the discretion of the Board of Directors.

Cost of Living Adjustment

The Agency board of directors will consider a cost-of-living increase for employees annually. This increase is not automatic and is within the sole discretion of the Board of Directors.

Merit Increases

Merit increases for regular full-time and part-time employees are discretionary and may be granted, in part, in proportion by the General Manager based on the annual performance evaluation set out in Section 2.8 of this Manual.

2.6 OVERTIME

All non-exempt employees shall be paid overtime and compensated at the rate of 1½ times their regular rate of pay for all hours worked in excess of 40 in one work week. The legal work week is defined under the FLSA as a consecutive 168-hour period - seven consecutive 24-hour periods. For employees working a 9/80 work schedule, their workweek shall begin exactly four hours into their eight-hour shift on the day of the week which constitutes their alternating regular day off.

Overtime will be computed on actual hours worked, adjusted to the next highest increment of 15 minutes. For the purpose of computing overtime pay on a holiday, all paid leave time shall be considered as hours worked.

Exempt employees are not eligible for additional compensation or compensating time off for hours worked in excess of 40 hours in the designated workweek and are required to work the hours necessary to fulfill the responsibilities of the position. Exempt employees are executive, administrative or professional employees and perform office or non-manual work and perform one or more of the exempt duties of an executive, administrative or professional employee, in accordance with the FLSA.

2.7 ATTENDANCE, WORK SCHEDULE,

Attendance

Attendance and punctuality are important to the efficient operation of any business. Good attendance and punctuality are essential components of solid employee performance. Poor attendance and tardiness disrupt productivity, make it difficult to function effectively and burden fellow employees.

Employees are responsible for being present at the required time each day. On occasion, employees may have reason to be absent from or late to work. On these occasions, employees will contact their supervisor before or shortly after their scheduled starting time to notify them of their tardiness or absences.

If an employee is absent for three consecutive days and has not contacted their supervisor, the employee will be considered to have voluntarily resigned employment as of the end of the third day missed and will be notified of the same.

Exempt employees shall not be subject to docking of pay for absences of less than a full day, except as provided by law. However, pursuant to the Agency's sick leave policy, sick leave balances will be charged for absences greater than four hours in a workday.

Pursuant to the FLSA, the use of accrued compensatory time to extend employment when an employee has actually vacated a position due to termination is not considered employment. Therefore, an employee separating from employment with the Agency who has performed authorized overtime service for which they have not been compensated as provided for, shall be paid at the employee's last regular rate of pay for such accrued service or the average regular rate of pay that the employee received during their last three years of employment, whichever is higher.

Work Schedule

The legal definition of a workweek, as defined pursuant to the Fair Labor Standards Act ("FLSA") is any consecutive 168-hour (equivalent to 7 days) period. For purposes of defining the legal workweek, the official workweek for all employees on a standard schedule shall begin at 12:01 a.m. each Monday and end at Midnight the following Sunday.

For all employees working a 9/80 work schedule, their legal workweek shall begin exactly four hours into the 8-hour shift on the day of the week which constitutes their alternating regular day off. 9/80 employees should note that their timecards will reflect the Agency's pay period and not the legal workweek for overtime calculations. The General Manager reserves the right to modify employees' work schedules, without obtaining approval from the Board of Directors.

Any deviation from this schedule requires the approval of the General Manager or their designee.

2.8 EMPLOYEE PERFORMANCE EVALUATION

The Agency's performance evaluation process provides for a written appraisal of an employee's performance annually. The Agency utilizes performance evaluation forms, which should summarize the performance of the employee for the period covered as accurately and objectively as possible.

Annual written evaluations of employee performance should be conducted by an employee's supervisor on or near the employee's employment anniversary date. The annual written evaluation shall be presented to and reviewed with the employee by their supervisor. The supervisor should schedule the meeting with the employee to allow time for a private discussion. At the meeting, the employee should be encouraged to contribute a self-evaluation. The employee also shall be provided an opportunity outside the meeting to note any comments or objections regarding the evaluation on the written evaluation. The employee shall acknowledge receipt of the written evaluation on a copy of the evaluation, which shall be placed in the employee's personnel file. A copy of the written evaluation will be given to the employee. More frequent evaluations of an employee's work performance will be conducted by an employee's supervisor at the discretion of the General Manager.

2.9 GRIEVANCE PROCEDURES

Grievance Defined

The Agency defines a grievance as an expressed dissatisfaction by employees pertaining to conditions of their employment but does not include matters of employee discipline or termination or other matters such as harassment, discrimination or retaliation that can be resolved pursuant to Agency policy.

Informal Grievance or Complaint and Resolution

The Agency encourages anyone experiencing work performance problems, employee-supervisory concerns, peer disturbances or other concerns to bring them to the attention of the General Manager. The General Manager, or their designee, shall investigate the grievance or concern, and meet with the employee and any other individuals deemed appropriate. The General Manager or their designee shall respond

orally. If the employee is not satisfied with the oral response, they have 10 days to file a written grievance.

Formal/Written Grievance or Complaint and Resolution

Upon receipt of a written grievance the General Manager, or their designee, shall investigate the grievance or complaint, and meet with the employee and any other individuals deemed appropriate. The employee shall fully cooperate in this investigation. The General Manager shall issue a written response to the employee within twenty days of the filing of the written grievance or complaint, unless the employee and General Manager agree to extend the deadline.

An employee may appeal the decision of the General Manager to the Employee Guide Committee of the Agency Board of Directors. Any such appeal must be filed in writing by delivering it (including by certified mail, if desired) to a member of the Employee Guide Committee within ten calendar days after receiving the General Manager's initial decision regarding the grievance. The appeal must state the basis upon which the employee disagrees with the decision of the General Manager. The Employee Guide Committee may conduct such investigation of the grievance as it deems appropriate. Unless the parties agree otherwise, within twenty days after receiving the appeal, the Employee Guide Committee shall meet and issue a written decision to the General Manager and to the employee. The decision of the Employee Guide Committee shall be final.

An employee shall not be disciplined, penalized or otherwise discriminated against because of filing a complaint or grievance.

Appendix A: Employee Grievance Form

2.10 DISCIPLINARY ACTION

The good working relationships of all employees is an important matter to the Agency. The following sections contain a non-exhaustive list of reasons a supervisor may require remedial efforts from Agency employees.

Causes for Disciplinary Action

The following is a non-exclusive list of common reasons for disciplinary action:

- Actions contrary to the rules and policies of the Agency.
- Inefficiency, incompetence, inattention to or dereliction of duty, failure to perform assigned duties in a satisfactory manner.
- Insubordination or failure to comply with Agency rules and policies.
- Accepting unauthorized gratuities, tips, or gifts.
- Dishonesty.
- Theft or unauthorized use of Agency property.
- Fighting while on duty or on Agency premises.
- Conducting non-Agency business activities during working hours.
- Harassment or discrimination in any form.

- Consumption of alcoholic beverages while on duty or on Agency premises.
- Being under the influence of alcohol while on duty.
- Use of, possession of, or transfer or sale of, non-prescribed drugs or narcotics (including marijuana, whether prescribed or not) while on duty or on Agency premises.
- Disorderly, indecent or immoral conduct while on duty, in Agency uniform, or on Agency premises.
- Discourteous treatment of the public or other Agency employees.
- Conviction of any felony or of a misdemeanor involving moral turpitude, dishonesty or immoral conduct.
- Neglect of duty.
- Failure to follow safe working practices.
- Failure to report an injury promptly.
- Failure to report significant unsafe working practices to supervisor.
- Misrepresentations in obtaining employment with or promotion within the Agency.
- Misuse of Agency monies, property, and equipment, regardless of amount.
- Falsification of forms, records, or reports; including, but not limited to, time sheets, employment applications and Agency documents.
- Possessing or bringing firearms or weapons onto Agency property.
- Destroying or willfully damaging Agency or employee property, records, or other materials.
- Unauthorized opening or tampering with locks in desks, doors, cabinets, etc., or unauthorized use or duplication of keys.
- Failure to immediately report the loss of a California driver's license due to suspension, withdrawal, forfeiture or confiscation by any court of law or by the California Department of Motor Vehicles by employees who must maintain such a license as a condition of employment.

2.11 HARASSMENT, DISCRIMINATION AND RETALIATION

Prohibition against Discrimination, Harassment and Retaliation

The Agency strictly prohibits and has “zero tolerance” for discrimination, and harassment, and retaliation in any phase of the employment and will investigate and take action as appropriate, including but not limited to recruitment, testing, hiring, upgrading, promotion/demotion, transfer, layoff, termination, rates of pay, benefits, and selection for training. The Agency prohibits discrimination, harassment, retaliation on the basis of: sexual harassment (which includes harassment based on sex, pregnancy, perceived pregnancy, childbirth, breastfeeding, or related medical conditions), as well as harassment, discrimination, and retaliation based on such factors as race (including but not limited to, hair texture and protective hairstyles such as braids, locks, and twists), , color, religion, religious creed (including religious dress and religious grooming practices), sex, national origin, ancestry, citizenship, age (40 years and older), mental disability and physical disability (including HIV and AIDS), legally-protected medical condition or information (including genetic information), protected medical leaves (requesting or approved for leave under the Family and Medical Leave Act or the

California Family Rights Act), military and/or veteran status, service, or obligation, reserve status, national guard status, marital status, domestic partner status, gender, gender identity (including transgender identity), gender expression (including transgender expression), because an individual has transitioned (to live as the gender with which they identify), is transitioning, or is perceived to be transitioning), sex stereotyping, sexual orientation, status as a victim of domestic violence, sexual assault or stalking, enrollment in a public assistance program, engaging in protected communications regarding employee wages or otherwise exercising rights protected under the California Fair Pay Act, requesting a reasonable accommodation on the basis of disability or bona fide religious belief or practice, or any other basis protected by federal, state, or local laws. . The Agency will not tolerate harassment, discrimination, or retaliation against applicants, employees, interns, or volunteers, independent contractors by managers, supervisors, co-workers or third parties with whom employees come into contact, consistent with applicable law. Similarly, the Agency will not tolerate harassment, discrimination, or retaliation by its employees directed toward non-employees with whom the Agency's employees have a business, service, or professional relationship (such as independent contractors, vendors, clients, volunteers, or interns).

Types of Harassment

While it is not easy to define harassment, harassment may take many forms. Harassment need not be explicit, nor even specifically directed at the victim. Harassment can occur in the workplace, after hours, or on social media. Harassment behavior includes, but is not limited to, the following:

- Verbal Harassment, such as jokes, epithets, negative stereotyping, derogatory comments, or slurs;
- Physical Harassment, such as physical interference with normal work, impeding or blocking movement, assault or unwelcome physical contact/physical touching, assault, violent or intimidating behavior, or other words or actions that cause an employee to feel distressed. ;
- Visual Harassment, such as offensive or obscene photographs, calendars, posters, cards, cartoons, drawings, gestures, display of sexually suggestive or lewd objects, or unwelcome notes or letters; and
- Sexual Harassment, discussed below.

Sexual Harassment

Sexual harassment of the Agency's employees, by any person in or from the work environment, is strictly prohibited. Applicable state and federal law define sexual harassment as unwanted sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature when: (1) submission to the conduct is made a term or condition of employment; or (2) submission to or rejection of the behavior, is used as the basis for employment decisions affecting the individual; or (3) the conduct has the purpose or effect of unreasonably interfering with the staff member's work performance or creating an intimidating, hostile, or offensive working environment. This definition includes many forms of offensive behavior. Prohibited behaviors include but are not limited to the following:

- Making unsolicited sexual advances written, verbal, physical, or visual contact with sexual overtones. (Written examples: suggestive or obscene letters, notes, invitations. Verbal examples: derogatory comments, slurs, jokes, epithets. Physical examples: touching, assault blocking or impeding access, leering gestures, display of sexually suggestive objects or pictures, cartoons or posters.)
- Continuing to express sexual interest after being informed that the interest is unwelcome. (Reciprocal attraction is not considered sexual harassment.)
- Making reprisals, threats of reprisal, or implied threats of reprisal following a negative response. (For example, implying or actually withholding support for an appointment, promotion, or change of assignment; suggesting a poor performance report will be prepared; or suggesting probation will be failed.)
- Engaging in implicit or explicit coercive sexual behavior which is used to control, influence, or affect the career, salary, or work environment of another employee.
- Offering favors or employment benefits, such as promotions, favorable performance evaluations, favorable assigned duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors. (Similar conduct when applied to other protected classes such as race, color, creed, national origin, age, disability, medical condition, religion, sexual orientation, or marital status may constitute harassment and violation of this Policy. For example, racial jokes or degrading comments about age or ethnic background can constitute harassment under this policy). Accordingly, in order to avoid the risk of discipline, such acts should be avoided in all circumstances.

Sexual Harassment Prevention Training

All non-managerial employees must attend a one-hour Sexual Harassment Prevention Training, and all managerial employees must attend a two-hour Sexual Harassment Prevention Training. All Agency employees will be required to attend a sexual harassment training every two years as assigned by the Agency. Supervisors will receive two hours of training every two years as assigned by the Agency. Employees may be required to attend additional anti-harassment or other sensitivity training with regards to any protected class. Agency employees may refer to the Department of Civil Rights (CRD) sexual harassment prevention online training course appropriate for their position. You may also visit <https://calcivilrights.ca.gov> to access the online training courses.

Internal Reporting Procedure

Any individual who believes that he or she has been the victim of sexual or other prohibited discrimination or harassment by an employee, by co-workers, supervisors, visitors, vendors, or third party associated with the Board of Directors or others, must immediately notify their supervisor, or another supervisor, or the General Manager depending on which individual the employee feels most comfortable contacting.

All levels of management and all supervisors are responsible for compliance with this policy and for ensuring that everyone under their supervision is aware of, understands and adheres to this policy. Supervisors who receive complaints or who observe or learn of discriminatory, harassing, or retaliatory conduct must immediately inform the General Manager or other appropriate designee so that an investigation may be initiated.

Internal Investigation and Resolution

Complaints will be investigated by the Agency or, where appropriate, a designated neutral party, and the complainant will be advised of the general outcome of the investigation. The investigation will be handled in as confidential a manner as possible. In the case of misconduct is found, the Agency will take appropriate remedial measures, or other action, from verbal reprimand up to and including termination of employment.

In each case, the employee reporting the problem will receive an oral or written reply from the Agency on the general results of the investigation and that remedial action has been taken, if any. Employees (or other complainants) making complaints are expected to cooperate fully with the person or persons designated to investigate the complaint.

External Reporting

In addition to the Agency's internal complaint procedure, an employee may file a complaint by contacting the following:

- Department of Civil Rights (CRD) [formerly known as the Fair Employment and Housing (DFEH)] at 800-884-1684 or visiting <https://calcivilrights.ca.gov/contactus/>
- Equal Employment Opportunity Commission (EEOC) at 800-669-4000 or visiting <https://www.eeoc.gov/contact-eeoc/>.

No Retaliation

No employee will be subject to any form of retaliation for reporting any violation or participating in any investigation under this policy truthfully and in good faith.

2.12 SAFETY

Safety Program

The Agency is committed to providing and maintaining a healthy and safe work environment for all employees; however, a safety program can only be successful if everyone cooperates. Employee assistance in eliminating hazards and unsafe conditions and attention to good housekeeping will do much to make the Agency a safe place to work. Every employee is required to follow safe and healthy work practices at all times. Employees may be subject to discipline, up to and including dismissal, for engaging in any unsafe or unhealthy work practices.

The Injury/Illness Prevention Program ("IIPP") can be found in the office of the Operations Manager.

Injury at Work

An employee is required to report all injuries at work, or other work-related injuries to the employee's immediate supervisor or another manager in their absence. Supervisors shall:

- assist the employee in obtaining first aid and proper medical care;

- promptly report the injury to the General Manager or their designee;
- fill out all appropriate forms and reports;
- follow up with the employee until the situation is resolved;
- keep the General Manager informed.

For insurance purposes, exact details of the accident or injury must be provided to the General Manager or their designee. The location of the nearest doctor and/or medical facility and of the ambulance provider is posted on the bulletin board in the staff kitchen lounge.

Workplace Violence

The safety and security of employees are very important to the Agency. Consistent with this policy, acts or threats of physical violence, including acts intimidation, harassment, or coercion, which involve or affect the Agency, the Agency's employees, or which occur on Agency property, will not be tolerated.

Acts or threats of violence include conduct that is sufficiently severe, offensive, or intimidating to alter the employment conditions at the Agency, or to create a hostile, abusive, or intimidating work environment for one or several Agency employees.

Examples of workplace violence include, but are not limited to, the following:

- All threats or acts of violence occurring on Agency premises, regardless of the relationship between the Agency and the parties involved in the incident.
- All threats or acts of violence occurring off Agency premises involving someone who is acting in the capacity of a representative of the Agency.
- All threats or acts of violence occurring off Agency premises involving an employee of the Agency if the threats or acts affect the legitimate interests of the Agency.
- Any acts or threats resulting in the conviction of an employee or agent of the Agency, or of an individual performing services for the Agency on a contract or temporary basis, under any criminal code provision relating to violence or threats of violence that adversely affect the legitimate interests and goals of the Agency.

Specific examples of conduct that may be considered threats or acts of violence include, but are not limited to, the following:

- Hitting or shoving an individual.
- Verbally threatening an individual or their family, friends, associates, or property with harm
- Threatening gestures or other non-verbal conduct that could reasonably be interpreted as a threat or intimation of violence:
 - The intentional destruction or threat of destruction of Agency property.
 - Harassing or threatening phone calls.
 - Harassing, surveillance or stalking.
 - The suggestion or intimation that violence is appropriate.
 - Unauthorized possession or inappropriate use of firearms or weapons.

The Agency's prohibition against threats and acts of violence applies to all persons involved in the Agency's operation, including, but not limited to, Agency personnel,

contract, and temporary employees, and anyone else on Agency property. Violations of this policy by any individual (1) on Agency property; (2) acting as a representative of the Agency while off Agency property; or (3) while off of Agency property when their actions affect the Agency's business interests, will lead to disciplinary action (up to and including termination) and/or legal action as appropriate.

Any employee who is physically threatened by a co-worker or is aware of a threat to an employee, customer or vendor, or is aware of another individual who has been subjected to or threatened with violence, must report this information to their supervisor or manager, as soon as possible. Do not assume that a threat is not serious; bring all threats to your supervisor or the General Manager.

All threats will be promptly and thoroughly investigated, and all complaints which are reported to management will be treated with as much confidentiality as possible. The Agency may, however, need to disclose the results of an investigation under appropriate circumstances, for example, in order to protect individual safety. The Agency will not tolerate retaliation against any employee who reports workplace violence.

Weapons are also strictly prohibited at the Agency. Weapons include, but are not limited to:

- any handgun, rifle, or shotgun;
- any knife unrelated to your assigned job;
- any bombs, explosives or fireworks;
- or any other device or object designed to inflict injury on another human being.

Violation of this Agency policy will result in immediate disciplinary action, up to and including termination.

Off-site threats include but are not limited to threats made via telephone, fax, electronic or conventional mail, or any other communication medium. Violations of this policy will lead to disciplinary action that may include dismissal, arrest, and prosecution. In addition, if the source of such inappropriate behavior is a member of the public, the response may also include barring the person(s) from Agency property, termination of business relationships with that individual, and/or prosecution of the person(s).

Employees are responsible for notifying the General Manager of any threats which they have witnessed, received or have been told that another person has witnessed or received. Employees should also report any behavior they have witnessed which they regard as threatening or violent when that behavior is job related or might be carried out on Agency property or in connection with employment.

2.13 DRUG AND ALCOHOL POLICY

Drug- and Alcohol-Free Workplace

The Agency recognizes the importance of maintaining a safe, efficient and healthy work environment for its employees. Being under the influence of any drug and/or alcoholic beverage on the job poses serious risks to employee health and safety. Therefore, it is the Agency's intent to provide a drug-free workplace and to establish an on-going drug-free awareness program in accordance with the Drug Free Workplace Act to inform employees about:

- The dangers of drug abuse in the workplace; and
- The Agency's policy of maintaining a drug-free workplace.

Drug Policy Statement

The Agency Board of Directors does hereby inform all employees that at no time shall employees use, distribution, dispensing, possession, carrying, or transporting alcoholic beverages, non-prescribed drugs, narcotics (including marijuana, whether obtained via prescription or not), or any other regulated item during working hours or on Agency premises, nor shall an employee report for work under the influence of alcoholic beverages, non-prescribed drugs or narcotics (including marijuana, whether obtained via prescription or not).

PLEASE NOTE: Despite Proposition 64's legalization of marijuana under California law, it is unlawful for employees to possess, and be impaired, or use marijuana on the job. Furthermore, the Agency still considers marijuana an illegal drug for purposes of this policy and any use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of marijuana including being under the influence while at work are grounds for discipline, up to and including termination. Any positive test that indicates marijuana has been used while on duty is grounds for termination.

Disciplinary Action for Violations of this Policy

Any violation of this policy will be subject to serious disciplinary action at the Agency and will result in the following action being taken:

- The Agency will take appropriate action against an employee, up to and including termination, or
- Require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purpose by a Federal, State, or local health, law enforcement, or other appropriate agency.

Prescription Drugs

Where the usage of a drug, even where the drug is prescribed, affects Agency safety or an employee's ability to perform the essential functions of their job, the affected employee must notify the Agency. In the event there is a question regarding an employee's ability to perform assigned duties safely and effectively while under the influence of prescribed drugs, clearance from a licensed health care provider may be required before the employee is allowed to resume the employee's regular duties.

Drug and Alcohol Testing

It is the policy of the Agency to prohibit its employees from using or being under the influence of alcohol or illegal drugs (including, without limitation, marijuana – whether or not the employee maintains a prescription for the same) in connection with their employment, as it constitutes a threat to the safe and efficient performance of employee’s duties. At no time shall any employee be under the influence of any controlled drug or alcohol while on the job. (Employees who are taking medication pursuant to a physician’s prescription – other than for medical marijuana – who has also certified that they may perform their duties without jeopardizing the health or safety of others will not be considered to have violated this policy for taking such prescription medicine within the range prescribed.)

Definitions

For the purposes of this policy, the following terms shall have the following meanings:

- “Alcohol” means any alcoholic beverage as defined in California Business and Professions Code Sections 23000, *et seq.*
- “Drug” means any drug, including but not limited to illegal drugs, prescription medications, and/or over-the-counter medications.
- “Illegal Drug” means any substance, drug, narcotic, or immediate precursor which may subject an individual to criminal penalties, or a legal drug which has not been legally obtained or is being used in a manner for which it was not prescribed or intended. Because marijuana is regulated on the federal level, it is considered an “Illegal Drug” under this policy, whether obtained legally under state law or not.
- “Legal Drug” means any “over-the-counter” drug or prescription drug which has been legally obtained and is being used in a manner, combination and quantity for which it was manufactured, prescribed, or intended.
- “Reasonable Suspicion” is defined as a good faith belief, based on articulated facts or evidence that a person may be under the influence of alcohol or drugs.
- “On Duty” means the span of time between the time the employee reports for work through the time an employee’s period of work ends. It also includes any time an employee is on standby duty. Standby duty includes any time during which an Agency employee is on notice that he or she may be called to duty.
- “Under the influence” means that a drug or alcohol is present in the employee’s system in any detectable amount that may impair the employee’s ability to work safely and efficiently.
- “Safety Sensitive Position” means a position that has job duties that may put the employee or others at risk of irremediable consequences if performed under the influence. Irremediable consequences result when an employee, due to the use of drugs or alcohol, is not able to rectify their mistake, and the co-workers of the employee have no opportunity to intervene before harm occurs. A safety sensitive position would include, but not be limited to, those positions that as a normal course of business require the Agency’s employees to operate vehicles for Agency business.

Prohibitions

The following conduct is prohibited and may result in discipline, at the discretion of the Agency, up to and including termination:

- Using or possessing alcohol or other controlled substances while on duty.
- Reporting for duty or remaining on duty when the employee used any controlled substances, except if the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely operate a vehicle or otherwise perform the employee's job.
- Reporting for duty or remaining on duty if the employee tests as having a blood alcohol concentration of 0.04 or greater.
- The use or being under the influence of any legally obtained drug by an employee while performing Agency business, while on Agency property, is prohibited to the extent that such use or influence may affect the safety of the employee, co-workers, the employee's job performance, or the safe or efficient operation of the Agency's business. An employee shall notify their supervisor if the employee is using a legal drug which may impair the employee's ability to perform work safely and efficiently. The employee will not be required to disclose the type of drug or the reason for taking the drug, but the employee may be required to provide verification from their doctor or physician that he or she may continue working safely and efficiently while taking the drug. If the employee's doctor or physician cannot verify that the employee can work safely and efficiently while taking the drug, the employee may be placed in an alternative position, if available, or on a leave of absence until the employee is no longer taking the drug in question.
- The use, being under the influence, manufacture, distribution, purchase, transfer, or possession of an illegal drug by an employee while on duty, on standby duty or while on Agency property is strictly prohibited. A controlled substance or alcohol test is considered positive (failed) if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in the Department of Transportation guidelines. Marijuana, whether or not obtained legally under state law, is federally regulated and is therefore considered an "illegal drug" under this policy; there is no allowable level of influence for marijuana.
- Reporting for duty or remaining on duty if the employee tests positive for controlled substances (including, but not limited to, marijuana, whether prescribed or not).
- Refusing to submit to any alcohol or controlled substances test required by this Policy. An employee who refuses to submit to a required drug/alcohol test will be treated in the same manner as an employee who tested 0.04 or greater on a blood alcohol test or tested positively on a controlled substances test. A "refusal to submit" to an alcohol or controlled substances test required by this policy includes, but is not limited to:
 - A refusal to provide a urine sample for a drug test;
 - An inability to provide a urine sample without a valid medical explanation;

- A refusal to complete and sign the breath alcohol testing form, or otherwise to cooperate with the testing process in a way that prevents the completion of the test;
- An inability to provide breath or to provide an adequate amount of breath without a valid medical explanation;
- Tampering with or attempting to adulterate the urine specimen or collection procedure;
- Not reporting to the collection site in the time allotted by the supervisor who directs the employee to be tested;
- Leaving the scene of an accident without a valid authorization.

Right to Search

Employees do not have an expectation of privacy in the workplace. The Agency reserves the right to search, under reasonable suspicion, or for reasonable cause, without employee consent, all areas and property in which the Agency maintains control or joint control with the employee, and to enlist the assistance of law enforcement personnel in connection with the enforcement of this policy.

Such areas could include, but are not limited to, personal and business e-mail on Agency computers, Agency buildings, vehicles, equipment, lockers, desks, closets or file cabinets. Employees are expected to cooperate in the conduct of such searches.

Pre-Employment Testing

Applicants for positions designated as “safety sensitive” will be required to submit to pre-employment drug and/or alcohol testing as part of their pre-employment medical examination. Any offer of employment will be conditioned upon compliance with this policy. Failure or inability to successfully complete the drug screening process will constitute disqualification of the applicant for the position. The applicant will be requested to execute a consent form which includes a waiver and release. Refusal to do so will terminate consideration of the applicant for employment. A prior failed drug screening is grounds for denial of future employment applications. Applications received within one year of a failed drug screen will not be considered.

Reasonable Suspicion Testing

All employees may be required to submit to an alcohol or drug test if a supervisor has reasonable suspicion to believe the employee is under the influence of alcohol or controlled substances. Reasonable suspicion alcohol and drug testing will generally be administered within two hours of the observation. If not, the supervisor should provide written documentation as to why the test was not promptly conducted.

The Agency may require a blood test, urinalysis, or other drug and/or alcohol test of employees reasonably suspected of using or being under the influence of a drug or alcohol when on duty or on Agency property. The type of test to be performed shall be determined by the medical facility, laboratory or collection facility conducting the test. An employee's consent to submit to such a test is required as a condition of the employee's continued employment, and the employee's refusal to consent will be considered

insubordination and may result in disciplinary action, up to and including termination of employment, for even a first refusal or any subsequent refusal.

Only the General Manager or other designated individuals who have specific training with respect to recognizing potential substance abuse will have the authority to request a drug or alcohol test based on reasonable suspicion. Employees must report any perceived violation of this policy to their supervisors or the General Manager for further assessment. The General Manager or other designated individuals (as applicable) requesting an employee to submit to a drug or alcohol test based on a reasonable suspicion must document in writing the facts constituting reasonable suspicion that the employee in question is using or under the influence of drugs or alcohol.

Employees reasonably believed to be under the influence of drugs or alcohol shall not be permitted to engage in further work. In addition, such employees shall not depart from their assigned workplace without supervision. If it is reasonably suspected that an employee is under the influence of illegal drugs or alcohol, or if it is suspected the employee is being impaired from the use of a legal drug, the Agency shall arrange for transportation from the assigned workplace to a testing center and/or the employee's residence, as is deemed appropriate.

Any employee who has drugs or alcohol in their system that exceed the standards established by the Department of Transportation at the time a drug and alcohol test is performed based upon a reasonable suspicion shall be subject to disciplinary action, up to and including termination.

Department of Transportation and Other Federally Mandated Testing

The Agency will institute and comply with any drug and alcohol testing program mandated by state and federal law, including the Drug-free Workplace Act and the U.S. Department of Transportation's testing requirements.

Drug Testing in the Event of an Accident

Employees will be required to undergo alcohol and drug testing if they are involved in an accident with Agency equipment that results in damage or injury, so long as there is reasonable suspicion of possession or intoxication. This includes all employees who are on duty operating the equipment and any others whose performance could have contributed to the accident. This is in order to ensure the safety and health of all Agency employees.

Following an accident where an employee is to be tested, the employee will be tested as soon as practicable (generally within two hours but not to exceed eight hours). Any employee who leaves the scene of the accident without appropriate authorization prior to submission to a drug and alcohol test will be considered to have refused the test and may be subject to termination of employment.

Legal Drug

An employee shall notify the Agency in writing of any legal drug (not including marijuana, whether obtained legally pursuant to state law or not) in their system which may show up as a positive result in a drug or alcohol test, prior to taking the test. The employee will not be required to disclose the type of drug or the reason for taking the drug, but the employee may be required to provide verification from a doctor or physician that the employee's use of the drug is indeed legal and that he or she may continue working safely and efficiently while taking the drug.

Procedures Used in All Testing

- Prior to any testing, an applicant or employee will be required to sign a consent and release form allowing the Agency to conduct or order the testing and receive the test results. The signing of a consent and release form is a condition of employment. An employee's refusal to sign a consent and release may be considered insubordination and will subject the employee to disciplinary action, up to and including termination of employment. An applicant's refusal to sign a consent and release form will result in withdrawal of an offer of employment.
- The drug or alcohol testing will be conducted in such a manner as to reasonably provide the applicant or employee privacy.
- The test results will be kept on a need-to-know basis by the Agency. However, the Agency reserves the right to submit the test results as evidence in any legal or administrative action, including an action challenging disciplinary action taken by the Agency against the employee in question. A copy of the test results will be provided to the employee in question upon request.
- A portion of the biological sample taken in the drug or alcohol test will be provided to the employee or applicant, upon request, so that he or she may have the sample independently analyzed at their own expense.
- Biological samples taken in the drug or alcohol test will not be used for anything other than an analysis for drug or alcohol content.
- The Agency shall use specimen collection sites and laboratories certified for drug and alcohol testing by the U. S. Department of Health and Human Services.
- Testing of current employees will be conducted when the employee is in an on-duty status.
- If an employee is tested for substance abuse and the test results are positive for drugs and/or alcohol, or if an employee admits to using drugs or alcohol that has affected their job performance, it is left to the Agency's management and Human Resource Department's discretion as to whether the employee shall be immediately terminated from their employment, or if they will be offered the opportunity to participate in a rehabilitation program which may be covered under the Agency's medical insurance coverage. If the employee is allowed to remain in the employment of the Agency and they elect to participate in a rehabilitation program, reinstatement to their position will be permitted only if the program was completed and they receive confirmation of their successful completion from the program provider. Before returning to work the employee must submit the results of a new drug and alcohol test which shows an absence of substances for which the test was originally given or any other substance which would be considered

illegal, and which would cause impairment. This test will be performed at the same testing facility used by the Agency or approved in advance by the Agency. Further, if an employee elects to participate in a rehabilitation program, they may be eligible to use their leave time, or request a leave of absence in order to enter into the program for a period of time to be determined prior to admittance into the program, not to exceed 30 days.

- Unless otherwise required by law, an employee will not be guaranteed reinstatement to the position they held at the time they were tested positively for drugs; following the successful completion of a rehabilitation program, reinstatement and the terms and conditions under which reinstatement will occur will be determined on a case-by-case basis, with the final determination made by the Agency Manager. The terms and conditions for continued employment or reinstatement shall be contained in a written agreement.

Consequences of Failing an Alcohol or Drug Test

A positive result from a drug or alcohol test may result in disciplinary action, up to and including termination, even for a first offense. The Agency also reserves the right to discipline or terminate an employee convicted of an offense which involves the use, distribution, or possession of illegal drugs. If an employee is not terminated, the employee:

- Must be removed from performing any job function and immediately placed in an unpaid status.
- Must submit to an examination by a substance abuse professional. Upon a determination by the substance abuse professional, the employee may be required to undergo treatment for their alcohol or drug abuse. The Agency is not required to pay for this treatment.
- Shall not be returned to their former position until the employee submits to a return-to-duty controlled-substance and/or blood alcohol test (depending on which test the employee failed) which indicates an alcohol concentration level of less than 0.02 or a negative result on a controlled-substance test.
- Will be required to submit to unannounced follow up testing and, possibly other conditions if he or she has been returned to their position.

Compliance with State and Federal Law

At all times, the Agency will comply with current applicable state or federal law concerning drug and alcohol testing. Issues or inconsistencies that are not addressed in this Policy will be determined by referring to state or federal law and regulations governing drug and alcohol testing. The Agency reserves the right to make changes to this policy at any time, for the purpose of complying with state or federal laws and regulations as they exist now or as they may be amended.

2.14 SMOKING

For health, safety, and legal considerations, all Agency buildings, structures and vehicles are considered non-smoking areas.

2.15 TERMINATION AND RETIREMENT

Termination for Cause

If an employee acts in a manner that violates the moral, ethos or standards of the Agency as previously described, a supervisor may request a meeting with the employee to address the issue. The supervisor will prepare a written report documenting the problem, and ask for the employee's response, which will also be documented. The supervisor will propose a course of remedial action, with specific goals and dates to achieve those goals. All items will be included in the final document, which will be signed by the supervisor and the employee and included in the Agency file for the employee.

If the issue is satisfactorily concluded, no further action is necessary, and the matter may be dismissed. The supervisor will document the conclusion with a conference and a brief report, to be signed by the supervisor and the employee and included in the Agency file for the employee.

However, if no improvement is noted by the supervisor, a second conference will be scheduled with the employee. The supervisor may consult their supervisor and/or the General Manager for guidance. Every effort will be made to remedy the situation. The same pattern of documentation will be followed.

If no improvement is noted after the second conference, and after reviewing the second documented course of action, the supervisor will schedule a conference with the employee and the supervisor's supervisor and/or the General Manager. If satisfactory evidence is not presented as to why the employee has not made any progress toward rectifying the situation, the employee may be terminated immediately.

An employee who is terminated for cause is not eligible to be paid for accrued vacation or sick leave.

Resignation

As previously mentioned, the Agency is an at-will employer. As a courtesy by both the Agency and the employee, as much advance notice as possible is appreciated when a position is to be vacated.

An employee who resigns should submit their resignation in writing to their supervisor and indicate the date of resignation. Such notice should be submitted at least two (2) weeks before the effective date of resignation.

An employee who resigns is eligible to be paid for accrued vacation and one-half of their accrued sick leave at their current hourly rate of compensation.

Retirement

Employees who retire from the Agency are entitled to retirement pay from CalPERS and other benefits. The employee is encouraged to contact CalPERS well in advance of

their proposed retirement date for counseling. The employee also may take work time to meet personally with a CalPERS representative, such time to be scheduled and approved by the employee's supervisor. As a courtesy to the Agency, the employee is encouraged to give the Agency sufficient notice to aid in the process of recruiting and hiring a replacement.

An employee who retires from the Agency is eligible to be paid for accrued vacation and up to one-half of their accrued sick leave at their current hourly rate of compensation. They may also convert the remaining portion of their sick leave to additional service credit with CalPERS.

In addition, as long as the employee is vested, the Agency will pay for health care coverage through CalPERS for life.

2.16 PERSONNEL FILE

A personnel file will be maintained by the General Manager or their designee for each employee. An employee will be entitled to review the contents of their personnel file at reasonable time intervals upon written request during hours when the office is normally open and to obtain copies of materials in the file. Such review shall not interfere with the normal business of the Agency.

Employees may designate a representative to conduct the inspection of the record or receive a copy of the records. However, any designated representative must be authorized by the employee in writing. The Agency may take reasonable steps to verify the identity of any representative and the scope of the authorization.

The personnel records may be made available to the employee either at the place where they work or at a mutually agreeable location (with no loss of compensation for going to that location to inspect or copy the records). The records will be made available within the timeframe required by law, typically not later than 21 days.

Unauthorized disclosure of personnel information to outside sources, other than the employee's designated representative is prohibited and may form the basis of discipline. However, the Agency will cooperate with a request from authorized law enforcement or local, state, or federal agencies conducting official investigations as legally required.

SECTION 3: EMPLOYEE BENEFITS

3.1 HOLIDAYS

The Agency observes twelve paid holidays annually:

New Years Day
Martin Luther King Jr. Day
Presidents Day
Memorial Day
Independence Day
Labor Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving
Christmas Eve
Christmas Day
New Years Eve

When a holiday falls on a Saturday or Sunday, it will be observed on the preceding Friday or the following Monday. For the purpose of this section, the holiday is the 24-hour period beginning at 12:01 a.m.

In order to be paid for the holiday, you must have worked both the day before and the day after a holiday, unless time off was approved by the General Manager. Temporary and part-time employees are ineligible for holiday benefits. All employees are ineligible for holiday benefits that accrue while on leave of absence.

Non-exempt regular full-time employees who work on an observed holiday shall be paid at the overtime rate of pay for all hours worked on the observed holiday. Non-exempt regular part-time employees shall be paid at the overtime rate of pay for all hours worked on an observed holiday.

3.2 PERSONAL TIME OFF (PTO)

Full-time employees shall receive two days personal leave per fiscal year (July 1 to June 30) to be taken with the General Manager's approval during the year in which they are received. If a new employee begins work between July 1 and December 31, the employee shall be entitled to both days during their first year. If a new employee begins work between January 1 and April 30, they are entitled to one personal leave day in the first year. If a new employee begins work between May 1 and June 30, they will not be entitled to any personal leave days until the fiscal year beginning July 1.

3.3 VACATION

Accrual

All regular full-time employees are entitled to accrue paid vacation time according to the following annual accrual schedule:

1 through 4 years of continuous service	10 days per year
5 through 9 years of continuous service	15 days per year
10+ years of continuous service	20 days per year

Accruals will be added in an amount that is pro-rated by pay period.

Regular part-time employees will accrue vacation on a pro-rata basis, based on the hours worked.

Vacation time shall accrue but may not be taken until three months after the date of hire. Vacation time may be taken after it is accrued subject to the advance approval of the General Manager. The maximum vacation time accruable for any employee is 360 hours.

Employees who have been employed with the Agency for a minimum of two years may elect to get paid for future vacation hours that would be accrued in upcoming pay cycles. The following rules apply:

The employee must have taken 40 hours of vacation in the previous 12 months.

The employee must maintain 80 hours of vacation accrual after buy-out.

The employee must request the buy-out in advance of accrual of vacation hours.

The request may be made annually or at time intervals to be determined by the General Manager.

The request will be fulfilled annually or at time intervals to be determined by the General Manager.

Emergency requests that are inconsistent with this policy may be approved at the discretion of the General Manager. Emergency requests are construed as unforeseeable emergencies including, but not limited to the following situations: medical bills, eviction, foreclosure, and casualty loss.

Employees will be compensated at the salary rate in effect at the time of the request. Vacation hours for which the employee receives compensation will not be added to the employee's accumulated total.

Accrual Cap

Vacation accruals that exceed the maximum allowable as set forth in the Employee Guide for the employee's classification will be automatically paid during the pay cycle in which the accrual would exceed the maximum allowable.

3.4 PAID SICK LEAVE

Paid sick leave is granted as a benefit to all employees to be used for illness or injury as outlined below. It is not to be used as vacation or an earned right to time off from work. Employees are entitled to accrue sick leave immediately upon employment and are entitled to use sick leave after 30 days of employment.

Accrual of Sick Leave

Regular full-time employees shall accrue sick leave at the rate of one day per month (12 days per year) pro-rated by pay period. Regular part-time employees will accrue sick leave on a pro rata basis, based on the hours worked. Accrued sick leave will be carried over from year to year.

Accrued sick leave must be taken by eligible employees in at least one-hour increments for non-exempt employees. Exempt employees shall not be charged against their accrued sick leave balance for absences of less than four hours.

Employees who have been employed with the Agency for a minimum of two years may elect to get paid for future sick leave hours that would be accrued in upcoming pay cycles. The following rules apply:

The employee must maintain 96 hours of sick leave accrual after buy-out.

The employee must request the buy-out in advance of accrual of sick leave hours.

The request may be made annually or at time intervals to be determined by the General Manager.

The request will be fulfilled annually or at time intervals to be determined by the General Manager.

Employees will be compensated at the salary rate in effect at the time of the request.

Sick leave hours for which the employee receives compensation will not be added to the employee's accumulated total.

Accrual Cap for Paid Sick Leave

Sick leave accruals that exceed the maximum allowable as set forth in the Employee Guide for the employee's classification will be automatically paid during the pay cycle in which the accrual would exceed the maximum allowable.

Employees may accrue a maximum of 180 days of sick leave.

Reasons for Paid Sick Leave

Leave may be used for any purpose where sick leave is otherwise typically used at the Agency, including but not limited to the diagnosis, care, or treatment of an existing health condition of, or preventive care for the employee or the employee's family member. An employee who is a victim of domestic violence, sexual assault, or stalking, may also use this leave to: (1) 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 the victim or their child; (2) seek medical attention for injuries caused by domestic violence, sexual assault, or stalking; (3) obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking; (4) obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking; or (5) participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.

A “family member” for the purposes of this policy is defined as a child (a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis), a parent (a biological, adoptive or foster parent, stepparent, or legal guardian of an employee or the employee’s spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child), a spouse or registered domestic partner, a grandparent, grandchild and sibling, a designated person which is a person identified by the employee at the time the employee requests paid sick days

Hours absent for medical, dental and vision appointments will be treated as sick leave.

Commented [TT5]: Recommended by Committee; clarification

Verification of Health Care Provider

The Agency retains the right to request a written verification from a qualified health care provider for all absences due to the employee's illness, injury or disability or the ability of the employee to return to work following the use of sick leave. The employee may be asked to provide a statement which verifies that an illness, injury or disability existed, its beginning and ending dates, and/or the employee's ability to return to work without presenting an immediate and significant risk to their own health or safety or the health or safety of others. The employee may also be asked to provide a statement which verifies the need for continued leave which shall include the probable duration of the need to remain off work due to illness, injury or disability and a statement that due to the illness, injury or disability the employee is unable to perform the functions of their position. When requested, such verifications and release may be a condition to receiving sick leave benefits and returning to work.

The Agency also reserves the right to request appropriate verification for the employee's use of sick leave in connection with a member of the employee's immediate family.

3.5 HEALTH INSURANCE

A program of medical care insurance is available to all regular full-time employees and dependents and part-time employees regularly scheduled to work more than thirty hours per week.

If an employee has health benefits available through their spouse, or if a single employee is still a dependent covered by a parent’s plan, they may opt to use 75% of the annual amount for their rate category, depending on their family status, toward the following items:

Commented [TT6]: Recommended by Staff

- 457 Deferred Compensation (pre-tax or post-tax)
- Health Savings Account
- Additional deferred compensation plan determined by the Agency
- Employee PERS contribution

Commented [TT7]: Recommended by Committee; replaces "401(a) plan", gives Agency flexibility

The employee must provide proof of insurance. The amount available will be determined on a calendar-year basis. The employee will receive a set amount pro-rated per pay period, and may determine or change the distribution of the amounts no oftener than quarterly.

3.6 DENTAL INSURANCE

A program of dental care insurance is provided for all regular full-time employees and dependents and part-time employees regularly scheduled to work more than thirty hours per week.

3.7 VISION INSURANCE

Commented [TT8]: Recommended by Staff

A program of vision care insurance is provided for all regular full-time employees and dependents and part-time employees regularly scheduled to work more than thirty hours per week.

3.8 LIFE INSURANCE

A program of basic life insurance is available to all regular full-time employees.

General Insurance Provisions

The effective dates of these programs, health, dental, vision and life insurance, vary according to the terms of the individual insurance policies. The Agency pays the full amount of these benefits for the employee and their eligible dependents up to a maximum amount that is determined by the Board. Specific plan requirements and enrollment procedures are available in the Finance Office of the Agency. The Agency reserves the right to change benefit providers, terms, enrollment requirements, scope of coverage and level of contributions.

3.9 MEDICAL EXPENSE REIMBURSEMENT

All full-time employees will accrue \$2,000 annually for unreimbursed medical, dental and vision expenses over and above insurance coverage for employees and dependents. Unused accruals can be carried over from year to year, up to a maximum as determined by the Board of Directors. Satisfactory evidence of each expenditure must be provided by the employee.

3.10 WELLNESS PROGRAM

The Wellness Program encourages, motivates and challenges employees and their families to take an active interest in their personal well-being. The Agency encourages this by providing reimbursement for qualified fitness and/or wellness-related expenses to promote health and disease prevention for employees and their families.

The Agency will reimburse up to \$500 per fiscal year for the following items:

- Membership to a fitness facility that charges a fee for the use of the facility and equipment and/or a formal class, or instruction designed to improve fitness;
- Registration in a weight management program;
- Enrollment in a smoking cessation program, a stress management program, or a diabetes management program;
- Preventative health screenings not covered by medical insurance;
- Personal trainer fees from a certified personal trainer or qualified fitness facility;
- Therapeutic message session from a state certified message therapist or institution;
- Purchases of new or used exercise equipment through a verifiable retailer or facility (purchases made through a private party are not eligible).

Prior approval by the General Manager or their designee is advisable. After one year of service, all full-time employees are eligible to participate. The Agency reserves the right to change benefit providers, terms, requirements, and scope of the plan.

3.11 FLEXIBLE SPENDING ACCOUNT

The Agency offers a Flexible Spending Account which permits employees to authorize a pre-tax deduction from their salary to be used for health care expenses, subject to the requirements of the plan. All full-time employees are eligible to participate. The Agency reserves the right to change benefit providers, terms, requirements and scope of the plan.

3.12 RETIREMENT

Classic Employees

All full-time Classic employees are required to enroll in a CalPERS sponsored retirement plan. Specifications of the plan are subject to Board action and resolutions. Classic employees currently contribute 3% of their salary through a pre-tax deduction from their salary to the plan. Any questions about the plan should be directed to the General Manager or their designee.

PEPRA Employees

All full-time PEPRA employees are required to enroll in a CalPERS sponsored retirement plan. Specifications of the plan are subject to California law and Board action and resolutions. As specified by law, PEPRA employees currently contribute a percentage of their salary through a pre-tax deduction from their salary to the plan.

Commented [TT9]: Numbering changed from here through 3.15

Commented [TT10]: Recommended by Committee; additional benefit

Commented [TT11]: Recommended by Staff; incorporates recommendations by Committee; name changed from 'Health Savings Account' for legal reasons.

Commented [TT12]: New benefit recommended by Staff, incorporates recommendations by Committee

Commented [TT13]: Correction: percentage not specified because it can change

The Agency will contribute 5% of a PEPRAs enrolled employees salary to an additional deferred compensation plan of Agency choice. In addition, the Agency will match up to 5.0% of a PEPRAs enrolled employees salary deduction to the above-mentioned plan.

All Employees

All full-time employees will be fully vested in the retirement plan through CalPERS after five years of cumulative service with the Agency, a CalPERS agency. All full-time employees will be fully vested in the retiree health insurance plan after five years of continuous service with the Agency.

Commented [TT14]: Recommended by Committee; confirmed by call to CalPERS

Any questions about the plan should be directed to the General Manager or their designee. The Agency reserves the right to change providers, terms, requirements and level of contributions.

3.13 DEFERRED COMPENSATION

Commented [TT15]: Recommended by Staff

The Agency offers a Deferred Compensation Plan which permits employees to defer a portion of their income until retirement. Plan funds plus accrued interest are refundable only according to the plans provisions should an employee leave the Agency, or otherwise seek to withdraw their contributions prior to retirement. Two plans are currently available, a 457 plan through CalPERS and an additional deferred compensation plan set up by the Agency. The Agency reserves the right to change providers, terms, requirements and level of contributions.

Commented [TT16]: Recommended by Committee; replaces "401(a) plan", gives Agency flexibility

3.14 TRAINING

Professional seminars, conferences, and instructional courses may be considered appropriate training programs for employees and approved by the General Manager. Such courses may be paid for by the Agency. When approved training courses or other training programs have been completed by the employee, the employee may file evidence of completion with the General Manager or their designee. Such evidence of completion shall be made a part of the employees personnel record. Participation in and successful completion of training courses or programs shall be considered in making advancements and promotions.

3.15 HIGHER EDUCATION

The Agency encourages employees to continue their education to maintain and improve the skills and knowledge required in their job or to prepare for promotional opportunities. After one year of service, a full-time regular employee may apply to utilize the Agency's educational assistance program. Coursework must be taken through accredited institutions and may be offered as in-person classes or by distance-learning programs.

Commented [TT17]: Recommended by Committee; this section was completely re-written.

For educational opportunities that fall outside the scope accredited degree programs, such as seminars, workshops or study courses, but are also not on-the-job training, the

General Manager has discretion to determine applicability and suitability to Agency goals and values and grant approval accordingly.

Prior approval by the General Manager is required to receive reimbursement for educational assistance. The Agency will reimburse the cost of tuition, required books, parking fees and other required course or program materials, per fiscal year, up to the current amount allowed by federal law. The General Manager may approve additional courses of study at their discretion.

The employee will provide proof of enrollment and completion of courses prior to reimbursement. Records of completion will be added to the employees' file.

SECTION 4: WORKERS' COMPENSATION, DISABILITY AND OTHER LEAVE POLICIES

4.1 WORKERS' COMPENSATION

The Agency shall comply with applicable state laws providing for and governing Workers' Compensation.

Whenever an employee sustains an injury or disability arising out of, and in the course of, employment with the Agency, that requires medical care, the employee shall obtain treatment according to the provisions of the California Labor Code, sections 4600 et seq. and shall receive compensation for hours not worked while obtaining such medical care without loss of accrued leave hours.

Employees are required to report immediately a work-related injury/incident to their immediate supervisor. The supervisor of the affected employee shall ensure that the report is made to the General Manager or their designee.

Whenever, due to a work-related injury, an employee is compelled by direction of their physician to be absent from duty on account of such injury or disability, such employee will be placed on a Medical Leave of Absence under Workers' Compensation Leave. The employee will receive full compensation for the first three calendar working days following the date of the injury without loss of accrued leave hours.

Thereafter, the employee may elect to apply pro-rated sick leave first, or, if sick leave is exhausted, may apply vacation, to such absence and receive compensation in an amount equal to the difference between the compensation to which they are entitled under Workers' Compensation Act and their regular pay, not to exceed the amount of accrued leave.

4.2 LONG- AND SHORT-TERM DISABILITY

Long- and short-term disability insurance is provided for all regular employees, effective one full calendar month after the date of hire and is fully paid by the Agency as required by law.

4.3 FEDERAL FAMILY CARE AND MEDICAL LEAVE & CALIFORNIA FAMILY RIGHTS ACT

In accordance with the Federal Family and Medical Leave Act ("FMLA"), the FMLA's Service member leave provisions ("Service member FMLA"), and the California Family Rights Act ("CFRA"), the Agency has adopted the following policy regarding the rights and the responsibilities of employees absent for a family leave purpose. This policy shall supersede the provisions of any Agency policy, practice, rule or procedure to the

extent that such policy, practice, rule or procedure is in conflict or inconsistent with this policy. This provision is intended to comply with minimum state and federal requirements. To the extent it conflicts, the minimum provisions of current law shall be deemed to prevail.

Qualifying Reasons for FMLA Leave and Eligibility

In accordance with the FMLA, Service member FMLA and this Policy, the Agency shall provide up to twelve (12) work weeks of FMLA leave in a month period to any "eligible employee" who requests leave for any of the following purposes:

- The birth or adoption of a child by the employee or placement of a child in foster care with the employee (all family leave taken for one of these purposes must be concluded within one year of the event);
- To care for a child, parent, or spouse of the employee who has a serious health condition;
- For an employee's own serious health condition which makes the employee unable to perform the essential functions of the employee's position, including incapacity due to pregnancy and for prenatal medical care; or
- For the care of a covered family member's injuries or qualifying exigencies stemming from qualifying service in the Armed Forces as provided for under the Service member FMLA's provisions.

Up to 26 weeks, (1,040 hours) in a rolling year of leave is permitted for:

- Care of an employee's spouse, child, parent, or next of kin who is a covered service member with a serious illness or injury.

An employee is eligible for FMLA leave if the employee:

- Has been employed by the Agency for at least 12 months;
- Has worked for at least 1,250 hours during the 12-month period immediately preceding the leave;
- Is employed at a worksite that has 50 or more employees within 75 miles.

Qualifying Reasons for CFRA Leave and Eligibility

In accordance with the CFRA and this Policy, the Agency shall provide up to twelve (12) work weeks of CFRA leave in a month period to any "eligible employee" who requests leave for any of the following purposes:

- The birth or adoption of a child by the employee or placement of a child in foster care with the employee (all family leave taken for one of these purposes must be concluded within one year of the event);
- To care for a child, parent, parent-in-law, spouse, registered domestic partner, or designated person of the employee who has a serious health condition;
- For an employee's own serious health condition which makes the employee unable to perform the essential functions of the employee's position; or
- Leave because of a qualifying exigency related to the covered active duty or call to covered active duty of an employee's spouse, domestic partner, child, or parent in the Armed Forces of the United States.

For purposes of this policy, a designated person means any individual related by blood or whose association with the employee is the equivalent of a family relationship. A designated person may be identified by the employee at the time the employee requests paid sick days.

An employee is eligible for CFRA leave if the employee:

- Has been employed by the Agency for at least 12 months.
- Has worked for at least 1,250 hours during the 12-month period immediately preceding the leave.

Special Rules for Pregnancy Disability Leave

The right to take CFRA/FMLA leave is separate and distinct from the right to take a pregnancy disability leave. In other words, leave taken by an employee disabled by pregnancy, childbirth or related medical conditions is not family leave under the CFRA, even though it may be FMLA leave.

In light of the above, the Agency may require that pregnancy disability and FMLA leave run concurrently (hereinafter “pregnancy disability/FMLA leave”), but CFRA leave can never run concurrently with a pregnancy disability leave. This means that, at the end of the employee’s period(s) of pregnancy disability or pregnancy disability/FMLA leave, whichever occurs first, a CFRA eligible employee may take up to 12 workweeks of CFRA leave due to the birth of her child or for other family leave purposes.

Where an employee has exhausted her entitlement to pregnancy disability/FMLA leave prior to the birth of her child, and her health care provider certifies that continued leave is medically necessary, the Agency may, but is not required to, allow the employee to utilize CFRA leave prior to the birth of her child.

The maximum combined leave entitlement for pregnancy disability, FMLA and CFRA leave for the birth of a child is four months and 12 workweeks. This assumes that the employee has exhausted all four months of pregnancy disability leave; she exhausted her entitlement to up to 12 weeks of FMLA leave during the period of pregnancy disability leave; and the employee requested and was eligible for a 12-week CFRA leave following the birth of her child.

Substitution of Paid Leave for FMLA/CFRA

Employees may, but are not required to, elect to substitute sick leave for all FMLA/CFRA leaves other than those taken for their own serious health condition. Employees are required to substitute sick leave for any leave taken for their own serious health condition, unless the employee is receiving disability payments during CFRA leave for their own serious health condition.

Employment of Spouses

Under the CFRA, if both parents of a new child work for the same employer, parents do not have to “split” the 12 weeks of leave; each parent is entitled to up to 12 weeks of

leave. Under FMLA, spouses who are legally married and work for the same employer are limited to a combined total of 12 workweeks of leave in a 12-month period.

Intermittent Schedules

Under the CFRA, leave may be taken intermittently or on a reduced work schedule basis. If CFRA leave is taken for: the birth, adoption, or foster care of a child, the basic minimum duration of leave shall be two weeks, and the CFRA leave must be concluded within one year; and the serious health condition of the employee or the employee's family member, leave may be taken intermittently or on a reduced work schedule basis, as is medically necessary.

FMLA, leave taken for the birth, adoption, or foster care placement of a child must be commenced within the first year of the birth, adoption, or placement and may not be taken intermittently or on a reduced schedule without the Agency's permission. Family care or medical leave for the employee's own serious health condition, or for the serious health condition of the employee's spouse, parent or child, may be taken intermittently or on a reduced schedule, where medically necessary. If leave is authorized to be taken intermittently or on a reduced schedule, the Agency retains the discretion to transfer the employee temporarily to an alternative position with equivalent pay and benefits which better accommodates the employee's leave schedule.

Leave's Effect on Pay

FMLA and CFRA leave is unpaid, except to the extent that other paid leave (i.e. vacation or sick leave) is substituted for FMLA/CFRA leave.

Leave's Effect on Benefits

During an employee's FMLA/CFRA Leave, the Agency shall continue to pay for the employee's participation in the Agency's group health plans to the same extent and under the same terms and conditions as would apply had the employee not taken leave. Employees are required to continue to make any payments they normally make towards healthcare coverage premiums while on leave. In the event an employee on leave fails to make timely payment for their portion of healthcare coverage premiums, the Agency will notify the employee of such failure and if payment is not made, terminate the coverage.

If the employee fails to return from the leave for a reason other than the recurrence or continuation of the health condition that brought about the leave or other circumstances beyond the employee's control, the Agency is entitled to recover any health premiums paid by the Agency on the employee's behalf during any unpaid period of the leave.

Employees FMLA/CFRA Leave accrue employment benefits, such as sick leave, vacation benefits, or seniority, only when paid leave is being substituted for unpaid leave and only if the employee would otherwise be entitled to such accrual.

Notice Requirements for FMLA/CFRA Leave

The employee, or a representative for the employee (i.e., spouse, adult family member, or other responsible party), must inform the General Manager, preferably in writing, as soon as it becomes apparent that the employee will be needing leave for a family leave purpose.

Employees must provide at least 30 calendar days advance notice before leave is to begin, if the need for leave is foreseeable, or notice as soon as practicable under the circumstances.

The employee must consult with their supervisor regarding the need for a leave and must make a reasonable effort to schedule any planned medical treatment or supervision so as to minimize disruption of Agency operations. Actual scheduling is, however, subject to the approval of the patient's health care provider.

Failure to comply with these notice requirements is grounds for, and may result in, deferral of the requested leave until the employee complies with these provisions. However, the Agency shall not deny leave, the need for which is an emergency or is otherwise unforeseeable, on the basis that the employee did not provide advance notice of the need for leave.

Where leave is requested on the basis of a serious health condition affecting an employee's family member, the Agency may require evidence of the family relationship.

The Agency's Determination and Notification

It is up to the Agency to designate leave, paid or unpaid, as CFRA or CFRA/FMLA leave based on information provided by the employee or the employee's representative.

In the event that the Agency determines that a leave of absence is for a FMLA/CFRA family leave purpose, the Agency shall, within two business days, if feasible, notify the employee in writing of its determination that the leave constitutes FMLA or CFRA leave.

Where CFRA leave is running separate and apart from FMLA leave (such as following a pregnancy disability/FMLA leave), the Agency shall respond to the leave request as soon as possible and, in any event, no later than 10 calendar days after receiving the request. Once given, approval of CFRA leave shall be deemed retroactive to the first day of the leave.

The Agency's written notice to the employee shall, among other things:

- Specify the obligations of the employee while on family leave and explain the consequences of a failure to meet these obligations;
- Provide notice to the employee in the event that a period of paid leave is to be counted as family leave;
- Provide notice to the employee in the event that the Agency requires paid leave to be substituted for unpaid leave.

Where the employee fails to provide sufficient information until after the leave commenced, the Agency may make a preliminary determination that the employee's absence is for a family leave purpose, subject to later confirmation by medical certification.

If either the Agency or the employee designate an absence as family leave after the leave of absence has begun, such as when an employee advises the Agency during the leave of absence or after their return to work that the entire leave of absence or any part of it was for a family leave purpose, that portion of the leave period which was for a family leave purpose may be retroactively counted as family leave.

If the employee fails to advise the Agency that a leave of absence was for a family leave purpose either before, during or within two days after they return to work, the employee will not be able to assert the protections of the family leave laws for the leave of absence.

Any dispute between the Agency and an employee as to whether paid leave qualifies as family leave should be resolved through discussions between the employee and the General Manager, or a designee.

Medical Certification for FMLA/CFRA Leave

An employee's request for leave due to a serious health condition affecting the employee or the employee's child, parent or spouse must be supported by a medical certification issued by the health care provider of the individual requiring care.

For leave to care for the employee's child, parent, or spouse, this certification need not identify the serious health condition involved but shall contain.

- The date, if known, on which the serious health condition commenced;
- The probable duration of the condition;
- An estimate of the amount of time which the health care provider believes the employee needs to care for the child, parent or spouse; and
- A statement that the serious health condition warrants the participation of the employee to provide care during a period of treatment or supervision of the child, parent or spouse.

For leave to care for the employee's own serious health condition, this certification need not, but may, at the employee's option, identify the serious health condition involved. It shall contain:

- The date, if known, on which the serious health condition commenced;
- The probable duration of the condition; and
- A statement that, due to the serious health condition, the employee is unable to work at all or is unable to perform any one or more of the essential functions of their position.

This type of medical certification is not required where leave is requested for the birth, adoption or placement of a child in foster care with the employee. (However, the Agency may request written verification of family relationship for the birth, adoption or placement of a child in foster care with the employee).

Medical certification must be provided within 15 calendar days of the Agency's request and generally prior to the commencement of a foreseeable leave of absence, unless it is not practicable to do so despite the employee's diligent, good faith efforts to do so.

With regard to leave due to the employee's own serious health condition:

- Where the Agency has reason to doubt the validity of the employee's medical certification, the Agency may require, at the Agency's expense, that the employee obtain a second medical opinion from a health care provider designated by the Agency and who is not regularly used by the Agency; and
- Where the second opinion differs from the first, the Agency may require that the employee obtain a third and binding medical opinion, again at the Agency's expense, from a health care provider designated or approved jointly by the Agency and the employee.

The Agency may require recertification only where additional leave is requested.

The Agency may also require certification at the time the employee seeks reinstatement from family leave due to the employee's own serious health condition that the employee is fit for duty and able to return to work.

Leave's Effect on Reinstatement

The reinstatement provisions below are subject to any defense allowed under the law. Where a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated to the same or a comparable position by the date agreed upon. If the reinstatement date differs from the Agency's and employee's original agreement, the employee will be reinstated to the same or a comparable position within two business days, where feasible, after the employee notifies the Agency of their readiness to return.

The employee's use of leave under this policy may not result in the loss of any employment benefit that the employee earned or was entitled to before going on leave. Upon reinstatement, all employee benefits will be resumed without any new qualification period, physical examination or exclusion of preexisting conditions.

Denial of Reinstatement

An employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during family leave. For example, if an employee is laid off while on family leave, the Agency's responsibility to maintain group health plan benefits and reinstate the employee ceases at the time the employee is laid off.

The Agency may also deny reinstatement under the FMLA and CFRA for the following reasons:

- To an employee who gives notice that he or she no longer desires to return to employment with the Agency;
- To an employee who fails to provide certification that he or she is fit for duty and able to return to work after taking family leave based on the employee's own serious health condition;
It is necessary to prevent substantial grievous economic injury to the operations of the Agency.

When notice is given to the employee at the time of the leave request that the Agency will grant the leave request, but that the Agency may deny reinstatement, and:

- The employee is given a reasonable opportunity to return to employment after receiving such notice, but elects not to return, or
- After the leave expires, the employee requests reinstatement, and the Agency makes a determination at the time of the reinstatement request and notifies the employee of its determination that reinstatement would cause substantial grievous economic injury to the operations of the Agency.

4.4 PREGNANCY-RELATED DISABILITY

Any employee who is disabled by pregnancy, childbirth, or related conditions may take a Pregnancy Related Disability leave ("PDL") for the period of actual disability of up to four months, in addition to any family care or medical leave to which the employee may be entitled.

The first 12 workweeks of leave under the PDL law may run concurrently with FMLA leave, but not CFRA leave. An eligible California employee taking PDL is entitled, on its expiration, to additional CFRA leave, for a potential total leave entitlement of up to 29 1/3 workweeks (four months of PDL and 12 workweeks of CFRA leave).

The Pregnant Workers Fairness Act requires the employer to provide reasonable accommodation to workers for *known limitations* related to pregnancy, childbirth, or related medical conditions. The requirement will apply to employers with 15 or more employees, unless the accommodation would cause the employer an undue hardship. The italicized terms above are defined by law. Please see Human Resources for further information.

The Agency will not discriminate against any employee requesting leave or accommodation under this section or this Policy more broadly.

Intermittent Schedule

Pregnancy-Related Disability Leaves may be taken intermittently, or on a reduced-hours schedule, as medically necessary.

Leave Effect on Benefits

During a Pregnancy-Related Disability Leave, the Agency will continue to pay for the employee's participation in the Agency's group health plans, to the same extent and under the same terms and conditions as would apply had the employee continued in employment continuously for the leave period.

Thus, the employee must continue to pay their share of the health plan premiums during the leave. If paid sick leave is substituted for any portion of the leave that is unpaid leave, such payments will be deducted from the employee's pay through the regular payroll deductions. Otherwise, the employee must make arrangements with the Agency for the payment of such premiums.

The Agency may recover from the employee the premiums that the Agency paid to maintain coverage for the employee under the group health plan if the employee fails to return from leave after the period of leave has expired and the employee's failure to return is for a reason other than: (1) the employee is taking (i.e., has transitioned over to) leave under the California Family Rights Act, unless the employee chooses not to return after the CFRA leave, in which case the Agency can recover such premiums; (2) the continuation, recurrence, or onset of a health condition that entitles the employee to Pregnancy-Related Disability Leave, unless the employee chooses not to return after the Pregnancy-Related Disability Leave, in which case the Agency can recover such premiums; (3) non-pregnancy related medical conditions requiring further leave, unless the employee chooses not to return to work following the leave, in which case the Agency can recover such premiums, or (4) other circumstances beyond the employee's control.

Employee benefits may be continued during the unpaid portion of the Pregnancy-Disability Leave according to the provisions of the Agency's various employee benefit plans.

Substitution of Paid Leave for PDL

Employees may, but are not required to, elect to substitute accrued and unused vacation or PTO during PDL.

Medical Certifications

An employee requesting PDL must provide medical certification from her health care provider. Failure to provide the required certification in a timely manner (within 15 days of the leave request) may result in denial of leave benefits until such certification is provided.

Any such PDL medical certification from a health care provider shall provide the following information:

- The date on which the employee became disabled due to pregnancy, childbirth, or a related medical condition;
- The probable duration of the period or periods of disability; and

- An explanatory statement that, due to the disability, the employee is unable to work at all or is unable to perform any one or more of the essential functions of her position without undue risk to herself, her pregnancy, or to other persons.

In the case of a Pregnancy-Disability transfer or reasonable accommodation, the medical certification shall provide the following information:

- The date on which the need to transfer or reasonably accommodate became medically advisable;
- The estimated duration of the reasonable accommodation or transfer;
- An explanatory statement that, due to the employee's pregnancy, the transfer or reasonable accommodation is medically advisable; and
- A description of the requested reasonable accommodation or transfer.
- Recertifications are required if PDL is sought after expiration of the time estimated by the health care provider. Failure to submit required recertifications can result in termination of the leave.

Return to Work Certification

An employee who timely returns to work at the expiration of her PDL will be reinstated to her former position upon release to return to work by her health care provider, consistent with applicable law.

- Where a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated by the date agreed upon, provided that the employee has provided medical certification of her fitness for duty.
- If the actual reinstatement date differs from the original agreement, the employee will be reinstated within two business days, where feasible, after the employee notifies the Agency of her readiness to return and provides medical certification of her fitness for duty.
- Failure to return to work, without good cause, on the next workday following the expiration of pregnancy disability leave may be grounds for termination of employment.

The employee is not, however, entitled to any greater right of reinstatement than she would have had if she had not taken leave. Thus, reinstatement to the "same position" may be denied if:

- For legitimate business reasons unrelated to the employee having taken a pregnancy disability leave or transfer, the employee would not otherwise have been employed in her same position at the time reinstatement is requested; or
- Each means of preserving the job or duties for the employee (such as leaving it unfilled or filling it with a temporary employee) would substantially undermine the Agency's ability to operate safely and efficiently.

Also, the employee has no greater right to reinstatement to a "comparable position" or to other benefits and conditions of employment than an employee who has been continuously employed. Thus, reinstatement to a comparable position may be denied if:

- There is no comparable position open on the employee's scheduled date of reinstatement or within 60 calendar days thereafter; or

- The employee would not have been offered a comparable position if she would have been continuously at work during the pregnancy disability leave or transfer period.

In the event that the employee becomes eligible and takes leave under the CFRA following her pregnancy disability leave for the birth of her child, the employee's right to reinstatement shall be governed by the CFRA and the requisite policy contained in this Manual rather than these provisions.

An employee is also entitled to reasonable amount of break time for lactating employees by providing a reasonable amount of break time to any employee who desires to express breast milk for an infant child. Please see the Agency's Lactation Accommodation policy contained in this Manual for more information.

Transfers

Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work schedule. An employee may request a temporary transfer to a position with less strenuous or less hazardous duties when the employee's health care provider certifies that such a transfer is medically advisable. Temporary transfers will be granted where appropriate and when the Agency is able to reasonably accommodate the transfer, provided that the transfer would not require the Agency to:

- Create additional employment;
- Discharge another employee;
- Violate a collective bargaining agreement;
- Transfer a more senior employee in order to make room for the pregnant employee's transfer; or
- Promote or transfer the employee or any other employee to a position for which they are not qualified.

Appendix B: Pregnancy Disability Leave Form

4.5 KIN CARE LEAVE

Under California state law, employees who accrue sick leave are eligible for Kin Care Leave (KCL). An employee may use KCL for the following reasons:

- Diagnosis, care, or treatment of an existing health condition of the employee, or preventive care for, an employee or an employee's covered family member
- For obtaining relief if the employee is a victim of domestic violence, sexual assault, or stalking.
- If the employee is a victim of domestic violence, sexual assault, or stalking, the employee may take time off to: obtain medical treatment, counseling or other victims' services, obtain or attempt to obtain any relief to help ensure the health, safety, or welfare of the employee or the employee's child, such as a temporary restraining order, restraining order, or other injunctive relief.

The number of days the employee can take off is calculated as an amount not less than the sick leave that would be accrued during 6 months of the employee's then-current rate of entitlement. Employees are able to use up to half of their sick leave for KCL. But, no more than one-half of the employee's annual accrued sick leave benefits can be counted as KCL. For a full-time career employee, for example, this would mean no more than 48 hours of sick leave can be counted as KCL.

To the extent possible, employees must provide reasonable advance notice of their need for leave under this policy. If the need for leave is not foreseeable, an employee must provide notice as soon as practicable.

A "family member" for the purposes of this policy is defined as a child (a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis), a parent (a biological, adoptive or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child), a spouse or registered domestic partner, a grandparent, grandchild and sibling,

Please note, leave under this statute runs concurrently with paid sick leave, and CFRA leave.

4.6 ORGAN AND BONE MARROW DONATION LEAVE

The Agency will grant an employee the following leaves of absence for the purpose of organ or bone marrow donation:

- A paid leave of absence of up to five days in any one-year period for the purpose of donating the employee's bone marrow to another person.
- A paid leave of absence of up to 30 days in any one-year period for the purpose of the employee donating their organ to another person.
- An additional unpaid leave of absence of up to 30 business days in any one-year period for the purpose of the employee donating their organ to another person.

A leave of absence for the purpose of organ or bone marrow donation will be provided to employees who have exhausted all available sick leave. If an employee has earned and unused sick or vacation time available, the employee is required to first use up the paid sick or vacation time for a bone marrow donation or organ donation.

In order to receive a leave of absence pursuant to this policy, the employee must provide written verification to the Agency that he or she is an organ or bone marrow donor and that there is a medical necessity for the donation of the organ or bone marrow.

Any leave taken for the donation of an organ or bone marrow will not constitute a break in service for purposes of the employee's right to salary adjustments, sick leave, vacation, annual leave, or seniority. During any leave taken under this policy, the

Agency will maintain and pay for coverage under any group health plan, for the full duration of this leave.

Leave provided under this policy may be taken in one or more periods. Upon expiration of a leave of absence authorized by this policy, the Agency will restore the employee to the position held by the employee when the leave began or to a position with equivalent seniority status, employee benefits, pay, and other terms and conditions of employment. The Agency may decline to restore an employee.

4.7 SERVICE MEMBER FAMILY & MEDICAL LEAVE

The federal Family and Medical Leave Act ("FMLA") entitles eligible employees to take leave for a covered family member's service in the Armed Forces. This Policy supplements our FMLA Policy and provides general notice of employee rights to this leave. Except as stated below, such rights and obligations for Service member FMLA are governed by our existing FMLA Policy. Service member FMLA runs concurrent with other leave entitlements provided under federal, state and local law.

Entitlement to Service member FMLA

Service member FMLA provides eligible employees unpaid leave for anyone, or combination, of the following reasons:

- A 'Qualifying Exigency' arising out of a covered family member's active duty or call to active duty in the Armed Forces in support of a contingency plan: or
- To care for a covered family member who has incurred an injury or illness while in the Armed Forces provided that such injury or illness renders the family member medically unfit to perform duties of the member's office, grade, rank or rating and is certified by the service member's health care provider.

Duration of Service member FMLA

When leave is due because of a 'Qualified Exigency' concerning the military duty of a family member: an eligible employee may take up to 12 workweeks of leave during any 12-month period.

When leave is to care for an injured or ill service member: an eligible employee may take up to 26 workweeks of leave during a single 12-month period to care for the service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed 26 workweeks in a single 12-month period.

Where spouses are both employed by the Agency, they may take up to, in aggregate, 26 workweeks of service member FMLA, provided that any portion of the aggregate leave that is not for care of a family service member does not exceed 12 workweeks.

Notice of Intent to take Service Member FMLA

In any case where it is foreseeable that an employee will need service member FMLA, that employee must provide notice of their intent to take leave as soon as reasonably

possible and provide certification of either the 'qualified exigency' or family service member's need for care as soon as practicable.

4.8 ABSENCE FOR MILITARY DUTY

Employees will be granted a leave of absence without pay as required by law for the purpose of fulfilling any required military obligation. Employees are required to provide reasonable advance notice of any need for such leave.

A regular employee who is a member of a reserve military organization of the United States, or a member of the National Guard of California, and who attends a regular military training camp, will be given the necessary time off, with pay, for such training, and this will not be considered vacation time provided the employee has been employed by the Agency for a period of one year or more.

The provisions here are intended to meet the minimum requirements of current law. To the extent they conflict, current law shall be deemed to apply.

4.9 VOLUNTEER FIREFIGHTER AND RESERVE POLICE LEAVE

Under California state law, employees are eligible for leave under Volunteer Firefighter and Reserve Police Leave (VFRPL) if the employee is a volunteer firefighter, reserve peace officer, or emergency rescue personnel, and the employee requires time off to perform emergency services. Eligible employees may also take time off under this policy for fire, law enforcement, or emergency rescue training.

Employees may take temporary leave up to 14 days per calendar year in the aggregate for fire, law enforcement, or emergency rescue training. This leave does not run concurrently with other leave laws.

4.10 VICTIMS OF CRIME LEAVE (FOR LEGAL PROCEEDINGS)

The Agency will provide an unpaid leave of absence to employees who are victims of a violent or serious felony, or felonious theft or embezzlement, for the purposes of attending legal proceedings related to the crime. This leave may also be taken by an employee whose spouse, child, stepchild, sibling, stepsibling, parent, stepparent, registered domestic partner, or child of a registered domestic partner is a victim of the crimes described above, for the purpose of attending legal proceedings related to the crime that the family member has been subjected to. Unlike the leave as provided by the "Victim of Domestic Violence, Sexual Assault, Stalking, or Crime Leave" policy in this Manual, leave under this policy is limited to taking time off to attend legal proceedings related to the crime.

4.11 VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, STALKING OR CRIME LEAVE

Employees who are victims as defined below, may request an unpaid leave of absence for any of the following reasons:

To obtain or attempt to obtain a temporary restraining order, restraining order, or other injunctive relief, or to help ensure the health, safety, or welfare of their child;

- To seek medical attention for injuries caused by crime or abuse;
- To obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency;
- To obtain psychological counseling or mental health services related to the crime or abuse; or
- To participate in safety planning and take other actions to increase safety from future crime or abuse, including temporary or permanent relation.

For purposes of this policy, “crime” is defined as a crime or public offense as defined by state law, and regardless of whether anyone has been arrested for, prosecuted for, or convicted of, committing the crime. Under this policy and in accordance with state law, an employee is considered a “victim” when the employee’s circumstances places them into one of the following categories:

- A victim of stalking, domestic violence, or sexual assault;
- A victim of a crime that caused physical injury, or that caused mental injury and a threat of physical injury; or
- A person whose immediate family member is deceased as the direct result of a crime.

For the purpose of this policy, “immediate family member” includes a child (biological, adopted or foster and regardless of age), stepchild, legal ward, a child of a domestic partner, a child to whom the employee stands in loco parentis, a parent (biological, adopted, or foster), stepparent, legal guardian of an employee or employee’s spouse or domestic partner, spouse, domestic partner, sibling, or stepsibling.

Employees needing to take time off under this policy must provide reasonable advance notice of the need for leave when the need is foreseeable. When advance notice is not possible due to an unforeseen need for leave, the employee must provide a certification to the Agency within a reasonable time after the leave commences. Certification will be sufficient in the form of any of the following:

- A police report indicating the employee was a victim;
- A court order protecting or separating the employee from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney that the employee has appeared in court;
- Documentation from a licensed medical professional, domestic violence or sexual assault counselor as defined by state law, victim advocate, or counselor that the employee was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse; or

- Any other form of documentation that reasonably verifies that the crime or abuse occurred.

Employees may use vacation time concurrently with this leave. Paid sick leave may be used concurrently with this leave only when the employee is a victim of domestic violence, sexual assault, or stalking may use paid sick leave.

When requested, the Agency will engage in a timely, good faith interactive process to provide reasonable accommodations for the safety of the employee while at work so long as the reasonable accommodation does not impose undue hardship on the Agency. Reasonable accommodations may include, but is not limited to a transfer, reassignment, modified schedule, changed work telephone, changed workstation, assistance in documenting domestic violence, sexual assault, stalking, or other crime that occurs in the workplace, referral to a victim assistance organization, or other adjustment to the workplace facility. An employee who needs an accommodation will be required to provide certification that establishes the employee's status as a victim as described above. The employee will be required to recertify every six months from the prior certification date.

All documentation related to the employee's status as a victim, request for leave or reasonable accommodation, will be kept strictly confidential by the Employer to the extent possible. The Agency may be required to disclose such information as required by federal or state law or as necessary to protect the employee's safety in the workplace. However, prior to any such disclosure, the Agency will advise the employee, in advance, of the need to make a lawful disclosure.

The Agency will not discharge, or in any manner discriminate or retaliate against employees who take time off or request accommodations under this policy.

4.12 FAMILY BEREAVEMENT LEAVE

Regular employees will be granted paid bereavement leave due to deaths in their immediate family for a period of up to five days.

Employees wishing to attend local services for other relatives and friends may be excused by their supervisor when feasible for a period of up to two hours without loss of pay.

"Employee" in this instance, means a person employed by the Agency for at least 30 days prior to the commencement of the leave. Employees are to allocate the number of hours to Bereavement Leave accordingly on their time sheet.

The Agency may require documentation to support the leave.

For purposes of this policy, a family member is defined as a spouse, registered domestic partner, child, step-child, parent, step-parent, brother, sister, step- brother,

step-sister, grandparent, grandchild, father-in-law, or mother-in-law, or any family member with whom the employee resides, foster children, legal wards and guardians, children of domestic partners.

4.13 ALCOHOL AND DRUG REHABILITATION LEAVE

Under California state law, employees who seek time off to voluntarily complete a rehabilitation program are eligible for this leave under this policy. Employees may take reasonable unpaid leave as long as the leave does not cause the Agency undue hardship. Employees may choose to use available sick leave concurrently with rehabilitation leave.

The Agency will attempt to reasonably accommodate staff members with chemical dependencies (alcohol or drugs) if they seek treatment and rehabilitation. Staff members desiring assistance should request an unpaid treatment or rehabilitation leave of absence. The Agency's support for treatment and recovery does not obligate the Agency to employ any person who violates the Agency's drug and alcohol abuse policy or whose job performance is impaired because of substance abuse. The Agency is also not obligated to reemploy any person who has participated in treatment or rehabilitation if that person's job performance remains impaired due to dependency. Staff members who are allowed to seek treatment and rehabilitation and are involved in any further violations of this policy will not be given a second opportunity to seek treatment or rehabilitation.

Employees may not avoid discipline or termination for violation of the Agency's Drug and Alcohol-Free Workplace Policy by seeking leave to attend rehabilitation after a violation has occurred.

However, prior to any violation, employees may contact the General Manager for information about the Agency's Employee Assistance Program.

4.14 REASONABLE ACCOMMODATION

The Agency is committed to providing equal opportunity for all applicants and employees, and will provide reasonable accommodations in accordance with this policy and as required under applicable laws. Any qualified applicant or staff member with a disability who requires an accommodation to perform the job's essential functions should contact the General Manager, or the General Manager's designee, to request an accommodation.

Reasonable Accommodations Related to Disability and Religion: The Agency will provide reasonable accommodations for applicants and employees with disabilities in accordance with the Americans with Disabilities Act (the "ADA") and California law, and for applicants and employees based on their sincerely held religious beliefs, practices, or observance under state and federal law. Employees seeking such accommodations should promptly notify the Agency's General Manager, or their designee.

Reasonable Accommodations Relating to Pregnancy

The Agency will provide reasonable accommodations to employees who are affected by a pregnancy, childbirth, or related medical conditions, as medically advisable. Such accommodations may consist of:

- Modified work duties or a modified schedule to permit earlier or later hours or more frequent breaks; stools, chairs or other furniture; modified or acquired equipment or devices; reduced work hours; or other accommodations,
- Temporary transfers to a less strenuous or less hazardous position, if such transfer can be reasonably accommodated, or
- A "Pregnancy-Related Disability Leave" if the employee is disabled by pregnancy, as described in PVCSD's leave of absence policy.

Employees seeking pregnancy-related accommodation, including transfer under this policy, should notify the General Manager. This notice must be timely and be provided by employees in advance when the need for reasonable accommodation is foreseeable; in all other circumstances, notice must be provided as soon as practicable. Failure to give advance notice when the need is foreseeable may delay the reasonable accommodation or transfer until 30 days after the date the employee provides notice (unless such delay would endanger the health of the employee, her pregnancy or her coworkers).

Reasonable Accommodations for Victims of Domestic Violence, Stalking, or Sexual Assault

The Agency will also provide reasonable accommodations for an employee who is the victim of domestic violence, stalking or sexual assault if: (i) the employee has disclosed that status to the Agency, and (ii) the employee requests an accommodation for the employee's safety while at work.

In such circumstances, the Agency will engage, in good faith, in a timely and interactive process with the employee to determine effective reasonable accommodation. In this process, the employee may be asked to provide: (i) a written statement, signed by the employee or someone acting on the employee's behalf, certifying that the accommodation is for the purposes stated above, and (ii) a certification confirming the employee's status as a victim of domestic violence, sexual assault or stalking. Six months after the date of each previous certification, the Agency may request a recertification of such status. The Agency will maintain any such certification as confidential if it identifies the employee as a victim of domestic violence, sexual assault or stalking, disclosing such information only as required by law, or as needed to protect the employee's workplace safety, and with prior notice of such disclosure to the employee.

Retaliation and Discrimination Prohibited

The Agency prohibits discrimination, discharge, retaliation, or any other unlawful acts against an individual because such person requests or receives an accommodation under this (or another applicable) policy, or because such individual engaged in any

other conduct protected by the law. Additionally, as addressed in the Agency's separate policy on harassment, discrimination and retaliation, the Agency prohibits unlawful harassment, discrimination or retaliation against any employee on the basis of an individual's disability, religion, religious creed, sex (including pregnancy, childbirth and related medical conditions), status as a victim of domestic violence, sexual assault or stalking, or any other status as protected by law.

4.15 LACTATION ACCOMMODATION

The Agency accommodates lactating employees by providing a reasonable amount of break time to any employee who desires to express breast milk for an infant child. The break time shall, if possible, run concurrently with any break time already provided to the employee. Any break time provided to express breast milk that does not run concurrently with break time already provided to the employee shall be unpaid time. Employees who desire lactation accommodation should contact Human Resources to request accommodation. Discrimination on the basis of sex includes discrimination based on breastfeeding and related medical conditions and is unlawful.

The Agency shall provide an employee with the use of a room or other location for the employee to express milk in private. The room or location may include the place where the employee normally works if it meets the requirements of this section. Multi-purpose rooms may also be used as lactation space if they satisfy the requirements of this section, however, use of the room for lactation takes priority over other uses. The location shall meet all the following requirements:

- the location must not be a bathroom;
- the location must be close in proximity to the employee's work area;
- the location must be shielded from view and free from intrusion while the employee is expressing milk;
- the location must be safe, clean, and free of hazardous materials;
- the location must contain a place for the employee to sit and a surface to place a breast pump and other personal items;
- the location must have access to electricity or alternative devices needed to operate an electric or battery-powered breast pump;
- there must be access to a sink with running water and a refrigerator suitable for storing milk in close proximity to the employee's workspace. If a refrigerator cannot be provided, the Agency may provide another cooling device suitable for storing milk.

The Agency may comply with this section by designating a lactation location that is temporary, due to operational, financial or space limitations. The temporary location must be compliant with the requirements outlined above.

The Agency must respond to an employee's request for lactation accommodation. If the Agency cannot provide break time or a location that complies with the accommodation policy or denies the accommodation, then the Agency shall provide a written response to the employee who requested the accommodation.

4.16 TIME OFF TO VOTE

Employees who do not have sufficient time outside of their regular working hours to vote in a statewide election may request time off to vote. If possible, employees should make their request at least two days in advance of the election. Up to two hours of paid time off will be provided at the beginning or end of the employee's regular shift, whichever will allow the most free time for voting and require the least time off work.

Employees must submit a voter's receipt on the first working day following the election to qualify for paid time off.

4.17 JURY DUTY

An employee must inform their supervisor immediately upon receipt of a jury summons.

Regular compensation will be paid to regular employees for the duration of time they are required to appear for jury duty for up to two weeks. An employee who is called to report for jury duty and is excused before noon must report for work for the remainder of the workday. Jury earnings will be deducted from each employee's paycheck.

SECTION 5: EXPENSES, VEHICLES AND EQUIPMENT

5.1 TRAVEL AND REIMBURSABLE EXPENSES

Authorized travel on Agency business is subject to reimbursement. Any other reimbursement for reasonable expenses incurred in the performance of an employee's job duties is subject to the express written approval of the General Manager secured whenever possible prior to an employee incurring such expenses. Any requests for reimbursement of expenses shall be submitted to the General Manager or their designee on such forms and with receipts or other evidence as may be reasonably required by the General Manager or their designee.

5.2 USE OF AGENCY VEHICLES

Agency-owned vehicles should be utilized for all fieldwork and other Agency business. Use of an Agency vehicle must be authorized by the employee's supervisor or the General Manager or their designee. Unauthorized use of any Agency vehicle or transporting of passengers other than Agency personnel, consultants or contractors, without prior authorization, except for de minimis personal purposes, i.e. to run minor errands, or transport family members to or from school on their way to or from the Agency, may result in discipline, at the discretion of the Agency, up to and including dismissal of the employee.

Employees are required to operate the vehicle in compliance with all applicable laws and in a safe manner, and to have their valid California Driver's license in their possession at all times while operating Agency vehicles. Traffic violations are discouraged and any fines that result will be the responsibility of the operator. Vehicles should be locked when not in use to prevent theft. In the event that an accident occurs which causes injury to persons or property damage, including damage to the Agency vehicle, the General Manager or their designee must be informed immediately, and a written report of the incident submitted to the General Manager or their designee within two working days. Damage to Agency vehicles which is determined to be due to the negligence of the employee may result in discipline, at the discretion of the Agency, up to and including dismissal of the employee.

In case of any reportable accident, the employee is subject to mandatory drug and/or alcohol testing, at the discretion of the General Manager. Please see the Agency's policy on Drug and Alcohol Testing for further information on testing procedures and requirements.

5.3 USE OF PERSONAL VEHICLES

In the event an Agency owned vehicle is not available for employee use, employees may utilize their personal vehicle when necessary, with the prior authorization of the

employee's supervisor. Employees utilizing their personal vehicle for Agency-related business are required to operate the vehicle in compliance with all applicable laws and in a safe manner, and to have their valid California driver's license in their possession at all times. Prior to seeking authorization to utilize a personal vehicle in connection with Agency business, employees must provide the General Manager or their designee evidence of automobile liability insurance covering all automobiles which may be operated by the employee in connection with the performance of their duties. Traffic violations are discouraged and any fines there from will be the responsibility of the operator.

Reimbursement for Authorized Personal Vehicle

Employees may be eligible for reimbursement for any out-of-pocket expenses suffered due to non-negligent damage to their personal vehicles in the conduct of Agency business. The reimbursement for the out-of-pocket expenses is limited to \$500 per incident. The employee shall be required to repay the Agency if, at a later date, the employee recovers any portion of the reimbursed out-of-pocket expenses from a third party. Employees seeking such reimbursement shall submit a written request to the General Manager or their designee, including any information (such as police reports or witness statements) establishing non-negligence by the employee, and two automobile repair estimates. The General Manager or their designee will respond to employee requests for reimbursement within fifteen working days.

Employees authorized to utilize their personal vehicles in connection with the performance of their duties, shall receive reimbursement in accordance with current IRS guidelines for mileage reimbursement on submission of a Mileage Reimbursement Request, with appropriate documentation, to the Finance Department.

5.4 INSURANCE REQUIREMENTS

Proof of adequate insurance covering collision, personal injury, and property damage shall be required by the Agency of any employee using a personal vehicle in the performance of Agency work. Employees who drive personal vehicles on Agency business are subject to the DMV Pull Notice Program, more information on the DMV Pull Notice Program can be found at: <https://www.dmv.ca.gov/portal/vehicle-industry-services/motor-carrier-services-mcs/employer-pull-notice-eqn-program/employer-pull-notice-eqn-program-faqs/>

Whenever possible, the employee's personal automobile insurance will be considered primary.

5.5 ACCIDENT REPORTING

In the event that an accident occurs, or the vehicle is otherwise damaged in the discharge of the employee's duties, the General Manager or their designee must be informed immediately of the occurrence, and a written report of the incident submitted to the General Manager or designee within two working days.

5.6 CARE OF TOOLS AND EQUIPMENT

The Agency shall furnish all tools and equipment required to perform work assigned to Agency employees, and is not for personal use.

Commented [TT18]: Recommended by Committee, additional clarification

Agency equipment, issued for individual as well as for collective use (i.e. computers, telephone units, instrumentation, furniture and supplies), must be maintained with care and guarded by Agency personnel against abuse, misuse and waste. In the event Agency issued equipment becomes lost or damaged, employees should immediately notify their supervisor or the General Manager or their designee, who will replace, if necessary, the item(s).

5.7 RETURN OF AGENCY PROPERTY

On termination of employment, whether voluntary or involuntary, or at the request of the General Manager, all Agency property, including computer disks, keys, identification cards, and all Agency documents in the employee's possession or control must be returned to the General Manager or their designee, who will provide a receipt to the employee indicating what the employee has returned. Failure to return or account for the equipment assigned to the employee will result in a deduction from the employee's final paycheck for the estimated fair market value at the time of termination.

Commented [TT19]: Staff will formalize a check-out report, and provide a template for recording items given to staff during the course of their employment

Because of the personal nature of laptop computers, the Agency will consider allowing the employee to retain a laptop that was used by the employee, upon a payment equal to its fair market value.

5.8 OFFICE COMPUTERS, VOICEMAIL, E-MAIL AND TECHNOLOGY

The Agency maintains and utilizes, as part of its operations, a computer system, voicemail, e-mail and other systems. These systems are provided to assist employees in the conduct of Agency business. All computers and the data stored on them, as well as all voicemail and the data stored on it, are and remain at all times the property of the Agency. As such, all voicemail, e-mail and other messages composed, created, sent, and received are, and remain, the property of the Agency and the employee does not have an expectation of privacy regarding such messages.

Commented [TT20]: Revised and updated by Staff; reviewed by Committee

The Agency reserves the right to retrieve and read any message composed, created, sent or received on the voicemail, e-mail or other systems at any time, with or without advance notice to the employee. Although voicemail, e-mail and other computer systems may accommodate the use of passwords for security, the reliability of passwords for maintaining confidentiality cannot be guaranteed. All passwords must be made known to the Agency, and passwords not known to the Agency may not be used. This is due to the need to access computer and voice-mail systems in the event that you are absent or when otherwise deemed appropriate by the Agency. All voicemail, e-

mail and other computer generated or stored messages may be read by someone other than the intended or designated recipient, and the ultimate privacy of messages cannot be guaranteed.

Employees may utilize Agency computers for de minimis personal e-mails or personal access to the Internet. When such personal usage interferes with the performance of job duties, it shall be grounds for discipline, up to and including dismissal.

The Agency shall maintain the computers and computing systems with such controls and systems as necessary to provide a reasonable level of protection from fraud and outside interference. In order to keep from compromising Agency security, employees shall:

- Use strong passwords;
- Disclose their passwords to Information Technology staff or consultants;
- Use their passwords whenever connecting to Agency computers;
- Do not reveal passwords to others outside the Agency;
- Do not allow your browser to save your passwords;
- Lock your computer when your computer is unattended;
- Follow IT staff or consultant's directions.

By using Agency computers and communication resources you are recognizing your responsibility to protect Agency computer resources to the best of your ability.

5.9 PHONES AND PERSONAL TECHNOLOGY

Agency employees shall make their personal cell phones available for communications with other Agency staff. They may also use their personal cell phone and other personal technology for Agency business, and will be reimbursed for their monthly service fees up to \$65 per month, updated by the current COLA, or as determined by the General Manager and the Finance Department.

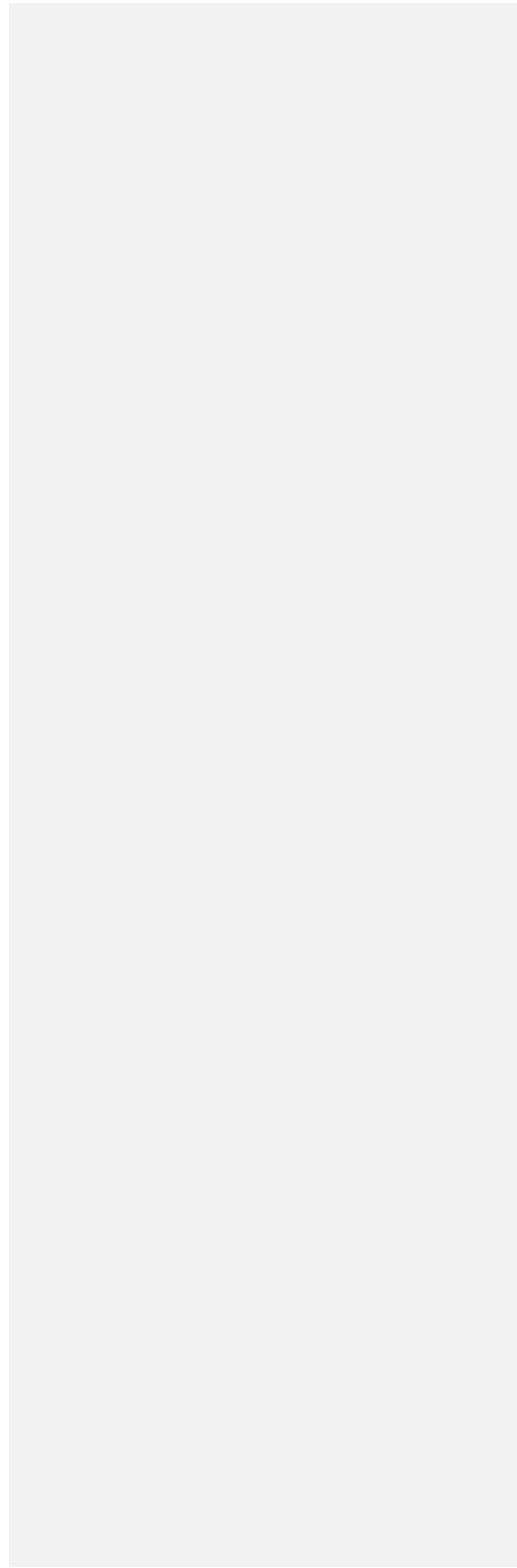
All employees are asked to keep personal calls to a minimum. Communication with family members is sometimes necessary, and employees must use discretion in making calls to family or for other reasons. When personal phones calls interfere with the performance of job duties, it shall be grounds for discipline, up to and including dismissal.

In the interest of the safety of employees and other drivers and by California Law, the use of cellular phones while driving is restricted to use with a hands-free device, either a headset, Bluetooth or vehicle integrated system that allows the driver to use the cell phone controls without using their hands. Under no circumstances may a driver take notes, send a text message, or initiate a call using their hands while driving a vehicle during the course of business or on Agency time.

Employees who are charged with traffic violations resulting from the use of their personal devices while driving will be solely responsible for all liabilities that result from

Commented [TT21]: Recommended by Committee, expansion of policy to include 'personal technology.' Amount suggested by current practice and Committee.

such actions. Employees who work in hazardous areas must refrain from using personal devices while at work in those areas, as such use can potentially be a major safety hazard.



SECTION 6: DISASTER SERVICE WORKER

California Government Code Section 3100-3109 designates public agency employees as “Disaster Service Workers.”

By accepting employment at the San Geronio Pass Water Agency, you are agreeing to serve as a Disaster Service Worker, if need be, in the event of a declaration of emergency.

You are responsible for following these steps when a state of emergency has been declared. A state of emergency may be local, regional, state, or national in nature:

- You need to take care of your family first and ensure their safety.
- You need to report to the proper location as determined by your supervisor.
- Be prepared to be assigned to any type of disaster service activity.
- Be prepared to identify yourself.
- Understand that assignments may require your DSW service to be at locations, times and conditions other than your normal work assignment.

In preparation for serving as a Disaster Service Worker, you must complete specific training segments as prescribed by your supervisor.

Complete the following Disaster Service Worker Registration form, which will be filled with the appropriate administrator at the San Geronio Pass Water Agency.

Appendix C: Disaster Service Worker Registration Form

Appendix A: Employee Grievance Form

EMPLOYEE GRIEVANCE FORM

Employee's Name: _____ Date: _____

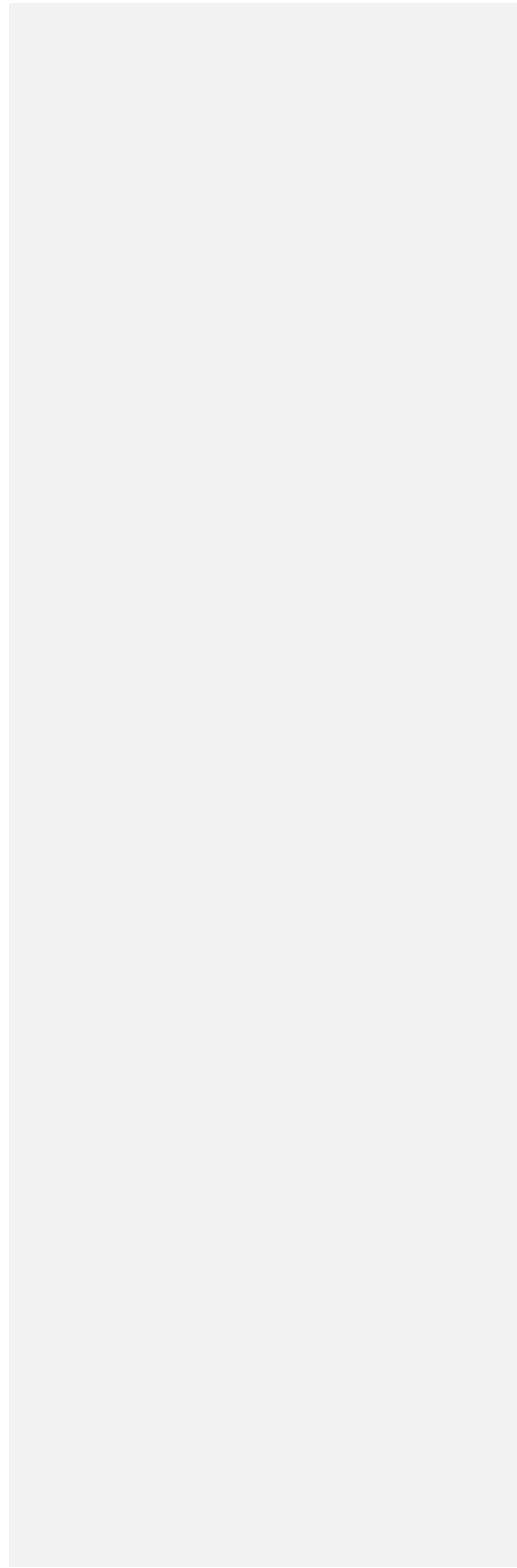
1. Statement of Grievance, including specific reference to any law, policy, rule, regulation and/or instruction deemed to be violated, misapplied or misinterpreted:

2. Circumstances involved (please be as specific as possible):

3. Decision rendered by the informal conference:

4. Specific remedy sought:

Employee Signature: _____



Appendix B: Pregnancy Disability Leave Form

**CERTIFICATION OF HEALTH CARE PROVIDER FOR
PREGNANCY DISABILITY LEAVE, TRANSFER
AND/OR REASONABLE ACCOMMODATION**

Employee's Name: _____

Please certify that, because of this patient's pregnancy, childbirth, or a related medical condition (including, but not limited to, recovery from pregnancy, childbirth, loss or end of pregnancy, or postpartum depression), this patient needs (check all appropriate category boxes):

Time off for medical appointments.

Specify when and for what duration:

A disability leave. [Because of a patient's pregnancy, childbirth or a related medical condition, she cannot perform one or more of the essential functions of her job or cannot perform any of these functions without undue risk to herself, to her pregnancy's successful completion, or to other persons.]

Beginning (Estimate): _____

Ending (Estimate): _____

Intermittent leave. Specify medically advisable intermittent leave schedule:

Beginning (Estimate): _____

Ending (Estimate): _____

Reduced work schedule. [Specify medically advisable reduced work schedule.]

Beginning (Estimate): _____

Ending (Estimate): _____

[] Transfer to a less strenuous or hazardous position or to be assigned to less strenuous or hazardous duties [specify what would be a medically advisable position/duties].

Beginning (Estimate): _____

Ending (Estimate): _____

[] Reasonable accommodation(s). [Specify medically advisable needed accommodation(s). These could include, but are not limited to, modifying lifting requirements, or providing more frequent breaks, or providing a stool or chair.] _____

[] Beginning (Estimate): _____

Ending (Estimate): _____

Name, license number and medical/health care specialty [printed] of health care provider.

Signature of health care provider: _____

Date: _____

NOTICE A

YOUR RIGHTS AND OBLIGATIONS AS A PREGNANT EMPLOYEE

If you are pregnant, have a related medical condition, or are recovering from childbirth, PLEASE READ THIS NOTICE.

- California law protects employees against discrimination or harassment because of an employee’s pregnancy, childbirth or any related medical condition (referred to below as “because of pregnancy”). California law also prohibits employers from denying or interfering with an employee’s pregnancy-related employment rights.
- Your employer has an obligation to:
 - reasonably accommodate your medical needs related to pregnancy, childbirth or related

conditions (such as temporarily modifying your work duties, providing you with a stool or chair, or allowing more frequent breaks);

- transfer you to a less strenuous or hazardous position (where one is available) or duties if medically needed because of your pregnancy; and
- provide you with pregnancy disability leave (PDL) of up to four months (the working days you normally would work in one-third of a year or 17½ weeks) and return you to your same job when you are no longer disabled by your pregnancy or, in certain instances, to a comparable job. Taking PDL, however, does not protect you from non-leave related employment actions, such as a layoff.
- provide a reasonable amount of break time and use of a room or other location in close proximity to the employee's work area to express breast milk in private as set forth in Labor Code section 1030, *et seq.*

For pregnancy disability leave:

- PDL is not for an automatic period of time, but for the period of time that you are disabled by pregnancy. Your health care provider determines how much time you will need.
- Once your employer has been informed that you need to take PDL, your employer must guarantee in writing that you can return to work in your same position if you request a written guarantee. Your employer may require you to submit written medical certification from your health care provider substantiating the need for your leave.
- PDL may include, but is not limited to, additional or more frequent breaks, time for prenatal or postnatal medical appointments, doctor-ordered bed rest, severe "morning sickness," gestational diabetes, pregnancy-induced hypertension, preeclampsia, recovery from childbirth or loss or end of pregnancy, and/or post-partum depression.
- PDL does not need to be taken all at once but can be taken on an as-needed basis as required by your health care provider, including intermittent leave or a reduced work schedule, all of which counts against your four month entitlement to leave.
- Your leave will be paid or unpaid depending on your employer's policy for other medical leaves. You may also be eligible for state disability insurance or Paid Family Leave (PFL), administered by the California Employment Development Department.
- At your discretion, you can use any vacation or other paid time off during your PDL.
- Your employer may require or you may choose to use any available sick leave during your PDL.
- Your employer is required to continue your group health coverage during your PDL at the level and under the conditions that coverage would have been provided if you had continued in employment continuously for the duration of your leave.
- Taking PDL may impact certain of your benefits and your seniority date; please contact your employer for details.

NOTICE OBLIGATIONS AS AN EMPLOYEE.

- Give your employer reasonable notice: To receive reasonable accommodation, obtain a

transfer, or take PDL, you must give your employer sufficient notice for your employer to make appropriate plans – 30 days advance notice if the need for the reasonable accommodation, transfer or PDL is foreseeable, otherwise as soon as practicable if the need is an emergency or unforeseeable.

- Provide a Written Medical Certification from Your Health
- Care Provider. Except in a medical emergency where there is no time to obtain it, your employer may require you to supply a written medical certification from your health care provider of the medical need for your reasonable accommodation, transfer or PDL. If the need is an emergency or unforeseeable, you must provide this certification within the time frame your employer requests, unless it is not practicable for you to do so under the circumstances despite your diligent, good faith efforts. Your employer must provide at least 15 calendar days for you to submit the certification. See your employer for a copy of a medical certification form to give to your health care provider to complete.
- PLEASE NOTE that if you fail to give your employer reasonable advance notice or, if your employer requires it, written medical certification of your medical need, your employer may be justified in delaying your reasonable accommodation, transfer, or PDL.

This notice is a summary of your rights and obligations under the Fair Employment and Housing Act (FEHA). For more information about your rights and obligations as a pregnant employee, contact your employer, look at the California Civil Rights Department’s website at calcivilrights.ca.gov, or contact the Department at (800) 884-1684. The text of the FEHA and the regulations interpreting it are available on the Fair Employment and Housing Commission’s website at www.fehc.ca.gov.

NOTICE B

FAMILY CARE AND MEDICAL LEAVE AND PREGNANCY DISABILITY LEAVE

Under the California Family Rights Act of 1993 (CFRA), if you have more than 12 months of service with your employer and have worked at least 1,250 hours in the 12-month period before the date you want to begin your leave, you may have a right to an unpaid family care or medical leave (CFRA leave). This leave may be up to 12 workweeks in a 12-month period for the birth, adoption, or foster care placement of your child or for your own serious health condition or that of your child, parent or spouse.

Even if you are not eligible for CFRA leave, if disabled by pregnancy, childbirth or related medical conditions, you are entitled to take pregnancy disability leave (PDL) of up to four months, or the working days in one-third of a year or 17½ weeks, depending on your period(s) of actual disability. Time off needed for prenatal or postnatal care; doctor-ordered bed rest; gestational diabetes; pregnancy-induced hypertension; preeclampsia; childbirth; postpartum depression; loss or end of pregnancy; or recovery from childbirth or loss or end of pregnancy would all be covered by your PDL.

Your employer also has an obligation to reasonably accommodate your medical needs (such as allowing more frequent breaks) and to transfer you to a less strenuous or hazardous position if it is medically advisable because of your pregnancy.

If you are CFRA-eligible, you have certain rights to take BOTH PDL and a separate CFRA leave for reason of the birth of your child. Both leaves guarantee reinstatement to the same or a comparable position at the end of the leave, subject to any defense allowed under the law.

If possible, you must provide at least 30 days advance notice for foreseeable events (such as the expected birth of a child or a planned medical treatment for yourself or a family member). For events that are unforeseeable, you must notify your employer, at least verbally, as soon as you learn of the need for the leave.

Failure to comply with these notice rules is grounds for, and may result in, deferral of the requested leave until you comply with this notice policy.

Your employer may require medical certification from your health care provider before allowing you a leave for:

- your pregnancy;
- your own serious health condition; or
- to care for your child, parent, or spouse who has a serious health condition.

See your employer for a copy of a medical certification form to give to your health care provider to complete.

When medically necessary, leave may be taken on an intermittent or a reduced work schedule.

If you are taking a leave for the birth, adoption or foster care placement of a child, the basic minimum duration of the leave is two weeks and you must conclude the leave within one year of the birth or placement for adoption or foster care.

Taking a family care or pregnancy disability leave may impact certain of your benefits and your seniority date. Contact your employer for more information regarding your eligibility for a leave and/or the impact of the leave on your seniority and benefits.

This notice is a summary of your rights and obligations under the Fair Employment and Housing Act (FEHA). The FEHA prohibits employers from denying, interfering with, or restraining your exercise of these rights. For more information about your rights and obligations, contact your employer, look at the California Civil Rights Department's website at calcivilrights.ca.gov, or contact the Department at (800) 884-1684. The text of the FEHA and the regulations interpreting it are available on the Fair Employment and Housing Commission's website at www.fehc.ca.gov.

Appendix C: Disaster Service Worker Registration Form

DISASTER SERVICE WORKER VOLUNTEER REGISTRATION

LOCAL AND STATE INFORMATION

Loyalty Oath under Code of Civil Procedure §2015.5 & Title 19, Div.2, Chap.2, Sub-Chap.3, §2573.1

TYPE OR PRINT IN INK:

SHADED AREAS REQUIRED BY PROGRAM REGULATIONS

ATTACH PHOTOGRAPH HERE (OPTIONAL)	This block completed ONLY by Accredited Disaster Council, designated government agency or jurisdiction.	
	CLASSIFICATION: _____	SPECIALTY: _____
	REGISTERING AGENCY OR JURISDICTION: _____	
	SIGNATURE OF AUTHORIZED PERSON: _____	TITLE: _____
	REGISTRATION DATE: _____	RENEWAL DATES: _____
	EXPIRATION DATE: * _____	DSW CARD ISSUED?: NO? YES? #: _____
PROCESSED BY: _____	DATE: _____ TO CENTRAL FILES: _____	

NAME: LAST		FIRST		MI		SSN:	
ADDRESS:			CITY:		STATE:		ZIP:
COUNTY:			HOME PHONE:		WORK PHONE:		
CELL PHONE:			E-MAIL:		DATE OF BIRTH: (optional)		
DRIVER LICENSE NUMBER: (if applicable)			DRIVER LICENSE CLASSIFICATION: A, B, or C		LICENSE EXPIRATION DATE:		
IN CASE OF EMERGENCY, CONTACT:						EMERGENCY PHONE:	
PHYSICAL IDENTIFICATION:	HAIR:	EYES:	HEIGHT:	WEIGHT: (optional)	BLOOD TYPE: (optional)		
COMMENTS:							

PARENT/LEGAL GUARDIAN CONSENT FOR MINOR

As the parent or legal guardian of _____, a minor, I hereby give my full consent and approval for the minor to participate as a DSW volunteer. I understand there may be risks of serious bodily injury inherent in DSW volunteer activities, as well as in traveling and other related activities incidental to his/her participation, and I hereby assume these risks on behalf of the minor.

SIGNATURE OF PARENT/LEGAL GUARDIAN

DATE

Based On Government Code (GC) §3108-3109:

Every person who, while taking and subscribing to the oath or affirmation required by this chapter, states as true any material matter which the person knows to be false, is guilty of perjury, and is punishable by imprisonment in the state prison for two, three, or four years. Every person having taken and subscribed to the oath or affirmation required by this chapter, who, while in the employ of, or service with, the state or any county, city, city and county, state agency, public district, or disaster council or emergency organization advocates or becomes a member of any party or organization, political or otherwise, that advocates the overthrow of the government of the United States by force or violence or other unlawful means, is guilty of a felony, and is punishable by imprisonment in the state prison.

LOYALTY OATH OR AFFIRMATION (GC §3102) IF SELF-CERTIFICATION approved by ADC, official's signature and title not required.

I, _____, do solemnly swear (or affirm) that I will support and defend the

PRINT NAME

Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservations or purpose of evasion; that I will well and faithfully discharge the duties upon which I am about to enter. I certify under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed on _____ in _____, California.

DATE

City

COUNTY

SIGNATURE OF VOLUNTEER

DATE

SIGNATURE OF OFFICIAL AUTHORIZED TO ADMINISTER LOYALTY OATH

TITLE

*Registration for the active DSW Volunteer is effective for the period the person remains a member with that organization; for a volunteer registering for an intermittent or a single event, the expiration date is at the discretion of the Accredited Disaster Council but not to exceed one year. (See GC §3102) Cal OES DSW Registration Rev. 1.2023

CONFLICT OF INTEREST CODE

OF THE

SAN GORGONIO PASS

WATER AGENCY

SAN GORGONIO PASS WATER AGENCY CONFLICT OF INTEREST CODE

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes, The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations Section 18730) that contains the terms of a standard conflict of interest code, which can be incorporated by reference in an Agency's code. After public notice and hearing, Section 18730 may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This incorporation page, Regulation 18730 and the attached Appendix designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the **San Gorgonio Pass Water Agency (the "Agency")**.

All officials and designated positions required to submit a statement of economic interests shall file their statements of economic interests with the **Executive Assistant** as the Agency's Filing Officer/Official. **The Executive Assistant** shall retain the original statements filed by all officials and designated positions and make the statements available for public inspection and reproduction during regular business hours. (Gov. Code Sec. 81008.)

APPENDIX
CONFLICT OF INTEREST CODE
OF THE
SAN GORGONIO PASS WATER AGENCY

PART “A”

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

Officials who manage public investments, as defined by 2 Cal. Code of Regs. §18700.3(b), are NOT subject to the Agency’s Code but must file disclosure statements under Government Code Section 87200 et seq. [Regs. § 18730(b)(3)]

It has been determined that the positions listed below are Officials who manage public investments¹. These positions are listed here for informational purposes only.

Board of Directors

~~Finance Manager~~ Chief Financial Officer

General Manager

¹ Individuals holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by § 87200.

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Executive Assistant	4
<u>General Manager/Chief Engineer</u>	<u>1, 2</u>
General Counsel	1, 2
Operations and Maintenance Manager	2, 3, 5
<u>Senior Water Resources Planner</u>	<u>2, 3, 4</u>

Consultants/New Positions

*Individuals providing services as a Consultant defined in Regulation 18700.3, or in a new position created since the Code was last approved that makes or participates in the making of decisions, as identified in Reg. 18734, shall disclose pursuant to the broadest disclosure requirements in the code subject to the following limitations:

The General Manager may determine in writing that a particular consultant or new position, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements (Gov. Code Sec. 82019; FPPC Regs. 18219 and 18734). The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this code. (Gov. Code Sec. 81008.)

APPENDIX PART “B”

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of economic interests that the designated position must disclose for each disclosure category to which ~~he or she~~ the designated is assigned. “Investment” means financial interest in any business entity (including a consulting business or other independent contracting business) and are reportable if they are either located in, doing business in, planning to do business in, or have done business during the previous two years in the jurisdiction of the Agency.

Category 1: All investments and business positions in business entities, and sources of income, including gifts, loans, and travel payments.

Category 2: All interests in real property located in whole or in part within, or not more than two (2) miles outside, the boundaries of the Agency, including any leasehold, beneficial or ownership interest or option to acquire such interest in real property.

Category 3: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the Agency.

Category 4: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the Agency.

Category 5: All investments and business positions in business entities, and sources of income, including gifts, loans, and travel payments, that provide services, products, materials, machinery, vehicles or equipment of the type purchased or leased by the designated position's unit, division or department.

List of Major Changes to Employee Guide as Presented to Board on November 6, 2023

Guide was reorganized to keep groups of like items together.

The following is a brief overview of the major changes.

<i>Section</i>	<i>Pg.</i>	<i>Title</i>	<i>Recommended by</i>	<i>Type</i>
1.5	2	Equal Employment Opportunity expanded	Legal	required
2.2	5	Employment Status	Legal	clarified
2.3	6	Standards of Conduct	Legal	clarified
2.4	7	Nepotism, new title, expanded	Legal	required
2.10	13	Disciplinary Action, expanded and clarified	Legal	required
2.11	14	Harassment, Discrimination and Retaliation, expanded and updated	Legal	required
2.13	19	Drug and Alcohol Policy, expanded, clarified, and updated	Legal	required
3.5	32	Health Insurance, addition, decline if covered by someone else	Staff	proposed
3.6	33	Dental Insurance, increase in benefit level – orthodontia	Staff	proposed
3.7	33	Vision Insurance, new benefit	Staff	proposed
3.10	33	Wellness Program, new benefit	Committee	proposed
3.11	34	Flexible Spending Account, new benefit paid by employee	Staff	proposed
3.12	34	Retirement, new benefit for PEPRA employees, shared payment	Staff	proposed
3.13	35	Deferred Compensation, (with 3.12) additional deferred income plan	Staff	proposed
4.3	37	Federal Family Care and Medical Leave (FMLA) and California Family Rights Act (CFRA), updated and expanded	Legal	required
4.4	44	Pregnancy-Related Disability, updated	Legal	required
4.5	47	Kin Care Leave, added	Legal	required
4.6	48	Organ and Bone Marrow Donation Leave, added	Legal	required
4.7	49	Service Member Family & Medical Leave, added	Legal	required
4.9	50	Volunteer Firefighter and Reserve Police Leave, added	Legal	required
4.10	50	Victims of Crime Leave, added	Legal	required
4.11	51	Victims of Domestic Violence, Sexual Assault, Stalking or Crime Leave, added	Legal	required
4.12	52	Family Bereavement Leave, expanded	Legal	required
4.13	53	Alcohol and Drug Rehabilitation Leave, added	Legal	required
4.14	53	Reasonable Accommodation, expanded and updated	Legal	required
4.15	55	Lactation Accommodation, added	Legal	required
5.8	59	Office Computers, Voicemail, E-Mail, Technology, expanded & updated	Staff	proposed
5.9	60	Phones & Personal Technology, updated	Staff and Committee	proposed